



Volunteer Health Professionals Federal Tort Claims Act (FTCA) Program CY 2022

March 22, 2021

**Office of Quality Improvement
Federal Tort Claims Act (FTCA)
Bureau of Primary Health Care (BPHC)
Health Resources and Services Administration (HRSA)**

Vision: Healthy Communities, Healthy People



Presentation Road Map

- **Volunteer Health Professional (VHP)
FTCA Program Overview**
- **Application Process**
- **Important Dates**



Purpose of the Presentation

- Overview of enacting legislation
- Guidance on the calendar year (CY) 2021 and 2022 VHP deeming application process
- Outline of important **coverage and application requirements for eligible VHPs in health centers**



Volunteer Health Professional FTCA Program (1/3)

- Created through the enactment of Section 9025 of the 21st Century Cures Act
- Added 224(q) to the Public Health Service Act (42 U.S.C. § 233(q))
- Extended liability protections to VHPs at deemed health centers
- Program enacted in October of 2017



Volunteer Health Professional FTCA Program (2/3)



- The VHP FTCA Program extends medical malpractice liability coverage to eligible VHPs of deemed health centers who:
 - Meet program and statutory requirements; and
 - Are deemed as federal employees for such purposes.

Volunteer Health Professional FTCA Program (3/3)

- The VHP FTCA program is distinct from the FTCA Health Center Program and will require a separate deeming process for volunteers.
- Eligible health center VHPs do not receive deemed Public Health Service (PHS) employee status automatically, nor do they receive it simply by volunteering at the health center.
- Sponsoring health centers must submit an annual application for deeming on behalf of their individually named VHPs to HRSA.



Program Requirements (1/4)

- Only a deemed health center entity may sponsor a volunteer health professional.
- If the health center is not currently deemed, it must obtain deemed status by submitting an FTCA application that is approved by HRSA before it is eligible to sponsor VHPs.
- Please see the FTCA Health Center Policy Manual and the Health Center Deeming PAL 2021-01 for additional details regarding the Health Center FTCA application and other FTCA program requirements.



Program Requirements (2/4)

- The individual health professional must be sponsored by a deemed health center; and
- Must provide services to patients at the sponsoring health center facilities or through certain qualifying offsite programs or events conducted by a sponsoring health center.

Program Requirements (3/4)

- Before service is provided, the VHPs or the sponsoring deemed health center must post a clear and conspicuous notice at the site where the service is provided as to the limited legal liability of the VHPs; and
- At the time the service is provided, the VHPs must be appropriately licensed or certified to provide qualifying health care services in accordance with applicable federal and state laws.

Program Requirements (4/4)

- The VHP must not receive any compensation for the service from the patient, the sponsoring health center, or any third-party payer (including reimbursement under any insurance policy, health plan, or federal or state health benefits program).
 - However, the health care practitioner may receive repayment from the health center for reasonable expenses incurred in providing a service to a patient.
- The sponsoring health center must maintain all relevant documentation certifying that the VHP meets the requirements to be considered a volunteer.



Coverage

- Deemed VHPs are provided immunity from lawsuits and related civil actions resulting from the performance of medical, surgical, dental, and related functions within the scope of deemed employment.
- Scope of employment determinations take into account such matters as the scope of project of the health center and the scope of the provider's work on behalf of the health center.

Coverage Approval

- Eligible health center VHPs do not receive deemed PHS employee status automatically, nor do they receive it simply by volunteering at the health center.
- Sponsoring health centers must submit an annual application for deeming on behalf of their individually named VHPs to HRSA.
- FTCA coverage is not retroactive and is not effective until the date shown on your deeming letter.



Types of Applications

- **Initial Applications** – The EHB system is currently open to sponsoring health centers applying for deemed PHS employee status for volunteers that have not been previously deemed.

Types of Applications (continued)

- **Rolling Supplemental Applications** will be accepted on a rolling basis as additional volunteers are on-boarded by the covered entity throughout the calendar year when the system is open to accept applications.
- **Annual Health Center Deeming/Redeeming Applications** feature a tab for VHP redeeming and VHP initial deeming. This will allow you to redeem VHPs previously deemed in a supplemental application and new VHPs that join during the redeeming period.



Application Requirements (1/3)

All VHP deeming application forms require:

- Contact information for the sponsoring health center.
- A list of all VHPs the health center is sponsoring for deemed status.
 - The sponsoring health center must not include other individuals, such as employees, contractors, governing board members and officers on this listing.
- Contact information for all VHPs the health center is sponsoring for deemed status – including name; mailing address; email address; and phone number for each individual.



