

National Vaccine Injury Compensation Program

Vaccines save lives by preventing disease

In fact, the Centers for Disease Control and Prevention (CDC) named immunizations as one of the ten most important public health achievements of the 20th century.

Most people who get vaccines have no serious problems, but like any medicine, they can cause side effects - most of which are rare and mild. In very rare cases, a vaccine can cause a serious problem, such as a severe allergic reaction.

In those instances, the National Vaccine Injury Compensation Program (VICP) provides individuals with an opportunity to file a petition or claim for financial compensation.

The VICP is a no-fault alternative to the traditional legal system for resolving vaccine injury petitions.

The National Childhood Vaccine Injury Act of 1986 created the VICP, which began on October 1, 1988, after a series of lawsuits threatened to cause vaccine shortages and reduce U.S. vaccination rates.

The following three organizations have a role in the VICP.

- The VICP is administered through the Department of Health and Human Services (HHS).
- The Department of Justice (DOJ) represents HHS in Court.
- The U.S. Court of Federal Claims (the Court) makes the final decision regarding whether a petitioner should be compensated.

Any individual, of any age, who received a covered vaccine and believes he or she was injured as a result, can file a petition. Parents, legal guardians and legal representatives can file on behalf of children, disabled adults and individuals who are deceased.

Please note that, with limited exceptions, **all petitions must be filed within 3 years after the first symptom of the alleged vaccine injury, or within 2 years of the death and 4 years after the first symptom of the alleged vaccine injury that resulted in death.** For information about additional requirements that must be met in order to pursue compensation, visit the VICP website, www.hrsa.gov/vaccinecompensation.

Did you know?

The risk of experiencing a severe allergic reaction from one of these commonly administered vaccines covered by the VICP – MMR, Hepatitis B, Diphtheria, Tetanus, and Pertussis-- is 1 or less than 1 out of 1 million doses, according to the CDC.

The Court makes the final decision regarding whether a petitioner should be compensated and the amount of compensation.

For more information about the VICP

Visit the website:
www.hrsa.gov/vaccinecompensation

1-800-338-2382

National Vaccine Injury Compensation Program

Parklawn Building
5600 Fishers Lane
8N146B
Rockville, Maryland 20857

How the claims process works

1. An individual files a petition with the Court. The Court sends a copy of the petition to DOJ and HHS.
2. An HHS healthcare provider reviews the petition, determines if it meets the medical criteria for compensation and makes a preliminary recommendation to DOJ. The government's position is included in DOJ's report, which is submitted to the Court.
3. The report is presented to a court-appointed special master, who decides whether the petitioner should be compensated.
4. The special master's decision may be appealed.
5. Petitioners who reject the decision of the Court (or those who withdraw their claims after certain timelines are met) may file a claim in civil court against the vaccine manufacturer and/or the health care provider who administered the vaccine.

An individual may contact the Court for more information about filing a petition, including the requirements that must be satisfied to pursue compensation. The petition does not have to be filed by a lawyer but most people use a lawyer. If certain requirements are met, the VICP generally will pay lawyer's fees and other legal costs related to the petition, whether or not the petitioner is paid for a vaccine injury or death. Visit the Court's website for a list of attorneys willing to file VICP petitions.

U.S. Court of Federal Claims
717 Madison Place, N.W.
Washington, DC 20005
202-357-6400
www.uscfc.uscourts.gov

Vaccines covered by the VICP

In order for a category of vaccines to be covered by the VICP, the category of the vaccine must be recommended for routine administration to children by the Centers for Disease Control and Prevention and subject to an excise tax. There are no age restrictions on who may file a petition with the VICP. Petitions may be filed on behalf of infants, children and adolescents, or by adults receiving VICP-covered vaccines. The following vaccines are covered by the VICP:

- Diphtheria and Tetanus vaccines (e.g., DTaP, DTP, DT, Td, or TT)
- Pertussis vaccines (e.g., DTP, DTaP, P, Tdap, DTP-Hib)
- Measles, Mumps, and Rubella vaccines (e.g., MMR, MR, M, R)
- Polio vaccines (e.g., OPV or IPV)
- Hepatitis A vaccines (e.g., HAV)
- Hepatitis B vaccines (e.g., HBV)
- Haemophilus influenzae type b polysaccharide conjugate vaccines (e.g., Hib)
- Varicella vaccines (e.g., VZV) [herpes zoster (shingles) vaccine is not covered]
- Rotavirus vaccines (e.g., RV)
- Pneumococcal conjugate vaccines (e.g., PCV)
- Seasonal influenza vaccines (e.g., IIV3 standard dose, IIV3 high dose, IIV4, RIV3, LAIV3, LAIV4)
- Human Papillomavirus vaccines (e.g., HPV)
- Meningococcal vaccines (e.g., MCV4, MPSV4, recombinant)

This information reflects the current thinking of the United States Department of Health and Human Services (HHS) on the topics addressed. The fact sheet does not create or confer any rights for or on any person and does not operate to bind HHS or the public. The ultimate decision about the scope of the statutes authorizing the VICP is within the authority of the United States Court of Federal Claims, which is responsible for resolving petitions for compensation under the VICP.