



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

The Advisory Commission on Childhood Vaccines (ACCV)
December 3, 2020

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Acting Director, DICP
Healthcare Systems Bureau (HSB)

Vision: Healthy Communities, Healthy People



Overview

- Update on HRSA VICP Activities
- Update from the Department of Justice Vaccine Litigation Office
- Update from the ACCV Work Group
- Presentations Regarding the VICP NPRM from Guest Speakers
- Overview of the Countermeasures Injury Compensation Program
- Updates from ACCV Ex Officio Members – FDA, CDC, NIH, OIDP



Number of Petitions Filed as of December 1, 2020

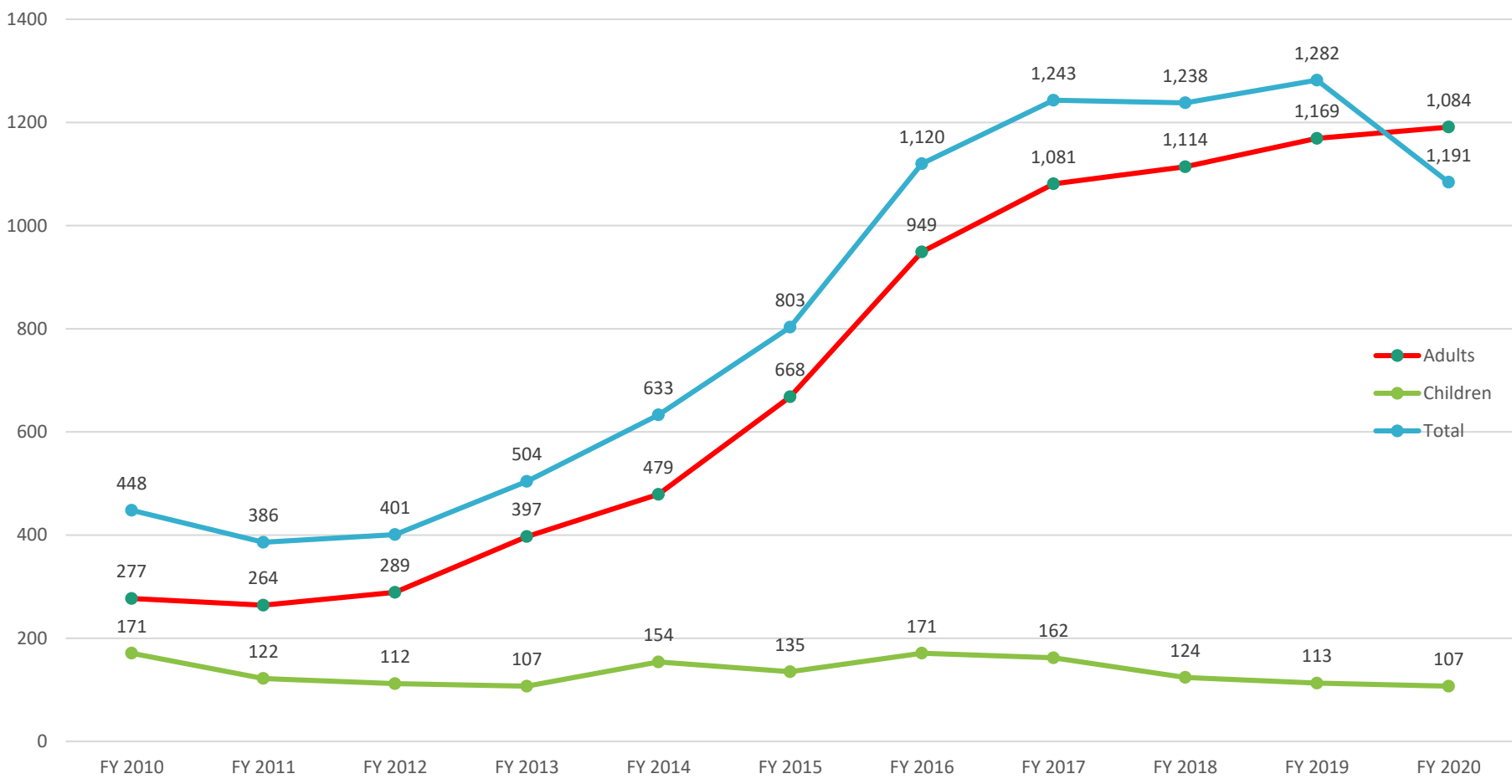
Average annual number of petitions filed during FY 2011-2016 = 641

