

# The National Vaccine Injury Compensation Program (NVICP): A Brief History

Walter A. Orenstein, MD, DSc(Hon)  
Professor Emeritus  
Emory University

National Adult Immunization and Influenza Summit (NAIS)  
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## The Pertussis Vaccine

- Within months, *DPT: Vaccine Roulette* was shown in brief segments on many local and national news outlets including the Today Show.
- DTP Vaccine Roulette 1982 DOCUMENTARY - <https://altcensored.com/watch?v=f3F7IL6mws4>
- Dissatisfied Parents Together (DPT) was formed, a major anti-vaccine group.

## Law Suits Filed Against Vaccine Manufacturers by Year

Year	Number of Suits	Dollar Amount
1981*	3	\$25 million
1982	17	\$415 million
1983	41	\$655 million
1984	73	\$1.3 billion
1985**	219	\$3.2 billion
1986	255	National Childhood Vaccine Injury Act signed into law by President Ronald Reagan

\* The year BEFORE *DPT: Vaccine Roulette* aired

\*\* Despite doubling price of vaccine, amount claimed **exceeded sales by 30-fold**

Source: <https://pauloffit.substack.com/p/a-dangerous-time-for-americas-children-3bb>  
Accessed 18 May 2026

## Abandonment of Production by Vaccine Manufacturers in the US

**1980** – 18 pharmaceutical companies produced vaccines

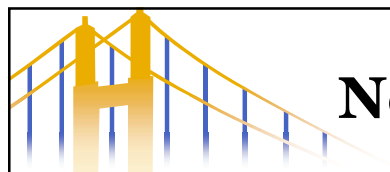
Within a few years, **ONLY 4** remained

**1986** - National Childhood Vaccine Injury Act signed into law by President Ronald Reagan

Source: <https://pauloffit.substack.com/p/a-dangerous-time-for-americas-children-3bb>  
Accessed 18 May 2026

## Goals of the Vaccine Injury Compensation Program

- Provide compensation for persons for which scientific data supported a role for causation in their adverse event
  - Persons who are vaccinated are not only trying to protect themselves. They are also helping to protect the community. Hence the community owes them compensation if they are injured by vaccines
  - Makes it easier for injured people to be compensated than through the traditional tort system
- Support manufacturers to stay in the market to continue to produce vaccines to prevent serious illnesses
  - To incentivize other manufacturers to enter the market



## No fault systems:

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- **Do not show:**
  - Negligence
  - Product defect
  - Other fault
- **Show:**
  - Causation
  - Damages

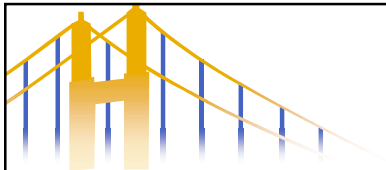
### Global landscape analysis of no-fault compensation programmes for vaccine injuries: A review and survey of implementing countries

Randy G. Mungwira , Christine Guillard, Adielia Saldaña, Nobuhiko Okabe, Helen Petousis-Harris, Edinam Agbenu, Lance Rodewald, Patrick L. F. Zuber

Published: May 21, 2020 • <https://doi.org/10.1371/journal.pone.0233334>

Article	Authors	Metrics	Comments	Media Coverage	Peer Review
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Source: Dorit Reiss, University of California



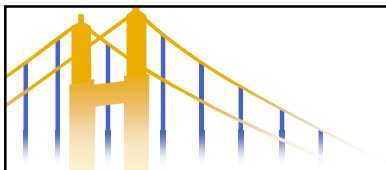
## Why no fault for vaccines?

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- Easier compensation.
- Fairness: public benefit.
- Increase vaccine confidence.
- Concerns: accountability and legal tools.



