



## National Vaccine Injury Compensation Program Statistics Report For February 2015

### Petitions Filed

Fiscal Year	Total
FY 1988	24
FY 1989	148
FY 1990	1,492
FY 1991	2,718
FY 1992	189
FY 1993	140
FY 1994	107
FY 1995	180
FY 1996	84
FY 1997	104
FY 1998	120
FY 1999	411
FY 2000	164
FY 2001	216
FY 2002	957
FY 2003	2,592
FY 2004	1,214
FY 2005	735
FY 2006	325
FY 2007	410
FY 2008	417
FY 2009	397
FY 2010	448
FY 2011	386
FY 2012	401
FY 2013	503
FY 2014	633
FY 2015	232
<b>Total</b>	<b>15,747</b>



## Adjudications<sup>1</sup>

Fiscal Year	Compensable	Dismissed	Total
FY 1989	9	12	21
FY 1990	100	33	133
FY 1991	141	447	588
FY 1992	166	487	653
FY 1993	125	588	713
FY 1994	162	446	608
FY 1995	160	575	735
FY 1996	162	408	570
FY 1997	189	198	387
FY 1998	144	181	325
FY 1999	98	139	237
FY 2000	125	104	229
FY 2001	86	87	173
FY 2002	104	103	207
FY 2003	56	99	155
FY 2004	62	233	295
FY 2005	60	121	181
FY 2006	69	191	260
FY 2007	82	121	203
FY 2008	147	134	281
FY 2009	134	231	365
FY 2010	180	293	473
FY 2011	265	1,370	1,635
FY 2012	261	2,439	2,700
FY 2013	366	627	993
FY 2014	357	167	524
FY 2015	127	33	160
<b>Total</b>	<b>3,937</b>	<b>9,867</b>	<b>13,804</b>

<sup>1</sup>Generally, petitions/claims are not adjudicated in the same fiscal year as filed. On average, it takes 2-3 years to adjudicate a petition/claim after it is filed.



## Awards Paid<sup>1</sup>

Fiscal Year	Compensated <sup>2</sup>			Dismissed		Interim Fees		Total Outlays
	# of Awards	Petitioners' Award Amount	Attorneys' Fees/ Cost Payments	# of Payments to Attorneys	Attorneys' Fees/ Costs Payments	# of Payments to Attorneys	Attorneys' Fees/ Costs Payments	
FY 1989	6	\$1,317,654.78	\$54,107.14	0	\$0.00	0	\$0.00	\$1,371,761.92
FY 1990	88	\$53,252,510.46	\$1,379,005.79	4	\$57,699.48	0	\$0.00	\$54,689,215.73
FY 1991	114	\$95,980,493.16	\$2,364,758.91	30	\$496,809.21	0	\$0.00	\$98,842,061.28
FY 1992	130	\$94,538,071.30	\$3,001,927.97	118	\$1,212,677.14	0	\$0.00	\$98,752,676.41
FY 1993	162	\$119,693,267.87	\$3,262,453.06	272	\$2,447,273.05	0	\$0.00	\$125,402,993.98
FY 1994	158	\$98,151,900.08	\$3,571,179.67	335	\$3,166,527.38	0	\$0.00	\$104,889,607.13
FY 1995	169	\$104,085,265.72	\$3,652,770.57	221	\$2,276,136.32	0	\$0.00	\$110,014,172.61
FY 1996	163	\$100,425,325.22	\$3,096,231.96	216	\$2,364,122.71	0	\$0.00	\$105,885,679.89
FY 1997	179	\$113,620,171.68	\$3,898,284.77	142	\$1,879,418.14	0	\$0.00	\$119,397,874.59
FY 1998	165	\$127,546,009.19	\$4,002,278.55	121	\$1,936,065.50	0	\$0.00	\$133,484,353.24
FY 1999	96	\$95,917,680.51	\$2,799,910.85	117	\$2,306,957.40	0	\$0.00	\$101,024,548.76
FY 2000	136	\$125,945,195.64	\$4,112,369.02	80	\$1,724,451.08	0	\$0.00	\$131,782,015.74
FY 2001	97	\$105,878,632.57	\$3,373,865.88	57	\$2,066,224.67	0	\$0.00	\$111,318,723.12
FY 2002	80	\$59,799,604.39	\$2,653,598.89	50	\$656,244.79	0	\$0.00	\$63,109,448.07
FY 2003	65	\$82,816,240.07	\$3,147,755.12	69	\$1,545,654.87	0	\$0.00	\$87,509,650.06
FY 2004	57	\$61,933,764.20	\$3,079,328.55	69	\$1,198,615.96	0	\$0.00	\$66,211,708.71
FY 2005	64	\$55,065,797.01	\$2,694,664.03	71	\$1,790,587.29	0	\$0.00	\$59,551,048.33
FY 2006	68	\$48,746,162.74	\$2,441,199.02	54	\$1,353,632.61	0	\$0.00	\$52,540,994.37
FY 2007	82	\$91,449,433.89	\$4,034,154.37	61	\$1,692,020.25	0	\$0.00	\$97,175,608.51
FY 2008	141	\$75,716,552.06	\$5,191,770.83	73	\$2,511,313.26	2	\$117,265.31	\$83,536,901.46
FY 2009	131	\$74,142,490.58	\$5,404,711.98	36	\$1,557,139.53	28	\$4,241,362.55	\$85,345,704.64
FY 2010	173	\$179,387,341.30	\$5,961,744.40	56	\$1,886,239.95	22	\$1,978,803.88	\$189,214,129.53

