



National Vaccine Injury Compensation Program (VICP) Update

Advisory Commission on Childhood Vaccines (ACCV)

September 7, 2023

CDR Reed Grimes, MD, MPH
Director, Division of Injury Compensation Programs
Health Systems Bureau (HSB)

Vision: Healthy Communities, Healthy People



VICP Update

Overview

- Update on Health Resources and Services Administration (HRSA) VICP Activities
- Update from the Department of Justice (DOJ) Vaccine Litigation Office
- Updates from ACCV Ex Officio Members including:
 - Food and Drug Administration (FDA)
 - Centers for Disease Control and Prevention (CDC)
 - National Institutes of Health (NIH)
 - Office of Infectious Disease and HIV/AIDS Policy (OIDP)



VICP Update

Number of VICP Petitions Filed as of August 1, 2023

Fiscal Year (FY)	Adults	Children*	Total
FY 2019	1,169	113	1,282
FY 2020	1,084	108	1,192
FY 2021	1,931	126	2,057
FY 2022	899	130	1,029
FY 2023	798	123	921

*Children defined as persons under 18 years of age.



VICP Update

Number of VICP Petitions Filed for Influenza Vaccines as of August 1, 2023

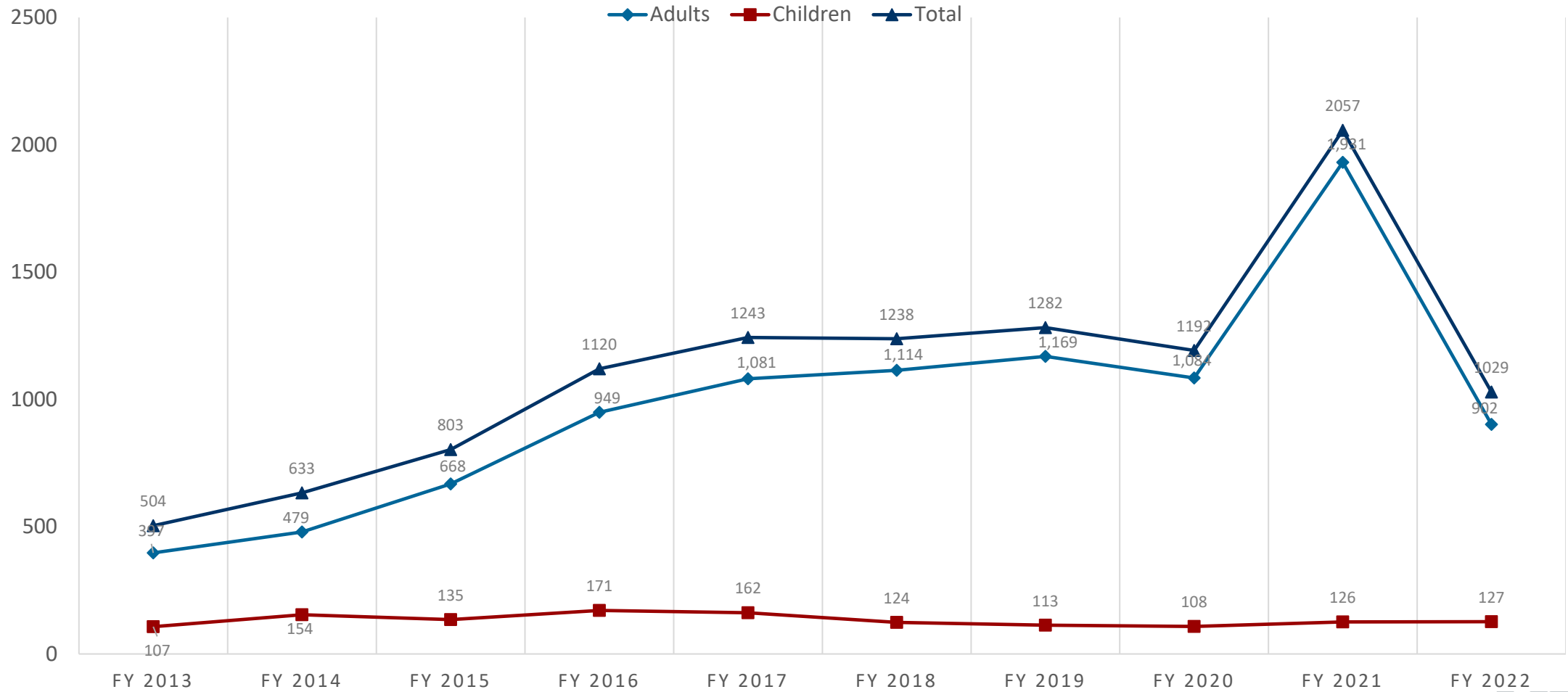
Fiscal Year (FY)	Adults	Children*	Total
FY 2019	939	21	960
FY 2020	859	22	881
FY 2021	1,537	17	1,554
FY 2022	670	16	716
FY 2023	585	12	597

*Children defined as persons under 18 years of age.