Source: Dorit Reiss, University of California



## Process:

[https://www.myvaccinelawyer.com/vaccine-injury-lawyer/resources/vaccine/vicp?utm\\_source=adwords&utm\\_medium=ppc&utm\\_term=vicp&utm\\_campaign=20192020+Vaccine+Campaign&hsa\\_acc=6279629756&hsa\\_kw=vicp&hsa\\_grp=179622247634&hsa\\_net=adwords&hsa\\_src=g&hsa\\_ad=739458714957&hsa\\_mt=b&hsa\\_ver=3&hsa\\_cam=6548094361&hsa\\_tgt=kwd-341440681&gad\\_source=1&gad\\_campaignid=22352095387&gbrad=0AAAAADLwtw9aV19kmlM7QJ\\_M7dhnBG69&gclid=Cj0KCQjwzOvEBhDVARisADHJR7fNvQiiY4m3\\_07HYDJ36yTLJKD3ciH\\_mpnviOCVjyCVzaUesZNEaArFMEALw\\_wcB](https://www.myvaccinelawyer.com/vaccine-injury-lawyer/resources/vaccine/vicp?utm_source=adwords&utm_medium=ppc&utm_term=vicp&utm_campaign=20192020+Vaccine+Campaign&hsa_acc=6279629756&hsa_kw=vicp&hsa_grp=179622247634&hsa_net=adwords&hsa_src=g&hsa_ad=739458714957&hsa_mt=b&hsa_ver=3&hsa_cam=6548094361&hsa_tgt=kwd-341440681&gad_source=1&gad_campaignid=22352095387&gbrad=0AAAAADLwtw9aV19kmlM7QJ_M7dhnBG69&gclid=Cj0KCQjwzOvEBhDVARisADHJR7fNvQiiY4m3_07HYDJ36yTLJKD3ciH_mpnviOCVjyCVzaUesZNEaArFMEALw_wcB)  
 Accessed 18 May 2026; sample private lawyer practice for VICP

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An individual files a petition with the U.S. Court of Federal Claims.



The U.S. Department of Health and Human Services (HHS) medical staff reviews the petition, determines if it meets the medical criteria for compensation and makes a preliminary recommendation.



The parties may begin settlement discussions at this time, or HHS could choose to defend the case if they believe it does not qualify for compensation.



If HHS chooses to defend the case, sometimes the parties will retain medical experts to support their side, and in a rare case, petitioners can go to a hearing in front of a Special Master.



If the case is decided in favor of the petitioner, the Court orders the U.S. Department of Health and Human Services to award compensation.

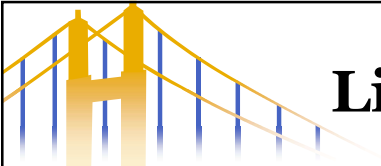


The special master's decision may be appealed and petitioners who reject the decision of the court (or withdraw their petitions within certain timelines) may file a claim in civil court against the vaccine company and/or the health care provider who administered the vaccine.

**NOTES:**

- Attorney must be specifically admitted to practice before the US Court of Federal Claims (USCFC)
- Standard state bar admissions or local personal injury licenses do NOT apply
- Complex Science & Law – operates differently than typical tort or medical practice laws
- Cases governed by "Vaccine Injury Table" and require in-depth understanding complex medical & scientific evidence

Source: Dorit Reiss, University of California



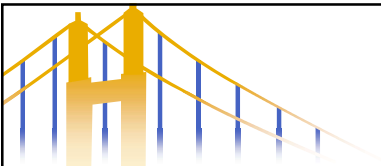
## Limits:

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- Covered vaccine
  - ACIP (Advisory Committee of Immunization Practices) recommended for children or in pregnancy
  - Added to Vaccine Injury Table by secretary
- Within statute of limitations:
  - Injury: filed within 36 months of first symptom or injury
  - Death: 24 months or 48 months after first symptom that led to death
- Severe condition for six months, or hospitalization, or death
- Deadlines are strict

<https://www.hrsa.gov/vaccine-compensation>  
Accessed 18 May 2026


Source: Dorit Reiss, University of California



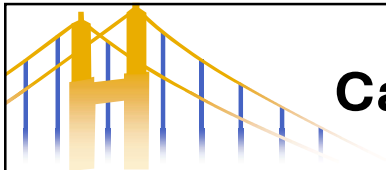
## What do petitioners need to show?

