

What Happens if Something Goes Wrong after You Receive a COVID Vaccine?

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Region: [USA](#)

Theme: [Law and Justice](#), [Science and Medicine](#)

The bottom line is that if you are injured by a vaccine or other “countermeasure” designated by the DHHS Secretary as intended for a pandemic or bioterrorism threat (Covid-19, Pandemic Flu, Anthrax, Smallpox) your options for receiving any financial benefit are very limited.

First, everyone involved with getting the vaccine to you has had their liability waived under the PREP Act. This includes everyone from the government planners of the vaccine program down to the doctor, nurse or even pharmacy intern who injects you. None can be sued in federal or state court, unless they wilfully tried to harm you. And it is virtually impossible to show wilfull misconduct.

Congress did create a program to compensate some victims, but it is [much less generous](#) than the National Vaccine Injury Compensation Program (NVICP). (And no one ever accused the NVICP of being generous.). It is called the [Countermeasures Injury Compensation Program](#) (CICP).

It is entirely administered within the Department of Health and Human Services, the same agency that sponsored the vaccine program. There are no judges. If you are dissatisfied with the decision, the only appeal is to DHHS, where your case is reviewed by different employees. DHHS is the payor, too. DHHS therefore essentially acts as the judge, jury, and defendant. Unsurprisingly, only about 9% of people who applied to the program received any funds. Of the 446 claimants to the program, 407 were denied.

Unlike the NVICP, the CICP does not pay any attorney fees, expert witness fees or costs associated with filing a claim. When I spoke to Dr. Caserta, the program’s prior director, the maximum payout, even for a death or permanent disability, was \$250,000 per person.

Dr. Caserta told me the CICP was a “payor of last resort”—which meant that if the claimant had other sources of funds, such as from insurance policies, that CICP would only pay the difference. In other words, if you had a disability policy that paid out \$150,000, that amount would be deducted from the maximum payout you could receive from the CICP.

The CICP has a one year statute of limitations. This has been very tough on claimants, because most people are unaware the program exists, and therefore have been barred from filing because more than a year has elapsed since they were injured.

And there is another big problem with claims for injuries from Covid vaccines: nobody knows exactly what the serious injuries are, nor how to identify them with certainty. DHHS is

responsible for defining what types of injuries may be caused by each product. Will they acknowledge that the injury you suffered could be caused by the vaccines they sponsored? Will they do it in time for that one year statute of limitations? Will they ever do it?

If you become injured after receiving a designated “countermeasure” vaccine, do not anticipate that you will get help from the government nor from the manufacturers. Please inform yourself of the benefits and risks beforehand.

The Congressional Research Service explains the way the system works in detail, focusing on the “sweeping” liability immunities that characterize the program, in a booklet published in September, titled, “[The PREP Act and Covid-19: Limiting Liability for Medical Countermeasures](#)”

Let the buyer beware.

UPDATE: On December 7 I got a call back from Mr. Dale Mishler at the CICP. He would not tell me if there was a specific cap on benefits, nor the maximal amount that has so far been paid out for an injury. He told me I would have to FOIA for the information, although the CICP website was under design and in several weeks I could probably find the information there. (It is [known](#) that the average benefit paid to 39 recipients since 2010 has been \$146,000.)

Mr. Mishler also told me that the CICP now follows the [Public Safety Officers Benefits program](#) managed by the DOJ. The PSOB appears to provide a maximal benefit of \$370,000 for those injured on or after October 1, 202. However, the description of the program on the PSOB website is vague.

According to [Reuters](#):

An HRSA spokesman said the CICP denies claims for a variety of reasons, including the legal requirement there be “compelling” scientific evidence that a vaccine directly caused injury. CICP only covers medical costs and lost income not covered by others, such as private health insurance.

Isn't it ironic that experimental vaccines rushed out under emergency use, with extremely short clinical trials, are unlikely to yield the “compelling” evidence of vaccine causality within the one year statute of limitations?

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