VICP Update

VICP Petitions Filed by/for Adults vs. Children FY 2013 - FY 2022



VICP Update

Number of VICP Petitions Awaiting Review as of August 1, 2023

Fiscal Year (FY)	Adults	Children	Petitions Awaiting Review
FY 2020	6	3	9
FY 2021	73	4	77
FY 2022	191	22	213
FY 2023	619	96	715
Total	889*	125**	1,014

*About 527 of the 889 petitions have not been activated by Office of Special Masters' Pre-Assignment Review (PAR) because medical records have not been deemed substantially complete.

** About 122 of the 125 petitions have not been activated by PAR because medical records have not been deemed substantially complete.



VICP Update

Award Amounts Paid as of August 1, 2023

Fiscal Year (FY)	Petitioners' Award	Attorneys' Fees & Costs
FY 2019	\$196,217,708	\$29,741,493
FY 2020	\$186,860,678	\$31,030,110
FY 2021	\$208,258,401	\$36,132,117
FY 2022	\$195,693,890	\$34,190,913
FY 2023	\$99,269,055	\$45,111,530



VICP Update

Number of Adjudications as of August 1, 2023

Fiscal Year (FY)	Compensable	Dismissed	Total
FY 2019	641	182	823
FY 2020	711	217	928
FY 2021	754	259	1,013
FY 2022	939	270	1,209
FY 2023	712	266	978



VICP Update

Adjudication Categories for Petitions

Fiscal Years 2021 – 2023 as of August 1, 2023

Adjudication Category	FY 2021	FY 2022	FY 2023
Compensable	754 (100%)	939 (100%)	712 (100%)
• Concession	336 (45%)	428 (46%)	381 (54%)
• Court Decision (includes proffers)	17 (2%)	16 (2%)	17 (2%)
• Settlement	401 (53%)	495 (53%)	314 (44%)
Not Compensable	259	270	266
Adjudication Total	1,013	1,209	978



VICP Update

Vaccine Injury Compensation Trust Fund

- Balance as of July 31, 2023
 - \$4,345,456,368
- Activity from October 1, 2022 to July 31, 2023
 - Interest on Investments: \$102,009,511
 - Excise Tax Revenue: \$109,616,939
 - Total Income: \$211,626,451
 - Interest as a Percentage of Total Income: 48%

Source: U.S. Treasury, Bureau of the Fiscal Service (July 10, 2023)



VICP Update

Recent Trends

- 92% of petitions were filed for adults in the last 2 FYs
- Over 63% of petitions filed in the last 2 FYs allege shoulder injury related to vaccine administration (SIRVA)
- 74% of petitions filed in the last 2 FYs allege an injury from the influenza vaccine
- About 57% of petitions filed are compensated via negotiated settlement
- Nearly a 9-month wait for petitions to be reviewed by a HRSA provider after the Pre-Assignment Review activation date



VICP Update

Seeking Nominations for All ACCV Positions

- Three members who are health professionals who have expertise in the health care of children, the epidemiology, etiology, and prevention of childhood diseases, and the adverse reactions associated with vaccines, of whom at least two shall be pediatricians;
- Three members from the general public, of whom at least two shall be legal representatives of children who have suffered a vaccine-related injury or death; and
- Three members who are attorneys, of whom at least one shall be an attorney whose specialty includes representation of persons who have suffered a vaccine-related injury or death and of whom one shall be an attorney whose specialty includes representation of vaccine manufacturers.

Send nominations to Pita Gomez at ACCV@hrsa.gov.



Pita Gomez, ACCV Principal Staff Liaison

5600 Fishers Lane, Room 08N146B

Rockville, Maryland 20857

Phone: 1-800-338-2382

Email: ACCV@hrsa.gov

Web: hrsa.gov/about/organization/bureaus/hsb/

Twitter: twitter.com/HRSAgov

Facebook: facebook.com/HHS.HRSA



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