

\$4.5 million is awarded for DPT shots

By Matthew P. Smith

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A federal court has awarded a McKean County couple more than \$4.5 million in compensation after routine vaccinations left their 3-year-old son suffering from chronic seizures and in need of around-the-clock care.

Kenneth Moll of Chicago, the attorney for the family of Andrew Nuzzo, said yesterday he believes the award is the largest ever given under the National Vaccine Injury Compensation Program.

Collen Nuzzo of Bradford said the money will be used to pay for rehabilitation and care for her son, Andrew, who was given two DPT shots in 1986. DPT shots protect against diphtheria, pertussis (whooping cough), and tetanus.

However, in a limited number of cases the vaccine causes brain damage, resulting in shock, convulsions and even death. The Centers for Disease Control in Atlanta estimate one in 310,000 DPT vaccinations result in permanent brain damage.

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DPT is part of routine immunization for children. The government estimates that about 18 million DPT doses are given each year, including three shots the first year for 3.5 million newborns and two boosters, one at 18 months and another just before entering kindergarten.

The National Vaccine Injury Compensation Program was authorized by Congress in 1986 to compensate children crippled by inoculations or the families of those killed by them.

Claims are paid out of a trust fund that is financed by surcharges on DTP, polio and MMR (mumps-measles-rubella) vaccines.

The award for Andrew Nuzzo was approved April 12 by Special Master Bryan J. Bernstein of the U.S. Claims Court in Washington, D.C.

Andrew suffers 100 to 2,000 sei-

zures a day, his mother said, and he often goes into a trance that can be triggered by exposure to light or by seeing patterns on clothing or a wall.

As a consequence, the Nuzzos keep their windows blacked out with blinds and poster board and cannot let Andrew outside during the day. He must wear dark glasses all the time and often wears a helmet to protect his head from injury when he suffers a seizure.

The interior walls of the Nuzzos' home are all painted a flat single color and Mrs. Nuzzo said she and her husband, David, and their daughter, Sara, 6, do not wear any clothing with patterns.

The injury left Andrew developmentally disabled; he knows only a few simple words and cannot talk in complete sentences.

The award was based on estimates that Andrew's medical and non-medical expenses will cost about \$67,000 a year as a child and about \$102,000 a year as an adult.

Andrew also was awarded \$30,000 in lost wages, the maximum amount allowed under the act.

Mrs. Nuzzo said she was "still in a state of shock" after learning about the award on Monday.

"I wish it never would have come to this, but I'm glad there's a compensation act for people this happens to, and the fact that it works," Mrs. Nuzzo said.

The U.S. Department of Health and Human Services was the respondent in the case. Barbara Hudson, an attorney for HHS, could not be reached for comment.