

INFORMATION PAPER

SUBJECT: Claims for Injury or Death Due to Vaccinations

1. **Purpose.** To provide general information regarding claims for injury or death due to vaccinations.

2. **Facts:**

a. Claims for injury or death due to the administration of vaccines by health care facilities are not compensable under the Military Claims Act, and the appropriate remedy for these claims are through the U.S. Court of Federal Claims, under the National Vaccine Injury Compensation Program (VICP), or the Countermeasures Injury Compensation Program (CICP).

b. The VICP was created by the National Childhood Vaccine Injury Act of 1986 (Public Law 99-660), and is a no-fault alternative to the traditional tort system for resolving vaccine injury claims that provides compensation to people found to be injured by certain vaccines. The VICP falls under the Division of Vaccine Injury Compensation, with the Healthcare Systems Bureau of the Health Resources and Services Administration, at the U.S. Department of Health and Human Services. More detailed information and a list of vaccines and associated injuries covered under the program can be found at: <http://www.hrsa.gov/vaccinecompensation/>.

c. The CICP was created by the Public Readiness and Emergency Preparedness Act (PREP Act) which is a part of the “Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act of 2006” (PL 109-148), and provides compensation to individuals for serious physical injuries or deaths from pandemic, epidemic, or security countermeasures identified in declarations issued by the Secretary pursuant to section 319F-3(b) of the Public Health Service Act (PHS Act) (42 U.S.C. 247d-6d). The CICP falls under the Health Resources and Services Administration at the U.S. Department of Health and Human Services. More detailed information and a list of countermeasures covered under the program can be found at: <http://www.hrsa.gov/countermeasurescomp/>.

d. 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.

e. Claims filed under VICP or CICP are filed directly with the U.S. Court of Federal Claims located in Washington DC. More detailed information regarding filing procedures, rules and forms, and opinions and decisions, can be found at: <http://www.uscfc.uscourts.gov/>.