



TO: FTCA Deemed Health Centers

FROM: Associate Administrator, Bureau of Primary Health Care

SUBJECT: Determination of Coverage for COVID-19-Related Activities by Health Center Providers under 42 U.S.C. § 233(g)(1)(B) and (C)

Background

Section 224(g)-(n) of the Public Health Service (PHS) Act, 42 U.S.C. § 233(g)-(n), provides eligibility for certain liability protections, including medical malpractice liability coverage under the Federal Tort Claims Act (FTCA), for the performance of medical, dental, surgical, and related functions within the scope of employment for qualified individuals, as further described in federal regulations at 42 CFR part 6 and other Health Center FTCA Program policy issuances. Similar statutory liability protections apply under section 224(q) of the PHS Act, as further described in other Health Center FTCA Program policy issuances, to the provision of qualifying health services on behalf of a health center by volunteer health professionals for whom a health center deeming sponsorship application has been approved under section 224(q).

The President of the United States declared a national emergency on March 13, 2020, and the Secretary of Health and Human Services declared that a public health emergency as a result of confirmed cases of 2019 Novel Coronavirus (2019 nCoV)(COVID-19) has existed nationwide since January 27, 2020. Accordingly, the Bureau of Primary Health Care (BPHC) encourages health centers to continue to encourage health center employees, contractors and volunteer health professionals who have been deemed as Public Health Service employees through the Health Center FTCA Program and the Health Center Volunteer Health Professional (VHP) FTCA Program to provide COVID-19-related health services on behalf of the health center through emergency response activities to the extent possible. Such health services include, but are not limited to, screening, triage, testing, diagnosis, and treatment.

Determination of Coverage

This sets forth my determination, in accordance with 42 U.S.C. § 233(g)(1)(B) and (C), and under regulations set forth in 42 C.F.R. § 6.6, that the provision of grant-supported health services by individuals who have been deemed as Public Health Service employees through the Health Center FTCA Program and the Health Center Volunteer Health Professional (VHP) FTCA Program, and who provide grant-supported health services to prevent, prepare or respond to COVID-19 (including but not limited to, screening, triage, testing, diagnosis, and treatment) to individuals who are not established patients of the health center, whether at the health center or offsite (including at offsite programs or events carried out by the health center), and whether in-person or through telehealth, benefits patients of these entities and general populations that could be served by these entities through community-wide intervention efforts within the communities served by such entities, and therefore is eligible for liability protections for the provision of such services under section 42 U.S.C. § 233(g)-(n) and (q).

Services provided by health center providers must continue to comply with applicable Health Center and Health Center FTCA Program requirements. The health center should also maintain a record of each encounter that identifies the patient, the service(s) provided, the location where services were administered, the name of the provider(s) administering the services, and the date and time the services were administered.

If you have any questions, please contact:

Health Center Program Support

Phone: 1-877-464-4772, Option 1

[BPHC Contact Form](#)

8:00 a.m. to 5:30 p.m. ET, Monday through Friday (except Federal holidays)

Sincerely,

/James Macrae/

James Macrae
Associate Administrator