

The CICP:

The Countermeasures Injury Compensation Program



What is it?

The CICP was established by the Public Readiness and Emergency Preparedness Act of 2005 (PREP Act), 42 U.S.C. § 247d-6e. Countermeasures are vaccines, antivirals, drugs, biologics, or medical devices used to diagnose, prevent, or treat, a declared **pandemic, epidemic, or security threat**. This Federal program was designed to provide benefits for serious injuries that occur as a result of the administration or use of a covered countermeasure. Some examples of Public Health Threats include:

*Covid-19

*Ebola

*Smallpox

*Anthrax

How does it work?

First the Secretary of Health determines that a specific disease, condition, or threat represents a public health emergency, or the risk of a future public health emergency. In that event, a recommendation can be made by the Secretary for the manufacture, testing, development, distribution, or use of a countermeasure. The covered countermeasure will be distributed under a Federal granted liability protection, meaning the Manufacturer cannot be held liable for any damages caused by the countermeasure. The CICP program consists of:

- A Table List of injuries will be established, these are “On Table” injuries that have been determined to be caused by the countermeasure, and the period of time in which onset of these injuries must occur after administration. A person requesting compensation for a covered injury must establish that a covered injury occurred within the time interval defined.
- Non-Table injuries are any injuries that are not included on the Countermeasures Table. Anyone requesting compensation for a non-table injury must demonstrate that the injury occurred as a direct result of the administration of a countermeasure. Such proof “must be compelling, reliable, valid, with medical and scientific evidence.” Temporal association alone is not sufficient.

Injured parties have **ONE YEAR** from the date of administration of a countermeasure to file a request for benefits.

An injured party must submit a Request for Benefits form to the CICP, OR a Letter of Intent, within one year of receiving the countermeasure. If a Letter of Intent is filed, must still file Request for Benefits, however a Letter of Intent is sufficient to establish the one year deadline.

Unlike the Vaccine Injury Compensation Program, there is no court or hearing for a CICP claim. Claims are reviewed within the CICP and judgement is issued.

What benefits are available?

Eligible individuals may be issued payment or reimbursement for:

- “Reasonable and necessary” medical services to diagnose or treat injury
- Medical services to prevent complications resulting from an injury, as described in [§ 110.31](#).
- Lost employment income incurred as a result of injury as described in [§ 110.32](#).
- Death benefits to certain survivors if the Secretary determines that the death of the injured countermeasure recipient was the direct result of a covered injury, as described in [§ 110.33](#).

In general, the benefits paid under the Program, are secondary to any obligation of any third-party payer to provide or pay for such benefits. The benefits available under the CICP usually will be paid only after the requester has in good faith attempted to obtain all other available coverage from all third-party payers with an obligation to pay for or provide such benefits (*e.g.*, medical insurance for

medical services or items, workers' compensation program(s) for lost employment income). However, as provided in [§ 110.84](#), the Secretary has the discretion to pay benefits under this Program before a potential third-party payer makes a determination on the availability of similar benefits and has the right to later pursue a claim against any third-party payer with a legal or contractual obligation to pay for, or provide, such benefits.

How many claims have been paid out?

From 2010 to 2020 there were 499 injury claims filed. Of those, only 29 have been compensated. An additional 10 qualified, however there were no expenses filed so no compensation was paid.

Who is eligible to file a claim?

- Injured countermeasure recipients, as described in [§ 110.3\(n\)](#);
- Survivors, as described in [§ 110.3\(cc\)](#) and [§ 110.11](#); or
- Estates of deceased injured countermeasure recipients through individuals authorized to act on behalf of the deceased injured countermeasure recipient's estate under applicable State law (*i.e.*, executors or administrators).

If a countermeasure recipient dies, his or her survivor(s) and/or the executor or administrator of his or her estate may file a new Request Package (or Request Package(s)) or amend a previously filed Request Package. A new Request Package may be filed whether or not a Request Package was previously submitted by, or on behalf of, the deceased injured countermeasure recipient, but must be filed within the filing deadlines described in [§ 110.42](#). Amendments to previously filed Request Packages and the filing deadlines for such amendments are described in [§ 110.46](#).

The benefits available to different categories of requesters are described in [§ 110.30](#).

How do I file?