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- Causation
- Damages
- Lawyer fees



Source: Dorit Reiss, University of California



## Causation:

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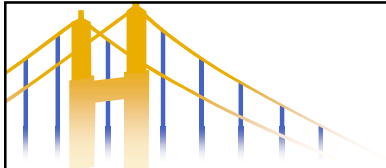
Two ways to show causation:

- **Table injury**  
<https://www.hrsa.gov/sites/default/files/hrsa/vicp/vaccine-injury-table-01-03-2022.pdf>
- **Off-table injury: Althen**

Vaccine	Illness, disability, injury or condition covered	Time period for first symptom or manifestation of onset or of significant aggravation after vaccine administration
I. Vaccines containing tetanus toxoid (e.g., DTaP, DTP, DT, Td, or TT)	A. Anaphylaxis	≤4 hours.
	B. Brachial Neuritis	2-28 days (not less than 2 days and not more than 28 days).
	C. Shoulder Injury Related to Vaccine Administration	≤48 hours.
	D. Vasovagal syncope	≤1 hour.
II. Vaccines containing whole cell pertussis bacteria, extracted or partial cell pertussis bacteria, or specific pertussis antigen(s) (e.g., DTP, DTaP, P, DTP-Hib)	A. Anaphylaxis	≤4 hours.
	B. Encephalopathy or encephalitis	≤72 hours.
	C. Shoulder Injury Related to Vaccine Administration	≤48 hours.
	D. Vasovagal syncope	≤1 hour.

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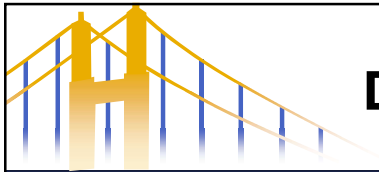
Source: Dorit Reiss, University of California



## Althen v. Secretary of Health and Human Services (2005)

“[show] by preponderant evidence that the vaccination brought about her injury by providing: (1) a medical theory causally connecting the vaccination and the injury; (2) a logical sequence of cause and effect showing that the vaccination was the reason for the injury; and (3) a showing of a proximate temporal relationship between vaccination and injury”

Source: Dorit Reiss, University of California



## Damages:

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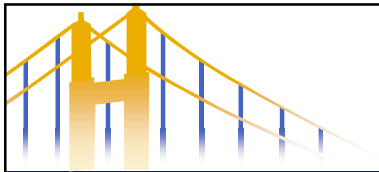
### Included:

- Non-reimbursable medical expenses;
- Lost wages;
- Pain & suffering (capped at \$250,000);
- Death Benefit (\$250,000) and incurred expenses;
- Reimbursement of related Medicaid Lien
- Reasonable attorney fees and cost (even if lost)

### Not included:

- Punitive damages
- Lost wages or pain and suffering for anyone but the injured person
- Expenses for others (except for parents of an injured child)

Source: Dorit Reiss, University of California



## Lawyer fees and costs:

- “Reasonable” fees and costs
- Even if lose, if reasonable basis to bring
  - What’s unreasonable?
  - Timing
  - Content of case