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FY 2011	251	\$216,319,428.47	\$9,572,042.87	403	\$5,589,417.19	28	\$2,001,770.91	\$233,482,659.44
FY 2012	249	\$163,491,998.82	\$9,104,488.60	1,017	\$8,621,182.32	37	\$5,420,257.99	\$186,637,927.73
FY 2013	375	\$254,666,326.70	\$13,333,179.53	703	\$6,970,278.84	50	\$1,454,851.74	\$276,424,636.81
FY 2014	365	\$202,084,196.12	\$11,973,575.82	505	\$6,801,345.79	38	\$2,493,460.73	\$223,352,578.46
FY 2015	177	\$83,067,135.53	\$4,474,812.40	45	\$1,245,066.01	19	\$1,044,486.97	\$89,831,500.91
<b>Total</b>	<b>3941</b>	<b>\$2,885,038,650.06</b>	<b>\$121,636,170.55</b>	<b>4925</b>	<b>\$65,353,100.74</b>	<b>224</b>	<b>\$18,752,260.08</b>	<b>\$3,090,780,181.43</b>

<sup>1</sup>"Compensated" are claims that have been paid as a result of a settlement between parties or a decision made by the U.S. Court of Federal Claims (Court). The # of awards is the number of petitioner awards paid, including the attorneys' fees/costs payments, if made during a fiscal year. However, petitioners' awards and attorneys' fees/costs are not necessarily paid in the same fiscal year as when the petitions/claims are determined compensable. "Dismissed" includes the the # of payments to attorneys and the total amount of payments for attorneys' fees/costs per fiscal year. The VICP will pay attorneys' fees/costs related to the claim, whether or not the petition/claim is awarded compensation by the Court, if certain minimal requirements are met. "Total Outlays" are the total amount of funds expended for compensation and attorneys' fees/costs from the Vaccine Injury Compensation Trust Fund by fiscal year.

<sup>2</sup>Due to the populations receiving vaccines added to the VICP in recent years, the proportion of adults to children seeking compensation has changed. Since influenza vaccines (vaccines administered to large numbers of adults each year) were added to the VICP in 2005, many adult claims related to that vaccine have been filed.



