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

The Advisory Commission on Childhood Vaccines (ACCV)

September 4, 2020

Tamara Overby
Acting Director, DICP
Healthcare Systems Bureau (HSB)
Overview

• Update on HRSA VICP Activities
• Update from the Department of Justice Vaccine Litigation Office
• Presentation from the United States Court of Federal Claims, Office of Special Masters
• Updates from ACCV Ex Officio Members – FDA, CDC, NIH, OIDP
• Update from the ACCV Work Group
• Vaccine Information Statement (VIS) Reviews
# DICP Update

## Number of Petitions Filed as of September 1, 2020

Average annual number of petitions filed during FY 2011-2015 = 545

<table>
<thead>
<tr>
<th>Fiscal Year (FY)</th>
<th>Adults</th>
<th>Children*</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2016</td>
<td>949</td>
<td>171</td>
<td>1,120</td>
</tr>
<tr>
<td>FY 2017</td>
<td>1,081</td>
<td>162</td>
<td>1,243</td>
</tr>
<tr>
<td>FY 2018</td>
<td>1,114</td>
<td>124</td>
<td>1,238</td>
</tr>
<tr>
<td>FY 2019</td>
<td>1,169</td>
<td>113</td>
<td>1,282</td>
</tr>
<tr>
<td>FY 2020</td>
<td>940</td>
<td>97</td>
<td>1,037</td>
</tr>
</tbody>
</table>

*Children defined as persons under 18 years of age.
DICP Update
VICP Petitions Filed by/for Adults vs. Children FY 2010 - FY 2019

![Graph showing the number of petitions filed by/for adults and children from FY 2010 to FY 2019.](image)

- Adults
- Children
- Total

### FY 2010
- Adults: 171
- Children: 122
- Total: 293

### FY 2011
- Adults: 264
- Children: 112
- Total: 376

### FY 2012
- Adults: 289
- Children: 107
- Total: 396

### FY 2013
- Adults: 397
- Children: 154
- Total: 551

### FY 2014
- Adults: 479
- Children: 135
- Total: 614

### FY 2015
- Adults: 633
- Children: 171
- Total: 804

### FY 2016
- Adults: 803
- Children: 162
- Total: 965

### FY 2017
- Adults: 1,120
- Children: 124
- Total: 1,244

### FY 2018
- Adults: 1,243
- Children: 113
- Total: 1,356

### FY 2019
- Adults: 1,282
- Children: 124
- Total: 1,406
## Five-Year Trend in Number of Petitions Filed versus Administrative Funding

<table>
<thead>
<tr>
<th>Fiscal Year (FY)</th>
<th>Number of Petitions Filed</th>
<th>Number of Petitions Percentage Change from Previous FY</th>
<th>Administrative Funding ($ in millions)</th>
<th>Administrative Funding Percentage Change from Previous FY</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2016</td>
<td>1,120</td>
<td>39%</td>
<td>$7.50</td>
<td>0%</td>
</tr>
<tr>
<td>FY 2017</td>
<td>1,243</td>
<td>11%</td>
<td>$7.75</td>
<td>3%</td>
</tr>
<tr>
<td>FY 2018</td>
<td>1,238</td>
<td>-0.4%</td>
<td>$9.20</td>
<td>19%</td>
</tr>
<tr>
<td>FY 2019</td>
<td>1,282</td>
<td>2%</td>
<td>$9.20</td>
<td>0%</td>
</tr>
<tr>
<td>FY 2020</td>
<td>1,037</td>
<td>-</td>
<td>$10.20</td>
<td>11%</td>
</tr>
<tr>
<td></td>
<td>(as of 9/1/2020)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
**Number of Petitions Awaiting Review As of August 31, 2020**

<table>
<thead>
<tr>
<th>Fiscal Year (FY)</th>
<th>Adults</th>
<th>Children</th>
<th>Petitions Awaiting Review</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2019</td>
<td>213</td>
<td>0</td>
<td>213</td>
</tr>
<tr>
<td>FY 2020</td>
<td>723</td>
<td>34</td>
<td>757</td>
</tr>
<tr>
<td>Total</td>
<td>936*</td>
<td>34**</td>
<td>970</td>
</tr>
</tbody>
</table>

*About 162 of the 936 petitions have not been activated by Office of Special Masters’ Pre-Assignment Review (PAR) because medical records have not been deemed substantially complete.

