

# US VACCINE INJURY COMPENSATION PROGRAMS

## Two programs, two very different sets of rules

Vaccine manufacturers generally are protected against lawsuits, but there are programs available to compensate people seriously harmed by vaccines and other medical countermeasures. One such program applies to routine vaccinations. Another applies only to countermeasures under a public health emergency. Here's a look at both programs and how they differ.

COUNTERMEASURES INJURY COMPENSATION PROGRAM (CICP)	NATIONAL VACCINE INJURY COMPENSATION PROGRAM (VICP)
<div>WEBSITE</div> <div>hrsa.gov/cicp/</div>	<div>WEBSITE</div> <div>hrsa.gov/vaccine-compensation/index.html</div>
WHAT THE PROGRAM COVERS	
Serious injuries directly caused by medical countermeasures (vaccines, medications, medical devices) covered by a declaration of a public health emergency under the Public Readiness and Emergency Preparedness Act. This includes the COVID-19 epidemic, which was declared a public health emergency on Jan. 31. It previously included H1N1 swine flu and Ebola.	Injuries caused by most routine vaccines. This includes 15 childhood vaccines, such as DTP, hepatitis A and B, HPV, measles, mumps, polio, rubella and tetanus, as well as seasonal flu.
SOURCE OF FUNDING	
Will come from two congressional appropriations – \$3.1 billion and \$27 billion – to HHS to respond to COVID-19 that may be transferred to a Covered Countermeasure Process Fund.	A 75-cent tax on each vaccine dose that goes to the Vaccine Injury Compensation Trust Fund. Each disease that a vaccine prevents is considered a dose. So, MMR, which prevents three diseases, is taxed \$2.25.
YEAR CREATED	
Law passed in 2005. Implementation measures adopted in 2010.	1986
WHAT EXPENSES IT REIMBURSES	
Unreimbursed medical expenses, lost wages and the survivor death benefit.	Attorneys' fees whether or not the petition is successful as long as minimum requirements are met; past and future unreimbursed medical, custodial and rehabilitation care and related expenses; up to \$250,000 for pain and suffering; lost earnings; up to \$250,000 as a death benefit for the estate.
WHO IS ELIGIBLE?	
The injured countermeasure recipient; Certain survivors of a deceased injured countermeasure recipient; The estate of a deceased injured countermeasure recipient.	Petitions can be filed for anyone receiving covered vaccines. Parents, legal guardians and legal representatives can file on behalf of children, disabled adults and the deceased.
ARE DECISIONS APPEALABLE?	
If a petition is unsuccessful, a motion can be filed with the HHS secretary seeking review. No court appeal is allowed.	Yes. Unsuccessful petitions may be appealed in court. About 70% of compensation awarded by the program is the result of a negotiated settlement after HHS has not concluded a vaccine caused the alleged injury.
DEADLINE TO FILE	
A year from the date of being administered the covered countermeasure.	Within three years of first symptom or onset or significant aggravation of injury. Within two years of the death or four years of the first symptom or onset of the injury that resulted in death.
LIABILITY IMMUNITY: ENTITIES PROTECTED FROM LAWSUITS OVER INJURIES	
Manufacturers, distributors, program planners, those legally authorized to prescribe, administer, distribute or dispense the covered medical measures. Lawsuits may be filed only in cases of injuries caused by willful misconduct.	Vaccine manufacturers. A lawsuit may be filed by individuals not satisfied with the VICP final judgment.