Application Requirements (2/3)

All VHP deeming application forms require:

- Evidence that each licensed or certified VHP was credentialed and privileged by the sponsoring health center within the last two years, including the specific dates such actions were taken.
- A description of any and all (1) state board disciplinary actions and (2) filed state or federal court (including any FTCA) malpractice claims against the sponsored eligible individuals within 10 years prior to the submission of this FTCA VHP deeming application (including pending claims).



Application Requirements (3/3)

All VHP deeming application forms require:

- Assurance that the individuals for whom deeming is sought will continue to meet the statutory eligibility criteria, as reflected in the entity's calendar year deeming application.
- Assurance that the health center has maintained its credentialing, privileging, and risk management systems, or a description as to how the system(s) has/have been modified.
- A general description of the area and work that the individuals will be performing for the sponsoring health center.
- Please review the most recent VHP PAL for exact application information. The PAL may be obtained on the FTCA website.



Application Highlights (1/4)

- List of all individual volunteers for whom deeming is sought. (The sponsoring health center must NOT include other individuals, such as employees, contractors, governing board members and officers on this listing.)

Individual Volunteer(s)

Add Individual Details

- Prefix
- First Name
- Middle Name
- Last Name
- Professional Designation

Contact Information

- Work Email Address
- Work Phone Number
- Work Fax Number
- Work Mailing Address
- Personal Email Address
- Personal Phone Number
- Personal Fax Number
- Personal Mailing Address



Application Highlights (2/4)

- List of all individual volunteers for whom deeming is sought. (The sponsoring health center must NOT include other individuals, such as employees, contractors, governing board members and officers on this listing.)

Individual Volunteer(s)

Roles and Specialty

- Role(s) in Health Center:
- Specialty:
- Others:

[Please upload a signed volunteer agreement for each individually named volunteer which clearly states that the named volunteer is a volunteer of the health center, outlines the terms and conditions of the services that the volunteer will provide, acknowledges that the volunteer will not receive any compensation including reimbursement from any third-party payer, and documents each off-site activity for the provider.]

Application Highlights (3/4)

- List of all individual volunteers for whom deeming is sought. (The sponsoring health center must NOT include other individuals, such as employees, contractors, governing board members and officers on this listing.)

Medical Malpractice History

Description of any and all (1) state board disciplinary actions; and (2) filed state or federal court (including any FTCA) malpractice claims against the sponsored eligible individuals within 10 years prior to the submission of this FTCA volunteer health professional deeming application (including administrative and litigation claims, including pending claims).

Application Highlights (4/4)

- **Affirmation signature (entered as electronic signature) by the Executive Director of the sponsoring health center certifying that:**
 - The sponsoring health center meets the statutory eligibility criteria for deemed status/FTCA coverage, as reflected in its current calendar year deeming application;
 - The sponsoring health center has maintained its credentialing, privileging, and risk management systems in accordance with Health Center Program and Health Center FTCA Program requirements; and
 - The information in the application and the related attachments is complete and accurate.

How Do We Apply?

- HRSA has developed an FTCA VHP deeming module within the HRSA Electronic Handbooks (EHB) system to streamline FTCA deeming application submission and processing.
- Instructions for applying can be found in PAL 2020-03 <https://bphc.hrsa.gov/sites/default/files/bphc/ftca/pdf/pal-2020-03.pdf>
- All sponsoring health centers must submit deeming applications within the EHB online system.
- Health centers that are interested in submitting an application for initial coverage should contact our FTCA team via the Health Center Program Support: 1-877-464-4772, Option 1



Important Dates

- April 19: At midnight the EHB System will be closed to transition to the new FTCA applications.
- April 23: EHB opens to accept health center redeeming and initial applications.
 - VHP redeeming and initial applications can be submitted with the health center annual redeeming application.
- June 25: Health center redeeming applications are due.
- July 15: EHB will begin accepting VHP supplemental applications.



HRSA/FTCA Resources

- **Policy and Application Resources:**

- <https://bphc.hrsa.gov/ftca/about/index.html>

- **Phone:**

- Health Center Program Support
- 1-877-464-4772, option 1
- 8:00 AM to 5:30 PM (ET) M-F (except Federal holidays)

- **Online:**

- Contact form:
<https://bphccommunications.secure.force.com/ContactBPHC/BPHC>Contact Form>



Thank You!

Federal Tort Claims Act (FTCA) Program

Bureau of Primary Health Care (BPHC)

Health Resources and Services Administration (HRSA)



[Health Center Program Support](#)



877.464.4772

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