



The Division of Injury Compensation Programs (DICP)'s National Vaccine Injury Compensation Program (VICP) Update

The Advisory Commission on Childhood Vaccines (ACCV)

September 1, 2022

CDR Reed Grimes, MD, MPH
Director, DICP
Health Systems Bureau

Vision: Healthy Communities, Healthy People



- Update on Health Resources and Services Administration (HRSA) VICP Activities
- Update from the Department of Justice Vaccine Litigation Office
- Discussion and Vote on Recommendation to the Secretary
- 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)



DICP Update

Number of Petitions Filed as of August 1, 2022

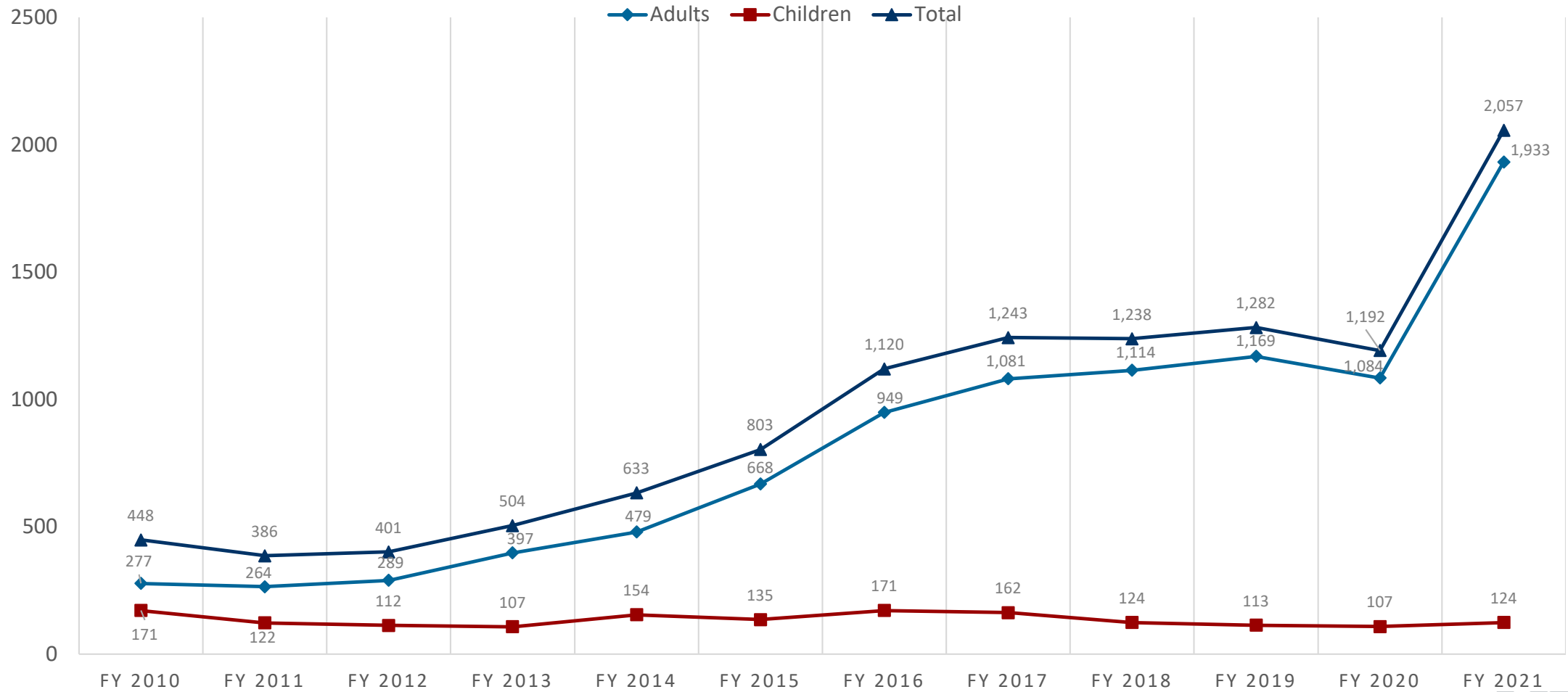
Fiscal Year (FY)	Adults	Children*	Total
FY 2018	1,114	124	1,238
FY 2019	1,169	113	1,282
FY 2020	1,084	108	1,192
FY 2021	1,933	124	2,057
FY 2022	645	91	736

*Children defined as persons under 18 years of age.