** Of these 34 petitions, 30 have not been activated by PAR because medical records have not been deemed substantially complete.
## DICP Update
### Award Amounts Paid as of September 1, 2020

<table>
<thead>
<tr>
<th>Fiscal Year (FY)</th>
<th>Petitioners’ Award</th>
<th>Attorneys’ Fees &amp; Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2016</td>
<td>$230,140,251</td>
<td>$22,470,421</td>
</tr>
<tr>
<td>FY 2017</td>
<td>$252,245,933</td>
<td>$29,853,373</td>
</tr>
<tr>
<td>FY 2018</td>
<td>$199,588,007</td>
<td>$26,915,971</td>
</tr>
<tr>
<td>FY 2019</td>
<td>$196,217,708</td>
<td>$29,239,950</td>
</tr>
<tr>
<td>FY 2020</td>
<td>$175,037,053</td>
<td>$27,613,154</td>
</tr>
</tbody>
</table>
## DICP Update

### Number of Adjudications as of September 1, 2020

<table>
<thead>
<tr>
<th>Fiscal Year (FY)</th>
<th>Compensable</th>
<th>Dismissed</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 2016</td>
<td>698</td>
<td>185</td>
<td>883</td>
</tr>
<tr>
<td>FY 2017</td>
<td>696</td>
<td>202</td>
<td>898</td>
</tr>
<tr>
<td>FY 2018</td>
<td>544</td>
<td>199</td>
<td>743</td>
</tr>
<tr>
<td>FY 2019</td>
<td>641</td>
<td>181</td>
<td>822</td>
</tr>
<tr>
<td>FY 2020</td>
<td>613</td>
<td>171</td>
<td>784</td>
</tr>
</tbody>
</table>
### DICP Update

#### Adjudication Categories for Petitions

**Fiscal Years 2018 – 2020 as of September 1, 2020**

<table>
<thead>
<tr>
<th>Adjudication Category</th>
<th>FY 2018</th>
<th>FY 2019</th>
<th>FY 2020</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Compensable</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Concession</td>
<td>544 (100%)</td>
<td>641 (100%)</td>
<td>618 (100%)</td>
</tr>
<tr>
<td>Court Decision (includes proffers)</td>
<td>192 (35%)</td>
<td>237 (37%)</td>
<td>238 (39%)</td>
</tr>
<tr>
<td>Settlement</td>
<td>30 (6%)</td>
<td>45 (7%)</td>
<td>40 (6%)</td>
</tr>
<tr>
<td></td>
<td>322 (59%)</td>
<td>359 (56%)</td>
<td>340 (55%)</td>
</tr>
<tr>
<td><strong>Not Compensable</strong></td>
<td>199</td>
<td>181</td>
<td>180</td>
</tr>
<tr>
<td><strong>Adjudication Total</strong></td>
<td>743</td>
<td>822</td>
<td>798</td>
</tr>
</tbody>
</table>
DICP Update
Vaccine Injury Compensation Trust Fund

• Balance as of July 31, 2020
  • $3,959,795,033

• Activity from October 1, 2019 to July 31, 2020
  • Excise Tax Revenue: $165,207,417
  • Interest on Investments: $59,582,380
  • Total Income: $224,789,797
  • Interest as a Percentage of Total Income 27%

Source: U.S. Treasury, Bureau of the Fiscal Service (August 24, 2020)
DICP Update

Recent Trends

- 90% of petitions were filed for adults in the last 2 fiscal years
- Over 54% of petitions filed in the last 2 fiscal years allege shoulder injury related to vaccine administration (SIRVA)
- 73% of petitions filed in the last 2 fiscal years allege an injury from the influenza vaccine
- About 70% of petitions filed are compensated via negotiated settlement since FY 2006 (56% in FY 2019)
- Nearly a 13-month wait for petitions to be reviewed by a HRSA physician
DICP Update
Contact Information
Public Comment/Participation in Commission Meetings

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