

Clinician Liability Guide: Impacts of the New Federal Childhood Immunization Schedule

Takeaways on Clinician Liability

- **Refer to Professional Consensus:** Clinicians should continue to look to widely accepted, science-based recommendations when counseling patients.
- **VICP Protections Remain:** No changes have been made to the Vaccine Injury Table or the list of vaccines covered by the VICP, including those in the shared decision-making category.
- **Documentation is Critical:** The VICP does not replace the requirement for informed consent or thorough clinical documentation; both remain essential for liability protection.
- **Reporting and Referral Duty:** Clinicians must report adverse events to VAERS and should refer patients to HRSA for information on the VICP compensation process.

What are the recent changes?

- On January 5, 2026, HHS announced [changes to the CDC U.S. childhood and adolescent immunization schedule](#). These changes follow a [Presidential Memorandum](#), representing a shift from previous recommendations being provided by the Advisory Committee on Immunization Practices (ACIP).
- Read [here](#) for more information about the changes.

Do the recent changes to the federal childhood immunization schedule impact clinician liability?

- New federal vaccine recommendations are not legal mandates and do not, by themselves, change the standard of care against which liability is judged, nor has HHS changed which vaccines are covered by the VICP.
- Courts generally look to a combination of state and federal guidance, professional society recommendations, and peer-reviewed data to determine if a clinician met their duty of care.

Are there liability risks associated with following an immunization schedule that differs from the CDC's recommendations?

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- A clinician's primary legal duty is to provide care consistent with current medical evidence. This duty is to the patient and is informed by peer-reviewed clinical studies, state and federal health guidelines, and evidence-based recommendations from professional societies.
- The standard of care is a benchmark determined by the broader medical community's expertise and accepted practices, not by a single organization or federal agency. Federal recommendations are an important reference, but they are not a legal mandate.
- Incorporating widely accepted, science-based recommendations when counseling patients, and documenting that choice in the patient's record, generally demonstrates that you are meeting your professional duty to the patient. You do not violate the standard of care simply by considering professional guidelines that differ from the CDC's.

- **Regardless of how a vaccine is categorized, informed consent remains required.** Legal risk in vaccine cases typically arises when a provider fails to communicate risks, document consent, or follow accepted practice — not simply because recommendations changed.

What is the Vaccine Injury Compensation Program (VICP)?

- VICP is a no-fault program that compensates individuals for rare vaccine-related injuries or deaths. Covers most childhood vaccines recommended by CDC.
- The VICP provides a no-fault alternative to the traditional legal system, ensuring families have an accessible path to compensation for rare injuries without the burden of proving provider negligence; by requiring that claimants first exhaust this administrative process before pursuing civil litigation, the program also stabilizes vaccine access and limits malpractice exposure.
- To maintain protections from the VICP, clinicians must provide and document the appropriate Vaccine Information Statement (VIS) before vaccination, maintain accurate immunization records, and report adverse events to the Vaccine Adverse Event Reporting System (VAERS).

Will vaccines under the shared clinical decision-making category be covered by VICP?

- Yes, all of the vaccines that, until recently, were universally recommended by the federal government are [still covered](#) by VICP, including those that now fall under the shared clinical decision-making category. There have been no recent changes to the injury tables to date.