

Subpart J—Reconsideration of the Secretary's Determinations

110.90 Reconsideration of the Secretary's eligibility and benefits determinations.

110.91 Secretary's review authority.

110.92 No additional judicial or administrative review of determinations made under this part.

Subpart K—Covered Countermeasures Injury Tables

110.100 Injury Tables.

AUTHORITY: 42 U.S.C. 247d-6e.

SOURCE: 75 FR 63675, Oct. 15, 2010, unless otherwise noted.

Subpart A—General Provisions

§ 110.1 Purpose.

This part implements the Public Readiness and Emergency Preparedness Act (PREP Act), which amended the Public Health Service Act (herein after "PHS Act" or "the Act") by including section 319F-3, and section 319F-4 entitled "Covered Countermeasure Process." Section 319F-4 of the PHS Act directs the Secretary of Health and Human Services, following issuance of a declaration under section 319F-3(b), to establish procedures for the Countermeasures Injury Compensation Program (herein after "CICP" or "the Program") to provide medical and lost employment income benefits to certain individuals who sustained a covered injury as the direct result of the administration or use of a covered countermeasure consistent with a declaration issued pursuant to section 319F-3(b), or in the good faith belief that administration or use of the covered countermeasure was consistent with a declaration. Also, if the Secretary determines that an individual died as a direct result of a covered injury, the Act provides for certain survivors of that individual to receive death benefits.

§ 110.2 Summary of available benefits.

(a) The Act authorizes three forms of benefits to, or on behalf of, requesters determined to be eligible by the Secretary:

(1) Payment or reimbursement for reasonable and necessary medical services and items to diagnose or treat a

covered injury, or to diagnose, treat, or prevent its health complications, as described in § 110.31.

(2) Lost employment income incurred as a result of a covered injury, as described in § 110.32.

(3) 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.

(b) 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.

§ 110.3 Definitions.

This section defines certain words and phrases found throughout this part.

(a) *Act* or *PHS Act* means the Public Health Service Act, as amended.

(b) *Alternative calculation* means the calculation used in § 110.82(c) of this part for the death benefit available to dependents younger than 18 years old at the time of payment.

(c) *Approval* means a decision by the Secretary or her designee that the requester is eligible for benefits under the Program.

(d) *Benefits* means payments and/or compensation for reasonable and necessary medical expenses or provision of services described in § 110.31, lost employment income described in § 110.32, and/or payment to certain survivors of death benefits described in § 110.33.