## Claims Filed and Compensated or Dismissed by Vaccine <sup>1</sup>

### February 2015

### Vaccines Listed in Claims as Reported by Petitioners

Vaccine(s)	Filed			Compensated	Dismissed
	Injury	Death	Total		
DT	69	9	78	24	51
DTaP	374	80	454	179	203
DTaP-Hep B-IPV	62	24	86	30	34
DTaP-HIB	10	1	11	4	3
DTaP-IPV-HIB	24	16	40	6	11
DTP	3,286	696	3,982	1,270	2,706
DTP-HIB	20	8	28	4	21
Hep A-Hep B	18	0	18	9	2
Hep B-HIB	8	0	8	4	3
Hepatitis A (Hep A)	65	5	70	27	20
Hepatitis B (Hep B)	618	54	672	241	363
HIB	25	3	28	12	14
HPV	255	12	267	73	85
Influenza	1,704	84	1,788	985	155
IPV	264	14	278	8	267
Measles	143	19	162	55	107
Meningococcal	40	2	42	27	4
MMR	890	57	947	367	502
MMR-Varicella	30	1	31	15	8
MR	15	0	15	6	9
Mumps	10	0	10	1	9
Nonqualified	85	9	94	1	87
OPV	280	28	308	158	150
Pertussis	4	3	7	2	5
Pneumococcal Conjugate	41	5	46	10	26
Rotavirus	65	1	66	39	17
Rubella	190	4	194	70	123
Td	183	3	186	106	64
Tdap	227	1	228	106	12
Tetanus	97	2	99	43	37
Unspecified	5,411	8	5,419	4	4,749
Varicella	78	7	85	51	20
<b>Grand Total</b>	<b>14,591</b>	<b>1,156</b>	<b>15,747</b>	<b>3,937</b>	<b>9,867</b>

<sup>1</sup> The number of claims filed by vaccine as reported by petitioners in claims since the VICP began on October 1, 1988, and how many of those have been compensated or dismissed by the U.S. Court of Federal Claims (Court). Claims can be compensated by a settlement between parties or a decision by the Court.

<sup>2</sup> Claims filed for vaccines which are not covered under the VICP.

<sup>3</sup> Insufficient information submitted to make a determination.

*This information reflects the current thinking of the United States Department of Health and Human Services on the topics addressed. This information is not legal advice and does not create or confer any rights for or on any person and does not operate to bind the Department 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 claims for compensation under the VICP.*



## National Vaccine Injury Compensation Program (VICP) Adjudication Categories by Vaccine for Claims Filed Calendar Year 2006 to Present<sup>1</sup>

Vaccine Alleged by Petitioner <sup>2</sup>	No. of Doses Distributed US CY 2006 - CY 2013 (Source: CDC) <sup>3</sup>	Compensable			Compensable Total	Dismissed/ Non-Compensable Total	Grand Total
		Concession	Court Decision	Settlement			
DT	652,327	1		3	4	4	8
DTaP	75,888,233	12	19	75	106	78	184
DTaP-Hep B-IPV	43,929,797	4	7	18	29	38	67
DTaP-HIB	1,135,474				0	1	1
DTaP-IPV-HIB	39,590,896			6	6	11	17
DTP	0 <sup>4</sup>		1	2	3	2	5
DTP-HIB	0 <sup>4</sup>				0	1	1
Hep A-Hep B	11,662,755			9	9	2	11
Hep B-HIB	4,796,583	1	1	1	3	1	4
Hepatitis A (Hep A)	124,212,280	6	3	22	31	20	51
Hepatitis B (Hep B)	129,820,136	2	10	40	52	38	90
HIB	83,517,849		1	4	5	4	9
HPV	67,250,524	10	1	65	73	85	158
Influenza <sup>5</sup>	944,000,000	73	81	848	1,002	177	1,179
IPV	58,019,052			4	4	2	6
Measles	135,660			1	1		1
Meningococcal	58,412,363	1	2	24	27	4	31
MMR	73,441,556	17	14	56	87	74	161
MMR-Varicella	11,028,270	8		8	16	8	24
Nonqualified <sup>6</sup>	N/A			1	1	22	23
OPV	0	1			1	3	4

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Vaccine Alleged by Petitioner <sup>2</sup>	No. of Doses Distributed US CY 2006 - CY 2013 (Source: CDC) <sup>3</sup>	Compensable			Compensable Total	Dismissed/ Non-Compensable Total	Grand Total
		Concession	Court Decision	Settlement			
Pneumococcal Conjugate	132,932,107		1	5	6	13	19
Rotavirus	70,719,103	3	3	15	21	6	27
Rubella	422,548		1		1		1
Td	55,742,830	5	6	50	61	16	77
Tdap	155,106,848	19	7	87	113	14	127
TETANUS	3,836,052	3		18	21	11	32
Unspecified <sup>7</sup>	N/A	1		2	3	549	552
Varicella	90,425,492	3	6	23	32	10	42
<b>Grand Total</b>	<b>2,236,678,735</b>	<b>170</b>	<b>164</b>	<b>1,387</b>	<b>1,721</b>	<b>1,194</b>	<b>2,915</b>

