

The National Vaccine Injury Compensation Program: Relief for Children and Others Who Have a Bad Reaction To a Vaccination

Although it is not a common occurrence, sometimes people, especially young children, experience adverse reactions to vaccinations that result in serious and permanent injuries or even death.

If you, your child, or another loved one has had an adverse reaction as a result of a vaccine, compensation may be available to you, at no cost, from the National Vaccine Injury Compensation Program.

The National Vaccine Injury Compensation Program (the NVICP) was established in 1988 for the purpose of compensating individuals who have been injured as a result of the administration of a vaccine. The NVICP may pay for the medical and other expenses associated with the injury, and may also award compensation for the pain and suffering endured as a result of a bad reaction to a vaccination.

To receive compensation from the NVIC Program, several things must occur:

1. First, it must be established that the injury was caused by a vaccine. This can be established in one of two ways: by presumption or by proof. If the injury is identified on the Vaccine Injury Compensation Table as one of the types of injuries recognized as being potentially caused by the administration of a particular vaccine, and if the injury occurred within the time frame identified on the Table, then there is a presumption that the injury was caused by the vaccine. If the injury is not identified on the Table or has not occurred within the time frame identified on the Table, it still may be possible to prove the vaccine caused the injury by offering the opinion of a qualified expert witness who has concluded that there is a connection between the vaccine and the injury
2. If a presumption exists or an expert opines that an injury was caused by the administration of a vaccine, a Petition for compensation may be filed with the United States Court of Federal Claims. This court is the only court that hears vaccine claims, and it will determine whether the claim is one for which compensation will be allowed.
3. There are specific procedures which must be followed in filing a claim under the National Vaccine Injury Compensation Program. Specifically, the claim must be filed within a certain time frame; it must have all of the required medical records included with the filing, and it must be either a presumed vaccine injury or be supported by the affidavit of an expert witness who has opined that the injury was caused by a vaccine.

4. If your claim is not challenged, i.e., if the government concedes the injury was caused by the vaccine, or if, as a result of the litigation process, the court determines the vaccine did cause the injury, the court will deem the claim to be meritorious, and the next step is to determine the damages to be awarded.
5. Damages that may be awarded through the Vaccine Injury Compensation Program include:
 - Past medical expenses;
 - Future medical expenses, including the cost of physicians, medications, medical equipment, therapies, etc.;
 - Other out-of-pocket expenses necessitated by the injury, such as equipment to modify a home, etc.;
 - Lost wages;
 - Pain and suffering;
 - Funeral and related expenses in the case of a wrongful death; and
 - Attorney fees and expenses to pursue the claim.