Fiscal Year (FY)	Adults	Children*	Total
FY 2017	1,081	162	1,243
FY 2018	1,114	124	1,238
FY 2019	1,169	113	1,282
FY 2020	1,084	107	1,191
FY 2021	251	28	279

*Children defined as persons under 18 years of age.

DICP Update

VICP Petitions Filed by/for Adults vs. Children FY 2010 - FY 2020



Five-Year Trend in Number of Petitions Filed versus 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 2016	1,120	39%	\$7.50	0%
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	1,191	-16%	\$10.20	11%



Number of Petitions Awaiting Review As of November 30, 2020

Fiscal Year (FY)	Adults	Children	Petitions Awaiting Review
FY 2019	34	0	34
FY 2020	765	31	796
FY 2021	169	22	191
Total	968*	53**	1,021

*About 278 of the 968 petitions have not been activated by Office of Special Masters' Pre-Assignment Review (PAR) because medical records have not been deemed substantially complete.

** About 51 of these 53 petitions have not been activated by PAR because medical records have not been deemed substantially complete.



Award Amounts Paid as of December 1, 2020

Fiscal Year (FY)	Petitioners' Award	Attorneys' Fees & Costs
FY 2017	\$252,245,933	\$29,853,373
FY 2018	\$199,588,007	\$26,915,971
FY 2019	\$196,217,708	\$29,239,950
FY 2020	\$186,885,678	\$31,046,394
FY 2021	\$61,755,706	\$6,497,286



Number of Adjudications as of December 1, 2020

Fiscal Year (FY)	Compensable	Dismissed	Total
FY 2017	696	202	898
FY 2018	544	199	743
FY 2019	641	181	822
FY 2020	706	194	900
FY 2021	70	24	94

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Adjudication Categories for Petitions

Fiscal Years 2019 – 2021 as of December 1, 2020

Adjudication Category	FY 2019	FY 2020	FY 2021
Compensable	641 (100%)	706 (100%)	79 (100%)
❖ Concession	237 (37%)	265 (37%)	27 (34%)
❖ Court Decision (includes proffers)	45 (7%)	47 (7%)	6 (8%)
❖ Settlement	359 (56%)	394 (56%)	46 (58%)
Not Compensable	181	198	24
Adjudication Total	822	904	103



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Vaccine Injury Compensation Trust Fund

- **Balance as of September 30, 2020**
 - \$4,090,860,617
- **Activity from October 1, 2019 to September 30, 2020**
 - Excise Tax Revenue: \$310,216,295
 - Interest on Investments: \$69,908,203
 - Current and Prior Year Refunds: \$4,476,633
 - Total Income: \$384,601,131
 - Interest as a Percentage of Total Income 18%

Source: U.S. Treasury, Bureau of the Fiscal Service (October 1, 2020)



Recent Trends

- 90% of petitions were filed for adults in the last 2 fiscal years (FY)
- Over 54% of petitions filed in the last 2 FYs allege shoulder injury related to vaccine administration (SIRVA)
- 73% of petitions filed in the last 2 FYs allege an injury from the influenza vaccine
- About 71% of petitions filed are compensated via negotiated settlement since FY 2006 (56% in FY 2020)
- Nearly a 14-month wait for petitions to be reviewed by a HRSA physician



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Seeking Nominations for All ACCV Positions

- (A) 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;
- (B) 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
- (C) 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 Annie Herzog at ACCV@hrsa.gov.**



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Contact Information

Public Comment/Participation in Commission Meetings

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