



The National Vaccine Injury Compensation Program (VICP)

Division of Vaccine Injury Compensation Update

Advisory Commission on Childhood Vaccines

June 7, 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
- Review of Vaccine Information Statements
- Report from the ACCV Process Workgroup
- Report from the ACCV & NVAC Maternal Immunization Workgroups
- Updates from ACCV Ex Officio Members — FDA, CDC, NIH, NVPO

Number of Petitions Filed, as of May 22, 2013

- Avg. annual # of petitions filed during FY 2008-2012= 410

	Total
FY 2008	417
FY 2009	397
FY 2010	449
FY 2011	386
FY 2012	400
FY 2013	286

Number of Adjudications as of May 22, 2013

	Compensable	Dismissed	Total
FY 2008	147	134	281
FY 2009	134	231	365
FY 2010	181	292	473
FY 2011	260	1,371	1,631
FY 2012	256	2,435	2,691
FY 2013	195	583	778

Adjudication Categories FY 2011 – FY 2013

	FY 2011	FY 2012	FY 2013 As of 5/22/13
Compensable	260 (100%)	256(100%)	195(100%)
❖ Concession	15 (6%)	15 (6%)	12 (6%)
❖ Court Decision (includes proffers)	48 (18%)	30 (12%)	13 (7%)
❖ Settlement	197 (76%)	211 (82%)	170 (87%)
Not Compensable	106	144	68
Adjudication Total	366	400	263

Award Amounts Paid, as of May 22, 2013

	<u>Petitioners' Award</u>	<u>Attorneys' Fees & 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	163,286,999	23,148,160
FY 2013	170,228,520	12,902,453

Vaccine Injury Compensation Trust Fund

- Balance as of March 31, 2013
 - \$3,434,433,118.45
- Activity from October 1, 2012 to March 31, 2013
 - Excise Tax Revenue: \$56,053,497
 - Interest on Investments: \$30,923,204
 - Net Income: \$86,976,702
 - Interest as a Percentage of Income: 35%

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

Significant Activities

- Judicial Watch Article about Compensation of HPV Claims
 - International interest
 - Canadian Immunization Committee
 - GAVI alliance

- Proposed Revisions to VICP Data
 - Revised format for Reporting Adjudication Categories by Vaccine for Claims Filed

Significant Activities

- Update on the Notice of Proposed Rulemaking for Rotavirus

- Notice of Proposed Rulemaking for Changes to the Vaccine Injury Table

- Process for Developing and Approving Notice of Proposed Rulemaking
 - Develop in consultation with OGC
 - Send to HRSA Bureaus /Offices for review and revised the document based on these comments
 - Obtain HRSA approval to send to HHS Exec Sec

Significant Activities

- Send to HHS Exec Sec which will request comments from other HHS agencies/offices (e.g. CDC, NIH)
- Revise the document based on comments received
- Obtain HHS approval of the revised document
- Send to Office of Management and Budget (OMB) which will request comments from other Federal Departments/agencies
- Revise the document based on comments received
- Obtain OMB approval of the revised document
- Document published in the Federal Register as a proposed rule
- Public has 180 days to comment on the proposed rule

Significant Activities

- After 180 days, public comments submitted are reviewed and the VICP in consultation with OGC and HHS decides which comments to accept or reject.
- The Final Rule is developed which includes an explanation of why comments are accepted and rejected.
- Obtain HRSA approval of the draft Final Rule to send to HHS Exec Sec
- Obtain HHS approval of it
- Obtain OMB approval of it
- Final Rule published in the Federal Register

Points of Contact

- **Telephone**

1-800-338-2382

- **Internet**

www.hrsa.gov/vaccinecompensation



Public Comment/Participation in Commission Meetings

Andrea Herzog

Parklawn Building, Room 11C-26

5600 Fishers Lane

Rockville, Maryland 20857

Phone: 301-443-6634

Email: aherzog@hrsa.gov