

The BPHC Newly Funded TA Web Guide Resources for New and Existing Grantees

Developed by:

The U.S. Department of Health and Human Services (HHS)
Health Resources and Services Administration (HRSA)
Bureau of Primary Health Care (BPHC)
Office of Training and Technical Assistance Coordination (OTTAC)

The BPHC Newly Funded TA Web Guide is a self assessment tool designed to help new BPHC grantees provide high-quality primary health care from the day they open their doors for business. The Guide is a central hub for links to HRSA-approved templates, information pages, and policy documents, and many other resources. The intent of the Web Guide is to help Health Center grantees improve their quality and efficiency, work within Health Center Program Requirements, and access Federal policies, programs and resources intended for the specific needs of Health Centers.

This document is a printable version of a portion of the content available on the Web Guide. It was developed by the BPHC Office of Training and Technical Assistance Coordination and is hosted at:
<http://bphc.hrsa.gov/technicalassistance/index.html>

1d. Federal Tort Claims Act

What is the Federal Tort Claims Act (FTCA)?

The Federally Supported Health Centers Assistance Act of 1992 and 1995 granted medical malpractice liability protection through the Federal Tort Claims Act (FTCA) to HRSA-supported health centers. Under the Act, health centers are considered Federal employees and are immune from lawsuits, with the Federal government acting as their primary insurer.

Overview

Since its enactment in 1946, the Federal Tort Claims Act (FTCA) has been the legal mechanism for compensating people who have suffered personal injury by the negligent or wrongful action of employees of the U.S. government. Under Section 224 of the Public Health Service Act, as amended by the Federally Supported Health Centers Assistance Act of 1992 and 1995, employees of eligible health centers may be deemed to be Federal Employees qualified for protection under the FTCA. Eligible health centers must submit an original deeming and annual renewal deeming application to BPHC. FTCA coverage is not assured from year to year. Each year, health centers are approved after they demonstrate that they meet all the requirements of the FTCA program.

There is no cost to participating health centers or their providers, and they are not liable for any settlements or judgments that are made. The Federal Government assumes responsibility for these costs. Covered individuals (i.e., governing board members, officers, employees, and certain individual contractors) are considered Federal Employees immune from suit for covered activities. Covered activities are acts or omissions in the performance of medical, surgical, dental, or related functions resulting in personal injury, including death, and occurring within the scope of employment. More specifically, covered activities include those activities that:

- Are approved within each covered individual's scope of employment (this term includes activities within an applicable individual contract for services with the health center);
- Are within the scope of the approved Federal section 330 grant project of the deemed health center; and
- Take place during the provision of services to health center patients and, in certain circumstances, to non-health center patients.

A patient who alleges acts of medical malpractice by a deemed health center, for covered activities, cannot sue the center or the provider directly, but must file an administrative claim with the appropriate agency of the Federal government before filing suit. Additionally, FTCA litigation must be filed in Federal district court.

These claims are reviewed and/or litigated by the U.S. Department of Health and Human Services, Office of the General Counsel and the Department of Justice according to FTCA requirements. HRSA pays for all settlements and judgments from a separately appropriated Health Center FTCA Judgment Fund. To learn how your Health Center can become deemed under FTCA, go [here](#).

Related Legislation, Regulations, and Policies

Congress enacted FTCA medical malpractice protection for Federally-supported health centers through the Federally Supported Health Centers Assistance Act (FSHCAA) of 1992 (P.L. 102-501) and FHSCAA of 1995 (P.L. 104-73), later codified as 42 U.S.C. Section 233 (a) – (n).

HRSA/BPHC has issued numerous Program Information Notices (PINs) and Program Assistance Letters (PALs) related to the Health Center FTCA Program. In 2011, PIN [2011-01](#), the FTCA Health Center Policy Manual was released. The Manual is the primary source for information on the FTCA for the Health Center Program grantees and related stakeholders. It consolidates all of the major FTCA PINs and PALs into one document.

Links and Additional Resources:

FTCA Program [Home Page](#).

FTCA [Overview Presentation](#).

FTCA [Deeming Module User Guide](#).

FTCA [Policies](#).

For more information, please contact the Bureau of Primary Health Care Help Line at 1-877-974-BPHC or bphchelp@hrsa.gov.