



# The National Vaccine Injury Compensation Program (VICP)

## Division of Vaccine Injury Compensation Update

Advisory Commission on Childhood Vaccines  
September 5, 2013  
Vito Caserta, M.D., M.P.H.

Department of Health and Human Services  
Health Resources and Services Administration

# ACCV Meeting Highlights

- Update from the Department of Justice Vaccine Litigation Office
- Presentation from DVIC – Adding GBS to Vaccine Injury Table
- Report from the ACCV Process Workgroup
- Report from the ACCV Maternal Immunization Workgroup
- Review of Vaccine Information Statements
- Updates from ACCV Ex Officio Members — FDA, CDC, NIH, NVPO

# Number of Petitions Filed as of August 13, 2013

Average annual number of petitions filed during FY 2008-2012 = 410

Fiscal Year	Total
FY 2008	417
FY 2009	397
FY 2010	449
FY 2011	386
FY 2012	399
FY 2013	353

## Number of Adjudications as of August 13, 2013

Fiscal Year	Compensable	Dismissed	Total
FY 2008	147	134	281
FY 2009	134	231	365
FY 2010	181	292	473
FY 2011	261	1,371	1,632
FY 2012	258	2,437	2,695
FY 2013	286	605	891



## Adjudication Categories FY 2011 – FY 2013

Adjudication Category	FY 2011	FY 2012	FY 2013 As of 8/27/13
<b>Compensable</b>	<b>261 (100%)</b>	<b>258 (100%)</b>	<b>292 (100%)</b>
❖ Concession	15 (6%)	15 (6%)	20 (7%)
❖ Court Decision (includes proffers)	48 (18%)	30 (12%)	17 (6%)
❖ Settlement	198 (76%)	213 (82%)	255 (87%)
<b>Not Compensable</b>	<b>106</b>	<b>144</b>	<b>79</b>
<b>Adjudication Total</b>	<b>367</b>	<b>402</b>	<b>371</b>

## Award Amounts Paid as of August 13, 2013

<u>Fiscal Year</u>	<u>Petitioners' Award</u>	<u>Attorneys' Fees &amp; Costs</u>
FY 2008	75,716,552	7,820,349
FY 2009	74,142,491	11,203,212
FY 2010	179,387,341	9,826,788
FY 2011	216,323,760	17,163,231
FY 2012	163,511,999	23,148,160
FY 2013	215,023,417	18,512,201

# New Data Table on VICP Website

- **National Vaccine Injury Compensation Program (VICP) Adjudication Categories by Vaccine for Claims Filed Calendar Year 2006 to Present as of August 13, 2013**

# Vaccine Injury Compensation Trust Fund

- Balance as of July 31, 2013
  - \$3,405,148,061.14
- Activity from October 1, 2012 to July 31, 2013
  - Excise Tax Revenue: \$109,288,181.07
  - Interest on Investments: \$51,397,653.57
  - Net Income: \$160,685,834.64
  - Interest as a Percentage of Income: 32%

Source: U.S. Treasury, Bureau of Public Debt (August 22, 2013)



# Significant Activities

- Nomination Submission Deadline 60-Day Extension
  - Publish FRN extending the deadline submission date for ACCV voting member nominations
  
- Status of Regulations
  - Rotavirus Notice of Proposed Rulemaking (NPRM)
    - Published on July 24, 2013
    - Public can comment until January 21, 2014
    - Public hearing to be held before January 21
  - Notice Adding Seasonal Influenza Vaccines to the Vaccine Injury Table
  - Vaccine Injury Table NPRM

# Significant Activities

- National Vaccine Advisory Committee
  - June 11 & 12, 2013
- Advisory Committee on Immunization Practices
  - June 19 & 20, 2013



# Public Comment/Participation in Commission Meetings

Amber Berrian

Parklawn Building, Room 11C-26

5600 Fishers Lane

Rockville, Maryland 20857

Phone: 301-443-0845

Email: [aberrian@hrsa.gov](mailto:aberrian@hrsa.gov)