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AIDS Patients Victimized by Drug Demand for Compensation, Department of Health Puts Strong Pressure onto Pharmaceutical Companies

Demand that NT$2,000,000 per patient be provided within a week, otherwise import of new drugs will be suspended

Reporters Chih Chun Kuo and Cheng Li Chang from Taipei

The compensation of hemophilia patients who were victimized by drug and contracted HIV finally had a breakthrough, Chi Hsien Chan, secretary of Department of Health showed Trump card yesterday, demanding that the pharmaceutical companies shall provide the Consumer Protection Commission and attorneys entrusted by the patients with NT$2,000,000 per patient within a week, otherwise the import of new drugs from Bayer and Baxter shall be suspended. That is an unprecedented strong pressure the Department of Health has ever put on pharmaceutical companies.

Chi Hsien Chan said that in the hope that the manufacturers and the patients could reach an agreement soon, the Department of Health formed a special group in November of last to address the compensation issue, now that the pharmaceutical companies were unable to make compensations to the patients within a reasonable time period, the Department of Health took the stand to protect its citizens, the Department of Health does not exclude the suspension of its inspection registration operation regarding any drug import submitted by the pharmaceutical companies before the medical responsibilities are finalized, in order to ensure that patients can get appropriate compensations while the reputation of those pharmaceutical companies is not reassuring, unless the submit more than NT$100,000,000 guarantee fund to the attorneys of Consumer Protection Commission and Self-Saving Association entrusted by the patients.

With regard to the question what should be the reasonable amount of compensation, Chi Hsien Chan said that the pharmaceutical companies should not treat different country differently in terms of compensation amount, they must refer to the compensation amount in other countries, and NT$2,000,000 is the minimum. As to whether the government is responsible, he said that the Control Yuan has launched an investigation, "if it is responsible, it shall bear the responsibility, if it is not responsible, this matter ends here."

Councilor Mei Ling Hsiao of the Department of Health said that the Department of Health informed the pharmaceutical companies of this decision yesterday, currently Bayer has two new drugs for which applications are submitted for inspection and registration. Mei Ling Hsiao also said that this administrative pressure has a huge impact on the pharmaceutical companies as it may also include the approval of factory's report and permit extension.

Upon learning that, Bayer Taiwan pointed out that such practice is a big matter and it would be unable to make any comment or response until it receives an official notice from the Department of Health.

Yi Mei Huang, Public Relation Director of Bayer indicated that Bayer insisted that there is not negligence on this matter, that it has won all litigations in similar cases throughout the world, therefore, Bayer handled this issued based on the stand of humanitarian aid, not compensation. Originally the bottom line acceptable to Bayer was NT$1,200,000, but the Department of Health proposed NT$2,000,000, Bayer Taiwan has reported it to Bayer AG in Germany in this regard and there would be a conclusion next week.

As there is a shortage of blood products all over the world, the medical community worried that the strong pressure from the Department of Health would cause counter-action by the pharmaceutical companies, thus reducing the importation of blood products into our country; yet according to the Department of Health, there are other pharmaceutical companies available even though the blood product from Bayer has taken a dominant market share.

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藥害愛滋人求償,衛署向藥廠強力施壓

要求一周內提撥每名病患二百萬元,否則暫停新藥輸入

記者郭姿均、張正莉／台北報導

「藥害愛滋」的血友病患賠償終有突破，衛生署長詹啓賢昨天使出撒手鐧，要求藥廠一周內提撥每名病患二百萬元的賠償金給病人委託的消保會及律師，否則將暫停拜耳、百特兩家藥廠新藥輸入。這是衛生署前所未有對藥廠的強力施壓。

詹啓賢說，衛生署去年十一月成立特別小組專責處理賠償事宜，希望廠商與病人早日達成協議，既然藥廠無法在合理期限賠償病患，衛生署站在保護國民立場，在醫療責任未能確立前，廠商信譽又無法令人放心，為讓病患得到適當賠償，衛生署不排除暫停對藥廠提出的任何藥物輸入查驗登記作業，除非藥廠在一周內，提撥約一億多元的保證金交給病人委託的消保會及自救會的律師。

至於賠償金額應該多少才合理，詹啓賢說，藥廠的賠償金不可對不同國家有差別待遇，必須參照他國的賠償額度，二百萬元是最低限度。政府到底有無責任？他說，監察院已經展開調查，「如有責任就該負責，如無責任，這件事就到此為止」。

衛生署參事蕭美玲說，衛生署已在昨天通知藥廠這項決定，目前拜耳有兩件新藥正申請查驗登記。蕭金玲並說，這項行政施壓也可以包括工廠報備、展延許可證的核可，對藥廠的影響很大。

台灣拜耳公司獲悉後指出，這種作法茲事體大，在衛生署沒有正式公文知會該公司前，無法作出任何評論或回應。

拜耳公司公關主任黃逸玫表示，拜耳公司堅持在這件事上沒有人為疏失，在世界各國的類似案件中也都勝訴，因此拜耳是基於人道救助立場處理此事，並非賠償。原本拜耳能接受的底線是一百二十萬元，但衛生署提出的是兩百萬元，為此，台灣分公司已向德國總公司報告，下週會有結論。

由於全球正面臨血液製劑荒，衛生署的強力施壓，醫界擔心恐造成藥廠反制，減少輸入我國的血液製劑，衛生署官員表示，雖然拜耳的血液製劑市場占有率

極高，但仍有其他藥廠可供選擇。

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