



National Vaccine Injury Compensation Program (VICP) Update

Advisory Commission on Childhood Vaccines (ACCV)

December 1, 2022

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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 November 1, 2022

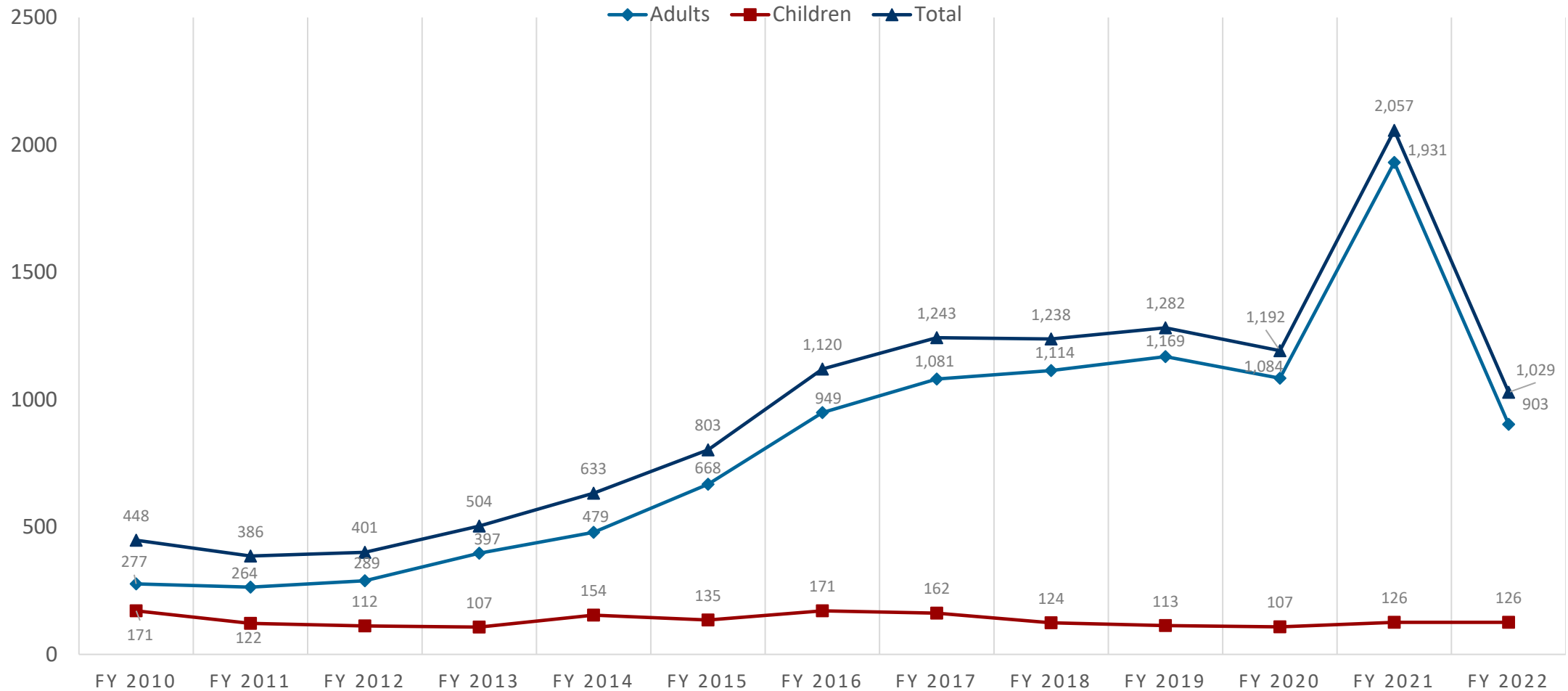
Fiscal Year (FY)	Adults	Children*	Total
FY 2019	1,169	113	1,282
FY 2020	1,084	108	1,192
FY 2021	1,931	126	2,057
FY 2022	903	126	1,029
FY 2023	99	18	117

*Children defined as persons under 18 years of age.



VICP Update

VICP Petitions Filed by/for Adults vs. Children FY 2010 - FY 2022



VICP Update

Five-Year Trend in Number of Petitions Filed vs Administrative Funding

Fiscal Year (FY)	Number of Petitions Filed	Number of Petitions Percentage Change from Previous FY	Administrative Funding (\$ in millions)	Administrative Funding Percentage Change from Previous FY
FY 2018	1,238	-0.4%	\$9.20	19%
FY 2019	1,282	4%	\$9.20	0%
FY 2020	1,192	-7%	\$10.20	11%
FY 2021	2,057	73%	\$11.20	10%
FY 2022	1,029	-50%	\$13.20	18%



VICP Update

Number of Petitions Awaiting Review as of November 1, 2022

Fiscal Year (FY)	Adults	Children	Petitions Awaiting Review (PAR)
FY 2020	19	3	22
FY 2021	785	7	792
FY 2022	604	80	684
FY 2023	48	1	49
Total	1,456*	91**	1,547

*About 395 of the 1,456 petitions have not been activated by Office of Special Masters' Pre-Assignment Review (PAR) because medical records have not been deemed substantially complete.

** About 89 of the 91 petitions have not been activated by PAR because medical records have not been deemed substantially complete.



VICP Update

Award Amounts Paid as of November 1, 2022

Fiscal Year (FY)	Petitioners' Award	Attorneys' Fees & Costs
FY 2019	\$196,217,708	\$29,241,321
FY 2020	\$186,860,678	\$31,003,426
FY 2021	\$208,258,401	\$36,075,584
FY 2022	\$195,825,046	\$34,190,913
FY 2023	\$7,236,660	\$3,807,337



VICP Update

Number of Adjudications as of November 1, 2022

Fiscal Year (FY)	Compensable	Dismissed	Total
FY 2019	641	182	823
FY 2020	711	217	928
FY 2021	754	259	1,013
FY 2022	928	262	1,190
FY 2023	46	37	83



VICP Update

Adjudication Categories for Petitions

Fiscal Years 2020 – 2023 as of November 1, 2022

Adjudication Category	FY 2020	FY 2021	FY 2022	FY 2023
Compensable	711 (100%)	754 (100%)	928 (100%)	46 (100%)
• Concession	264 (37%)	335 (45%)	423 (45%)	26 (57%)
• Court Decision (includes proffers)	48 (7%)	18 (2%)	16 (2%)	0 (0%)
• Settlement	399 (56%)	401 (53%)	489 (53%)	20 (43%)
Not Compensable	217	259	262	37
Adjudication Total	928	1,013	1,190	83



VICP Update

Vaccine Injury Compensation Trust Fund

- Balance as of September 30, 2022
 - \$4,315,879,705
- Activity from October 1, 2021 to September 30, 2022
 - Interest on Investments: \$61,064,393
 - Excise Tax Revenue: \$332,664,764
 - Total Income: \$393,754,361
 - Interest as a Percentage of Total Income 16%

Source: U.S. Treasury, Bureau of the Fiscal Service (November 3, 2022)



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 58% of petitions filed are compensated via negotiated settlement
- Nearly a 12-month wait for petitions to be reviewed by a HRSA physician after the Pre-Assignment Review activation date



VICP Update

ACCV Recommendation to the Secretary

- ACCV Recommendation for additional resources was sent to the Secretary on October 11, 2022
- Posted on ACCV Website: <https://www.hrsa.gov/advisory-committees/vaccines/reports-recommendations>



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.



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