### DEFINITIONS:

- Compensable – The injured person who filed a claim was paid money by the VICP. Compensation can be achieved through a concession by the Department of Health and Human Services (HHS), a decision on the merits of the claim by a special master or a judge of the United States Court of Federal Claims (Court), or a settlement between the parties.
  - Concession: HHS concludes that a petition should be compensated based on a thorough review and analysis of the evidence, including medical records and the scientific and medical literature. The HHS review concludes that the petitioner is entitled to compensation, including a determination either that it is more likely than not that the vaccine caused the injury or the evidence supports fulfillment of the criteria of the Vaccine Injury Table. The Court also determines that the petition should be compensated.
  - Court Decision: A special master or the court, within the United States Court of Federal Claims, issues a legal decision after weighing the evidence presented by both sides. HHS abides by the ultimate Court decision even if it maintains its position that the petitioner was not entitled to compensation (e.g., that the injury was not caused by the vaccine).
- For injury claims, compensable court decisions are based in part on one of the following determinations by the court:



- The evidence is legally sufficient to show that the vaccine more likely than not caused (or significantly aggravated) the injury; or
- The injury is listed on, and meets all of the requirements of, the Vaccine Injury Table, and HHS has not proven that a factor unrelated to the vaccine more likely than not caused or significantly aggravated the injury. An injury listed on the Table and meeting all Table requirements is given the legal presumption of causation. It should be noted that conditions are placed on the Table for both scientific and policy reasons.
- Settlement: The petition is resolved via a negotiated settlement between the parties. This settlement is not an admission by the United States or the Secretary of Health and Human Services that the vaccine caused the petitioner's alleged injuries, and, in settled cases, the Court does not determine that the vaccine caused the injury. A settlement therefore cannot be characterized as a decision by HHS or by the Court that the vaccine caused an injury. Claims may be resolved by settlement for many reasons, including consideration of prior court decisions; a recognition by both parties that there is a risk of loss in proceeding to a decision by the Court making the certainty of settlement more desirable; a desire by both parties to minimize the time and expense associated with litigating a case to conclusion; and a desire by both parties to resolve a case quickly and efficiently.
- Non-compensable/Dismissed – The injured person who filed a claim was ultimately not paid money.
  - Non-compensable Court decisions include the following:
    - The Court determines that the person who filed the claim did not demonstrate that the injury was caused (or significantly aggravated) by a covered vaccine or meet the requirements of the Table (for injuries listed on the Table).
    - The claim was dismissed for not meeting other statutory requirements (such as not meeting the filing deadline, not receiving a covered vaccine, and not meeting the statute's severity requirement).
    - The injured person voluntarily withdrew his or her claim.

<sup>1</sup>The date range for this table was selected to reflect the status of the current Program since the inclusion of influenza in July 2005, which now constitutes the majority of all VICP claims.

<sup>2</sup>This is the first vaccine listed by the petitioner in the claim, and other vaccines may be alleged or may form the basis of compensation.

<sup>3</sup>Vaccine doses are self-reported distribution data provided by US-licensed vaccine manufacturers. The data provide an estimate of the annual national distribution and do not represent vaccine administration. In order to maintain confidentiality of an individual manufacturer or brand, the data are presented in an aggregate format by vaccine type.

<sup>4</sup>Whole cell pertussis vaccines were not distributed during this time period.

<sup>5</sup>Flu doses are derived from CDC's FluFinder tracking system, which includes data provided to CDC by US-licensed influenza vaccine manufacturers as well as their first line distributors.

<sup>6</sup>Claims filed for vaccines which are not covered under the VICP.

<sup>7</sup>Insufficient information submitted by petitioner to make an initial determination. The concession was for multiple unidentified vaccines that caused abscess formation at the vaccination site(s), and the settlements were for multiple vaccines later identified in the Special Master's Decisions.