

## POLICY & PRACTICE

### Texas Shoots Down Gardasil Mandate

Texas lawmakers recently rejected Gov. Rick Perry's (R) mandate that 11- to 12-year-old girls in the state be vaccinated against human papillomavirus (HPV) before entry into the sixth grade. The legislature overwhelmingly approved a bill that bars the state from ordering the shots for at least the next 4 years. Gov. Perry allowed the bill to become law without his signature in early May. In February, Gov. Perry signed an executive order requiring the shots, but many legislators opposed the move, saying parents should decide whether to vaccinate against a sexually transmitted disease. The Texas Medical Association (TMA) did not support the state mandate, even though "the science behind the HPV vaccine is strong and physicians are excited that this vaccine will prevent about 70% of cervical cancer cases and 90% of cases of genital warts," TMA President Dr. William Hinchey said in a statement.

### Tort Reform Vetoed in Oklahoma

Oklahoma Gov. Brad Henry (D) recently vetoed a tort reform measure that would have capped noneconomic damages in medical malpractice cases at \$300,000. However, the governor left the door open to the possibility of signing a "compromise" reform package in the future. Gov. Henry vetoed S.B. 507 and cited concerns that several provisions of the bill were unconstitutional and that it did not do enough to curb frivolous lawsuits. "The key to curbing frivolous lawsuits is stopping them at the front end of the legal system, not limiting the damages or penalties awarded at the back end after a guilty verdict is handed down," he said in a statement. The bill was supported by the Oklahoma State Medical Association.

### Contraceptive Coverage Favored

More than 80% of U.S. adults say that birth control should be covered, at least in part, by health insurance, according to the results of a Harris Interactive poll. More women than men favored some level of insurance coverage for birth control medications and procedures, with 88% of women saying it should be covered, compared with 72% of men. Further, about 63% of adults favored some level of insurance coverage for in vitro fertilization, whereas 25% were against insurance coverage for the procedure, and 13% were unsure. Again, more women than men favored insurance coverage, with 69% of women surveyed saying in vitro fertilization should be covered, compared with 55% of men. A smaller percentage of individuals surveyed agreed that insurance should cover drugs to treat erectile or other sexual dysfunction. Fifty percent of U.S. adults surveyed said that they favored insurance coverage, at least in part, for drugs to treat sexual dysfunction. The results are based on an online nationwide survey of 2,402 adults.

### Lawmakers Target Cigarette Sellers

Senators are asking the Federal Trade Commission to investigate R.J. Reynolds Tobacco Co. on the grounds of marketing its products to children. In a letter to the FTC, Sen. Tom Harkin (D-Iowa) and Sen. Frank Lautenberg (D-N.J.) said that R.J.

Reynolds is attempting to attract young girls to its Camel No. 9 cigarettes. The product is being advertised as "light and luscious" in popular women's magazines. The senators said the advertising campaign aims to appeal to teenage girls, who make up more than 10% of the readership of women's magazines. "The persistence of advertising that entices our young people to smoke is simply unacceptable," Sen. Harkin said in a statement. "We cannot tolerate ads that encourage our young people to do something that is illegal and that will harm their health." The tobacco

company also was criticized by the Society for Women's Health Research for the marketing of Camel No. 9, which the group said is clearly aimed at attracting a "new generation of young women smokers." But a spokesman for R.J. Reynolds said company officials are confident that their marketing practices abide by all FTC guidelines.

### Weems Named Medicare Chief

President Bush recently nominated Kerry N. Weems, a 24-year veteran of the Department of Health and Human Services, to lead the Centers for Medicare and Medicaid Services. Mr. Weems is now deputy

chief of staff to HHS Secretary Mike Leavitt. "He understands the large fiscal challenges facing Medicare and Medicaid and what it will take to strengthen and sustain those programs [and] has been a leader in this department's efforts to accelerate adoption of health information technology and better financial management systems, which will be a valuable asset to CMS," Mr. Leavitt said in a statement. If confirmed by the Senate, Mr. Weems will fill the vacancy left by Dr. Mark B. McClellan, who resigned from the CMS last year. Leslie V. Norwalk is the current acting CMS administrator.

—Mary Ellen Schneider

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