

Vaccine Injury Compensation Program (VICP)

The VICP is a no-fault alternative to the traditional tort system for resolving vaccine injury claims. It was established as part of the National Childhood Vaccine Injury Act of 1986, after a rash of lawsuits against vaccine manufacturers and healthcare providers threatened to cause vaccine shortages and reduce vaccination rates.

The VICP covers all vaccines recommended by the Centers for Disease Control and Prevention for routine administration to children. It is administered jointly by the U.S. Department of Health and Human Services (HHS), the U.S. Court of Federal Claims (the Court), and the U.S. Department of Justice (DOJ). The VICP is located in the HRSA Healthcare Systems Bureau. Covered vaccines and compensable injuries are described on the "Vaccine Injury Table" (see following page - F7).

The Claims Process

An individual claiming a vaccine-related injury or death files a petition for compensation with the Court, and may be represented by an attorney. The Secretary of HHS is named as the Respondent.

An HHS physician reviews the petition to determine whether it meets the medical criteria for compensation. This recommendation is provided to the Court through a Respondent's report filed by the DOJ. The HHS position is presented by an attorney from the DOJ in hearings before a "special master," who makes the decision for compensation under the VICP. A decision may be appealed to the Court, then to the Federal Circuit Court of Appeals, and eventually to the U.S. Supreme Court.

If a case is found eligible for compensation, the amount of the award is usually negotiated between the DOJ and the petitioner's attorneys. If the attorneys can't agree, the case is scheduled for a hearing for the special master to assess the amount of compensation. Compensable claims, and even most claims found to be non-compensable, are awarded reimbursement for attorney's fees and costs. A petitioner may file a claim in civil court against the vaccine company and/or the vaccine administrator only after first filing a claim under the VICP and then rejecting the decision of the Court.

For more information, including information about restrictions that apply to filing a petition, visit the VICP website at <http://www.hrsa.gov/vaccinecompensation> or phone 1-800-338-2382.

For information on the Rules of the Court, including requirements for filing a petition, visit the Court's Website at <http://www.uscfc.uscourts.gov/osmPage.htm> or phone (202) 357-6400.

This information has been adapted from the VICP website (<http://www.hrsa.gov/vaccinecompensation>)