

About The Vaccine Injury Compensation Program

Part 1

By Paul Brazil, Vaccine Attorney at Muller Brazil LLP – Myvaccinelawyer.com

As an attorney focusing my practice on representing people injured by vaccines, I am well-versed in the vaccine claims process. Unfortunately, many people are not even aware that there is a legal recourse for such vaccine-related injuries. The law provides only three years from the start of symptoms to file a claim, and unfortunately clients often call when it is too late. Usually they inform me that they did not even know about this program. It is our goal to change this by spreading the word about the vaccine claims program. It is a fact that vaccines can hurt people. The Vaccine Compensation Trust Fund was created solely to compensate such people who are afflicted with injuries, conditions, or reactions after receiving vaccines.

The Vaccine Injury Compensation Program ("VICP") is a Federal program created to provide compensation to people found to be injured by certain vaccines. The VICP was created by Congress in 1986 as a no-fault alternative to the traditional tort system for resolving vaccine injury claims. "No-fault" is a legal term which means the plaintiff need not prove negligence, recklessness, willfulness, or any other "fault." Rather, the plaintiff need prove only that a vaccine *caused* the injuries; whether the vaccine was created, manufactured, administered or stored negligently is irrelevant.

A vaccine claim is not a traditional lawsuit in that a plaintiff does not sue the vaccine manufacturer or the doctor - it is not a medical malpractice suit or a defective product suit. Rather, the compensation is awarded from the Vaccine Injury Compensation Program Trust Fund. The Trust Fund is funded by a \$0.75 excise tax paid by vaccine manufacturers. The excise tax is imposed on each dose of a vaccine made. The fund is administered by the federal government, namely the Department of Health and Human Services. Monetary damages for vaccine injury victims, as well as attorneys' fees and costs, are paid by the trust fund. This is another aspect of the program that sets it apart from traditional injury lawsuits- the plaintiff keeps all of his or her settlement or award without owing any percentage to the attorney. The [fund](#) changes monthly and is currently over 3 billion dollars.

Vaccine injury claims are filed in the United States Court of Federal Claims in Washington, D.C. where they are heard by a special master rather than a judge. A lawyer from the Department of Justice, who represents the Secretary of Health and Human Services, will defend the case. If the special master finds that the individual suffered a vaccine injury, compensation will be awarded for the injured person's past and future medical needs, future lost wages, and past and future pain and suffering.

What vaccines are covered by the Vaccine Injury Compensation Program?

Not all vaccines are covered by the VICP. In order to bring a claim, you must have suffered an injury, allergic reaction, disease or condition after receiving one of the following vaccines:

- Diphtheria, tetanus, pertussis (DTP, DTaP, Tdap, DT, Td, or TT)
- Haemophilus influenzae type b (Hib)
- Hepatitis A (HAV)
- Hepatitis B (HBV)
- Human papillomavirus (HPV)
- Influenza (TIV, LAIV) [given each year]
- Measles, mumps, rubella (MMR, MR, M, R)
- Meningococcal (MCV4, MPSV4)
- Polio (OPV or IPV)
- Pneumococcal conjugate (PCV)
- Rotavirus (RV)
- Varicella (VZV)
- Additional vaccines may be added in the future

In addition to receiving one of the above vaccines, 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.

In Part 2 of this series, I will explain the concept of "Table Injuries." To contact the author, please email pbrazil@mullerbrazil.com

About the Author

Paul Brazil is a vaccine attorney with offices in Philadelphia, Pennsylvania. His law firm, Muller Brazil LLP, focuses its practice on representing people injured by vaccines including influenza, hepatitis B, tetanus, varicella, and countless others. Mr. Brazil is making a concerted effort to educate people who have been harmed by vaccines – "Unfortunately many people are unaware of their options and potential right to compensation. The VICP exists for their benefit, and the more people that know that the better." For more information on the Vaccine Injury Compensation Program (VICP) please visit myvaccinelawyer.com

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