

## The 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 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 HHS, Health Resources and Services Administration (HRSA), Healthcare Systems Bureau, Division of Vaccine Injury Compensation.

Briefly, an individual claiming a vaccine-related injury or death files a petition for compensation with the Court, and may be represented by an attorney. A HHS physician reviews the petition to determine whether it meets the medical criteria for compensation. A recommendation is provided to the Court. The HHS position is presented before a “special master,” who makes the decision for compensation under the VICP. A decision may be appealed to a judge of the Court, then to the Federal Circuit Court of Appeals, and eventually to the U.S. Supreme Court.

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.

### Who Can File a Claim?

- You may file a claim if you received a vaccine covered by the VICP and believe that you have been injured by this vaccine.
- You may also file a claim if you are a parent or legal guardian of a child or disabled adult who received a vaccine covered by the VICP and believe that the person was injured by this vaccine.
- You may file a claim if you are the legal representative of the estate of a deceased person who received a vaccine covered by the VICP and believe that the person’s death resulted from the vaccine injury.
- You may file a claim if you are **not** a United States citizen.
- Some people who receive vaccines outside of the U.S. may be eligible for compensation. See the VICP website for more details.
- **In addition**, to be eligible to file a claim, the effects of the person’s injury must have:
  1. lasted for more than 6 months after the vaccine was given; or
  2. resulted in a hospital stay **and** surgery; or
  3. resulted in death.

*There is no age restriction on who may file a claim. Anyone receiving a vaccine covered by the VICP, no matter their age, can file a claim or have one filed on their behalf.*

**To learn how to file a claim**, see the VICP website at <http://www.hrsa.gov/vaccinecompensation/fileclaim.html>.

Vaccines covered by VICP are diphtheria, tetanus, pertussis, Hib, hepatitis A, hepatitis B, human papillomavirus, seasonal influenza, measles, mumps, rubella, meningococcal, polio, pneumococcal conjugate, rotavirus, and varicella, in any combination. (Additional vaccines may be added in the future.)

# Appendix D

The **Vaccine Injury Table** makes it easier for some people to get compensation. The Table lists and explains injuries and conditions that are presumed to be caused by vaccines. It also lists time periods in which the first symptom of these injuries and conditions must occur after receiving the vaccine. If the first symptom of these injuries/conditions occurs within the listed time periods, it is presumed that the vaccine was the cause of the injury or condition unless another cause is found. For example, if a patient received the tetanus vaccine and had a severe allergic reaction (anaphylaxis) within 4 hours after receiving the vaccine, then it is presumed that the tetanus vaccine caused the injury, if no other cause is found.

If an injury or condition is not on the Table or if it did not occur within the time period on the Table, the petitioner must prove that the vaccine caused the injury or condition. Such proof must be based on medical records or opinion, which may include expert witness testimony.

A copy of the Vaccine Injury Table is on the following page, or can be found online at <http://www.hrsa.gov/vaccinecompensation/vaccinetable.html>. A comprehensive explanation of terms used in the table accompanies the online version.

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For more information, visit the VICP website at <http://www.hrsa.gov/vaccinecompensation>.