DICP Update

VICP Petitions Filed by/for Adults vs. Children FY 2010 - FY 2021



DICP 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 2017	1,243	11%	\$7.75	3%
FY 2018	1,238	-0.4%	\$9.20	19%
FY 2019	1,282	2%	\$9.20	0%
FY 2020	1,192	-16%	\$10.20	11%
FY 2021	2,057	27%	\$11.20	9.8%



DICP Update

Number of Petitions Awaiting Review as of August 1, 2022

Fiscal Year (FY)	Adults	Children	Petitions Awaiting Review
FY 2019	0	0	0
FY 2020	23	4	27
FY 2021	959	10	969
FY 2022	457	61	518
Total	1,439*	75**	1,514

*About 404 of the 1,439 petitions have not been activated by Office of Special Masters' Pre-Assignment Review (PAR) because medical records have not been deemed substantially complete.

** All 75 of these petitions have not been activated by PAR because medical records have not been deemed substantially complete.



DICP Update

Award Amounts Paid as of August 1, 2022

Fiscal Year (FY)	Petitioners' Award	Attorneys' Fees & Costs
FY 2018	\$199,588,007	\$26,796,058
FY 2019	\$196,217,708	\$29,241,321
FY 2020	\$186,860,678	\$31,003,426
FY 2021	\$208,258,401	\$36,485,427
FY 2022	\$139,108,267	\$27,311,215



DICP Update

Number of Adjudications as of August 1, 2022

Fiscal Year (FY)	Compensable	Dismissed	Total
FY 2018	545	200	745
FY 2019	641	184	825
FY 2020	711	217	928
FY 2021	756	259	1,015
FY 2022	736	208	944



DICP Update

Adjudication Categories for Petitions

Fiscal Years 2020 – 2022 as of August 1, 2022

Adjudication Category	FY 2020	FY 2021	FY 2022
Compensable	711 (100%)	756 (100%)	739 (100%)
❖ Concession	264 (37%)	337 (45%)	333 (45%)
❖ Court Decision (includes proffers)	48 (7%)	18 (2%)	9 (1%)
❖ Settlement	399 (56%)	401 (53%)	397 (54%)
Not Compensable	216	257	215
Adjudication Total	927	1,013	954



DICP Update

Vaccine Injury Compensation Trust Fund

- Balance as of July 31, 2022
 - \$4,247,079,343
- Activity from October 1, 2021 to July 31, 2022
 - Interest on Investments: \$46,241,981
 - Excise Tax Revenue: \$218,388,202
 - Total Income: \$264,630,183
 - Interest as a Percentage of Total Income 17%

Source: U.S. Treasury, Bureau of the Fiscal Service (August 4, 2022)



DICP Update

Recent Trends

- 95% of petitions were filed for adults in the last 2 FYs
- Over 64% of petitions filed in the last 2 FYs allege shoulder injury related to vaccine administration (SIRVA)
- 75% of petitions filed in the last 2 FYs allege an injury from the influenza vaccine
- About 55% 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



DICP 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.



To facilitate the work of ACCV, some business may be conducted by informal workgroups that make suggestions to the full ACCV. The creation and operations of subcommittees must be approved by ACCV. Informal workgroups can:

- Gather information
- Develop work plans
- Draft reports and recommendations
- Discuss preliminary findings

Meetings conducted by informal working groups are not subject to public participation and public notice requirements of the FACA, since it does not provide direct advice or recommendations to the agency.



Pita Gomez, ACCV Principal Staff Liaison

5600 Fishers Lane, Room 08N146B

Rockville, Maryland 20857

Phone: 301-945-9386

Email: ACCV@hrsa.gov

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

Twitter: twitter.com/HRSAgov

Facebook: facebook.com/HHS.HRSA



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