A Request Package comprises all the forms and documentation that are submitted to enable the Secretary to determine eligibility and calculate benefits. Request Packages may be submitted through the U.S. Postal Service, commercial carrier, or private courier service. The Countermeasures Injury Compensation Program will not accept Request Packages that are hand-delivered. Electronic submissions are not currently accepted, but may be in the future. The Program will publish a notice if electronic filing becomes available. Requesters (or their representatives) should send all forms and documentation to the Countermeasures Injury Compensation Program, Healthcare Systems Bureau, Health Resources and Services Administration, Parklawn Building, Room 11C-26, 5600 Fishers Lane, Rockville, MD 20857. All documentation to the Program must include the case number once one has been assigned to the requester.

- Copies of all necessary forms and instructions will be available:
 - By writing to the Countermeasures Injury Compensation Program, Healthcare Systems Bureau, Health Resources and Services Administration, Parklawn Building, Room 11C-26, 5600 Fishers Lane, Rockville, MD 20857.
 - By calling 1-888-ASK-HRSA. This is a toll-free number.
 - By downloading them from the Internet at <http://www.hrsa.gov/countermeasurescomp/>. Click on the link to "Forms and Instructions."

Before reviewing a Request for Benefits, the Secretary will assign a case number to the Request for Benefits and so inform the requester (or his or her representative) in writing. All correspondence to the requester (or his or her representative) about a specific Request for Benefits will be referenced by this case number.

What documentation do I need to include?

In order to determine whether an injured countermeasure recipient sustained a covered injury, a requester must arrange for his or her medical providers to submit to the Program the following medical records, as defined in [§ 110.3\(p\)](#):

- All medical records documenting medical visits, procedures, consultations, and test results that occurred on or after the date of administration or use of the covered countermeasure; and
- All hospital records, including the admission history and physical examination, the discharge summary, all physician subspecialty consultation reports, all physician and nursing progress notes, and all test results that occurred on or after the date of administration or use of the covered countermeasure; and
- All medical records for one year prior to administration or use of the covered countermeasure as necessary to indicate an injured countermeasure recipient's pre-existing medical history.

The Secretary has the discretion to require additional records to establish that an injury was sustained as a result of the countermeasure. Any medical records submitted should be submitted from the Healthcare Provider. If your Provider is unable to submit the records, the Secretary has the discretion to accept or reject you submitting them yourself.

Submission should include the following:

An injured countermeasure recipient (or his or her legal or personal representative) must submit all of the following documentation in order for the Secretary to make a determination of eligibility:

- A completed and signed Request Form submitted within the filing deadline described in [§ 110.42](#); and
- Records sufficient to demonstrate that the injured countermeasure recipient used or was administered a covered countermeasure; and
- Records sufficient to demonstrate that the injured countermeasure recipient sustained a covered injury, as defined in [§ 110.3\(g\)](#), in accordance with the requirements set forth in [§ 110.50](#); and
- A copy of each signed Authorization for Health Information Form authorizing the release of records to the Program that was sent by the requester to each healthcare provider instructing that the records be submitted directly to the Program.

If you are found to be eligible for compensation, you will be required to submit additional documentation showing amount of income lost, medical services provided, medical services need, and any 3rd party payers if applicable.

If you are denied eligibility, you have the right to seek reconsideration of the Secretary's determination. Request for reconsideration must be made in writing within 60 calendar days of the decision. However, no new documentation will be considered.

What if I was denied, do I have any recourse?

In short- **No.**

Under section 319F-4(b)(4) of the PHS Act ([42 U.S.C. 247d-6e\(b\)\(4\)](#)) (referencing section 262 of the PHS Act ([42 U.S.C. 239a](#))), no judicial review of the Secretary's actions concerning eligibility and benefits determinations under this part (including, but not limited to, determinations concerning eligibility, the type or amount of benefits, and the method of payment of benefits) is permitted. In addition, no further administrative review of such actions are permitted unless the President specifically directs otherwise.

Under section 319F-4(b)(5)(c) of the PHS Act ([42 U.S.C. 247d-6e\(b\)\(5\)\(c\)](#)), no judicial review of the Secretary's actions in establishing or amending a Table (or Tables) for purposes of this part (which include, but are not limited to, identifying injuries on a Table (or choosing not to identify injuries on a Table), establishing time-frames or definitions for Table injuries, and amending a Table) is permitted.

Sources: [eCFR :: 42 CFR Part 110 -- Countermeasures Injury Compensation Program](#) : [Appendix D Vaccine Safety Pink Book \(cdc.gov\)](#)