NVICP Awards Paid: Fiscal Year (FY) 1989 to 2018

Fiscal Year	Number of Compensated Awards	Petitioners' Award Amount	Attorneys' Fees/Costs Payments	Number of Payments to Attorneys (Dismissed Cases)	Attorneys' Fees/Costs Payments (Dismissed Cases)	Number of Payments to Interim Attorneys'	Interim Attorneys' Fees/Costs Payments	Total Outlays
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	\$65,880,493.16	\$2,364,758.91	30	\$496,809.21	0	\$0.00	\$68,247,061.28
FY 1992	130	\$94,538,071.30	\$3,001,927.97	118	\$1,212,677.14	0	\$0.00	\$97,750,401.41
FY 1993	161	\$119,638,267.87	\$3,262,463.98	273	\$2,502,273.06	0	\$0.00	\$122,400,741.91
FY 1994	158	\$98,151,900.08	\$3,571,179.67	335	\$3,166,527.38	0	\$0.00	\$101,718,627.43
FY 1995	169	\$104,085,265.72	\$3,670,328.44	219	\$2,258,578.45	0	\$0.00	\$106,943,811.61
FY 1996	163	\$100,425,325.22	\$3,118,678.57	214	\$2,343,676.10	0	\$0.00	\$103,547,024.34
FY 1997	179	\$113,620,171.88	\$3,898,284.77	142	\$1,879,418.14	0	\$0.00	\$117,517,070.75
FY 1998	163	\$127,543,312.89	\$3,885,674.78	123	\$1,955,365.57	0	\$0.00	\$131,428,952.14
FY 1999	96	\$55,917,880.51	\$2,799,910.85	117	\$2,306,957.40	0	\$0.00	\$58,214,848.46
FY 2000	136	\$125,945,195.64	\$4,112,369.02	80	\$1,724,451.08	0	\$0.00	\$130,767,515.74
FY 2001	96	\$105,878,632.57	\$3,336,788.81	58	\$2,103,291.74	0	\$0.00	\$109,114,921.32
FY 2002	80	\$55,799,854.39	\$2,853,568.89	50	\$556,244.79	0	\$0.00	\$58,653,668.07
FY 2003	65	\$82,816,240.07	\$3,147,755.12	69	\$1,545,654.87	0	\$0.00	\$84,363,904.99
FY 2004	57	\$61,933,764.20	\$3,079,328.55	69	\$1,198,615.96	0	\$0.00	\$63,132,380.71
FY 2005	64	\$55,065,797.01	\$2,694,664.03	71	\$1,790,587.29	0	\$0.00	\$56,856,384.33
FY 2006	68	\$48,746,162.74	\$2,441,169.02	54	\$1,353,632.61	0	\$0.00	\$50,197,801.37
FY 2007	62	\$91,440,433.88	\$4,034,154.37	61	\$1,892,026.25	0	\$0.00	\$95,532,614.50
FY 2008	141	\$75,716,552.06	\$5,191,770.83	74	\$2,531,394.20	2	\$117,265.31	\$80,555,982.40
FY 2009	131	\$74,142,490.58	\$5,404,711.98	36	\$1,557,139.53	28	\$4,241,362.55	\$80,347,604.64
FY 2010	173	\$179,387,341.30	\$5,961,744.40	59	\$1,933,550.09	22	\$1,978,803.88	\$187,280,439.67
FY 2011	251	\$276,319,424.47	\$9,572,042.87	403	\$5,589,417.19	28	\$2,001,770.91	\$283,480,659.44
FY 2012	248	\$160,589,709.81	\$9,141,518.25	1,020	\$8,591,967.64	37	\$5,420,257.99	\$183,743,453.69
FY 2013	375	\$254,666,326.70	\$13,543,099.70	704	\$7,012,615.42	50	\$1,423,851.74	\$276,643,886.56
FY 2014	365	\$202,084,196.12	\$12,161,422.64	508	\$6,824,566.68	38	\$2,493,460.73	\$223,563,646.17
FY 2015	508	\$204,137,880.22	\$14,464,063.71	119	\$3,567,690.32	50	\$3,089,497.88	\$225,258,101.93
FY 2016	689	\$230,140,251.20	\$16,298,140.59	103	\$2,761,910.68	58	\$3,398,557.26	\$252,596,859.73
FY 2017	706	\$252,245,932.78	\$22,045,785.00	133	\$4,513,355.82	52	\$3,363,464.24	\$282,168,537.84
FY 2018	521	\$199,588,007.04	\$16,689,908.68	116	\$5,190,318.37	57	\$4,999,766.30	\$226,468,000.39

Source: <https://www.hrsa.gov/sites/default/files/hrsa/vicp/vicp-stats-03-01-26.pdf>  
Accessed 18 May 2026

Source: Dorit Reiss, University of California

## NVICP: Does not cover COVID-19

File with Countermeasures Injury Compensation Program (CICP)

Source: <https://www.hrsa.gov/cicp>

Accessed 18 May 2026

## Recent Events Raise Red Flags

- Recently, however, threats to the balance of incentives and disincentives
  - Lack of predictability of and threats to demand (e.g., changes to HHS, CDC, FDA, ACIP processes, actions, rhetoric undermining public confidence and uptake)
  - Ongoing actions and rhetoric that enhance uncertainty and risks from liability
    - e.g. changes to Advisory Commission on Childhood Vaccines (ACCV), changes in CDC web statement concerning autism and vaccines, activists seeking control of safety databases
    - Possible risk of non science based major class action or multiple lawsuits, of CDC and/or ACCV supporting claims that autism or another common disease is caused by vaccines. “Back of envelope” 5.4 mill Americans w/autism, award of just 100k/each could total \$ 540 b (>20 years of all vaccine sales, and >100 x current VICP trust fund).
  - Playing with Fire: Such risks already may be affecting investment and innovation
    - Statements and actions of VC and pharma (e.g. Moderna abandoning late stage ID trials)

Source: Jesse Goodman, Georgetown

## Some Remaining Challenges

- Vaccines recommended only for adults (e.g., Zoster Vaccines) not automatically covered
- Caps on funds available may need to be raised (e.g., pain and suffering compensation based on 1986 cost of living data)
- Need for more special masters