



# The National Vaccine Injury Compensation Program (VICP)

## Division of Vaccine Injury Compensation Update

Advisory Commission on Childhood Vaccines

December 8, 2011

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Department of Health and Human Services  
Health Resources and Services Administration



# ACCV Meeting Highlights

- Update from the Department of Justice Vaccine Litigation Office
  - Mr. Mark Rogers
- Report from the 2011 Judicial Conference
  - Ms. Sherry Drew, ACCV Chair
- Updates from ACCV Ex Officio Members—FDA, CDC, NIH, NVPO Review of Vaccine Information Statements
  - Ms. Jennifer Hamborsky, CDC
- DVIC Clinical Update/Proposal to add Intussusception to the Vaccine Injury Table for RV
  - Dr. Rosemary Johann-Liang

# Number of Petitions Filed, as of November 17, 2011

- Avg. # of non-autism petitions filed during FY 2009-2011 = 366

	Non-Omnibus Autism Proceeding	Omnibus Autism Proceeding	Total
FY 2005	147	588	735
FY 2006	155	170	325
FY 2007	238	172	410
FY 2008	163	254	417
FY 2009	288	109	397
FY 2010	429	18	447
FY 2011	382	4	386
FY 2012	64	0	64



## Number of Adjudications as of November 17, 2011

	Non-Omnibus Autism Proceeding Compensable	Non-Omnibus Autism Proceeding Dismissed	Omnibus Autism Proceeding Compensable*	Omnibus Autism Proceeding Dismissed	Total
FY 2006	69	81	0	110	260
FY 2007	83	86	0	34	203
FY 2008	144	80	0	56	280
FY 2009	134	45	0	187	366
FY 2010	174	79	1**	215	469
FY 2011	236	107	0	1,245	1,588
FY 2012	10	9	0	244	263

\*May include case(s) that were originally filed and processed as an OAP case(s) but in which the final adjudication does not include a finding of vaccine-related autism.

\*\*HHS has never concluded in any case that autism was caused by vaccination



# Adjudication Categories FY 2010 – FY 2012

	FY 2010	FY 2011	FY 2012 As of 11/17/11
<b>Compensable</b>	<b>174 (100%)</b>	<b>236 (100%)</b>	<b>10 (100%)</b>
❖ Concession	25 (14%)	14 (6%)	0 (0%)
❖ Court Decision (includes proffers)	12 (7%)	45 (19%)	1 (10%)
❖ Settlement	137 (79%)	177 (75%)	9 (90%)
<b>Not Compensable</b>	<b>79</b>	<b>107</b>	<b>9</b>
<b>Non-Autism Adjudication Total</b>	<b>253</b>	<b>343</b>	<b>19</b>



## Award Amounts Paid, as of November 17, 2011

- Average annual awards paid for FY 2005 – FY 2012
  - \$95 million for Petitioners' Award
  - \$8 million for Attorneys' Fees & Costs
- Award amounts paid for FY 2005 – FY 2012

	<u>Petitioners' Award</u>	<u>Attorneys' Fees &amp; Costs</u>
FY 2005	55,065,797	4,485,251
FY 2006	48,746,163	3,794,832
FY 2007	91,449,434	5,726,175
FY 2008	75,716,552	7,820,348
FY 2009	74,142,491	15,858,824
FY 2010	186,012,701	9,371,528
FY 2011	211,336,296	16,978,033
FY 2012	19,948,410	1,083,722

# Vaccine Injury Compensation Trust Fund

- Balance as of September 30, 2011
  - \$3,367,581,323.73
- Activity from October 1, 2010 to September 30, 2011
  - Excise Tax Revenue: \$278,289,432
  - Interest on Investments: \$84,743,817
  - Net Income: \$363,033,249
  - Interest as a Percentage of Income: 30%

Source: U.S. Treasury, Bureau of Public Debt (October 31, 2011)

## Significant Activities

- October 15-18, American Academy of Pediatrics
  - Boston, MA
- October 19, University of Penn, Center for Bioethics, Workshop on Vaccine Ethics and Legal Issues
  - Philadelphia, PA
- October 25-26, Advisory Committee on Immunization Practices
  - Atlanta, GA





# Points of Contact

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# Public Comment/Participation in Commission Meetings

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