



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

The Advisory Commission on Childhood Vaccines (ACCV)
September 2, 2021

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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
- Updates from ACCV Ex Officio Members – FDA, CDC, NIH, ODP

Number of Petitions Filed as of September 1, 2021

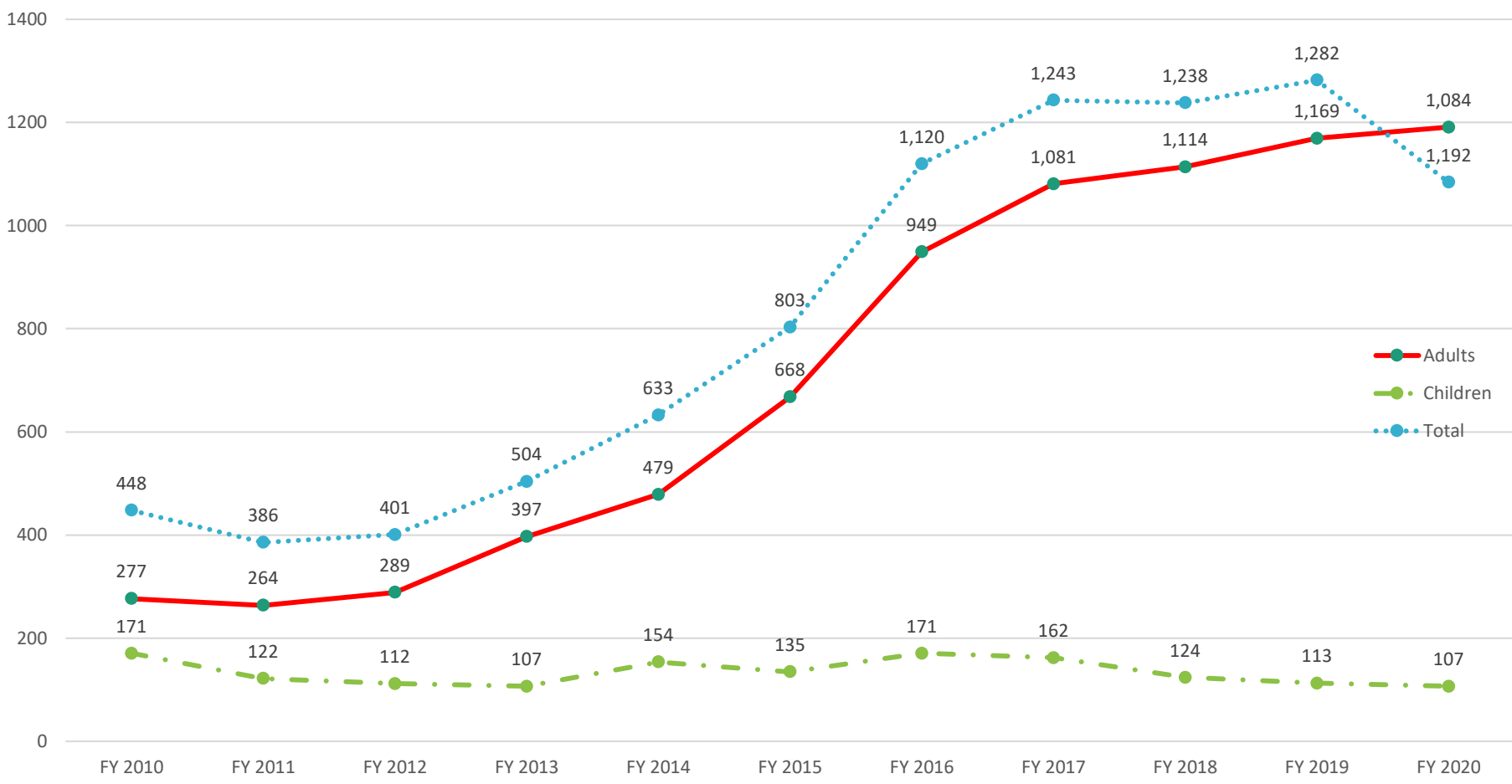
Average annual number of petitions filed during FY 2011-2016 = 641

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	108	1,192
FY 2021	1,834	117	1,951

*Children defined as persons under 18 years of age.

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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	1,192	-16%	\$10.20	11%



Number of Petitions Awaiting Review As of September 1, 2021

Fiscal Year (FY)	Adults	Children	Petitions Awaiting Review
FY 2019	3	0	3
FY 2020	149	13	162
FY 2021	1,307	89	1,396
Total	1,459*	102**	1,561

* About 990 of the 1,459 petitions have not been activated by Office of Special Masters' Pre-Assignment Review (PAR) because medical records have not been deemed substantially complete.

** All 102 of these petitions have not been activated by PAR because medical records have not been deemed substantially complete.



Award Amounts Paid as of September 1, 2021

Fiscal Year (FY)	Petitioners' Award	Attorneys' Fees & Costs
FY 2017	\$252,245,933	\$29,848,788
FY 2018	\$199,588,007	\$26,915,971
FY 2019	\$196,217,708	\$29,239,950
FY 2020	\$186,860,678	\$31,029,484
FY 2021	\$202,580,447	\$33,421,785



Number of Adjudications as of September 1, 2021

Fiscal Year (FY)	Compensable	Dismissed	Total
FY 2017	696	204	900
FY 2018	544	199	743
FY 2019	642	184	826
FY 2020	710	217	927
FY 2021	635	221	856

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Adjudication Categories for Petitions

Fiscal Years 2019 – 2021 as of September 1, 2021

Adjudication Category	FY 2019	FY 2020	FY 2021
Compensable	642 (100%)	710 (100%)	636 (100%)
❖ Concession	238 (37%)	265 (37%)	280 (44%)
❖ Court Decision (includes proffers)	45 (7%)	49 (7%)	16 (3%)
❖ Settlement	359 (56%)	396 (56%)	340 (53%)
Not Compensable	184	217	222
Adjudication Total	826	927	858



Vaccine Injury Compensation Trust Fund

- **Balance as of June 30, 2021**
 - \$4,089,322,351
- **Activity from October 1, 2020 to June 30, 2021**
 - Excise Tax Revenue: \$143,840,615
 - Interest on Investments: \$38,822,766
 - Total Income: \$182,663,381
 - Interest as a Percentage of Total Income 21.25%

Source: U.S. Treasury, Bureau of the Fiscal Service (August 4, 2021)



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 FY allege shoulder injury related to vaccine administration (SIRVA)
- 73% of petitions filed in the last 2 FY allege an injury from the influenza vaccine
- About 60% of petitions filed are compensated via negotiated settlement
- Nearly a 13-month wait for petitions to be reviewed by a HRSA physician after the Pre-Assignment Review (PAR) activation date



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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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