

FTCA coverage for FQHC providers being asked to help at hospitals

Section F.5. of [BPHC's FTCA Manual](#) provides examples when FTCA coverage applies in emergency situations. One of these examples is quoted verbatim below:

"Providing Care at a Local Hospital as Part of a Community-Wide Emergency Response - A covered individual that is providing care at a local hospital as part of a community-wide emergency response is covered under FTCA if the following conditions are met:

- The **covered individual** is providing services within the covered entity's approved scope of project and service area; and
- The **covered individual** is providing services at the direction of the covered entity (not volunteering on his/her own)."

The term "covered individual" is explained in this quote from an earlier chapter in the FTCA Manual:

"FSHCAA provides that certain persons, referred to here as covered individuals (i.e., governing board members, officers, employees, and certain individual contractors) of FTCA covered entities (e.g., health centers that receive section 330 funds and have been approved for coverage or "deemed" as employees of the Public Health Service by the Secretary) be treated as PHS employees for purposes of medical malpractice liability coverage."

The FTCA Manual does not define a "Community-Wide Emergency Response."

Adding a temporary site to BPHC scope - info and format for doing so

If you have established a **temporary site** for activities related to COVID-19, you must inform BPHC of that site within 15 days of starting operations in order to have it added to your scope (and covered under FTCA.) [PAL 2014-15](#) requires that health centers send the following info to your Project Officer within 15 days. **Update: NACHC developed a "template" that we have included which you can fill out and send to your PO to get a temporary site added.**

Can volunteer providers at a health center receive liability protections under the Health Center FTCA Program?

Health center volunteers are not automatically eligible for liability protections under the Health Center FTCA Program; however, deemed health centers may apply for such protections for their individual volunteers through a Volunteer Health Professional (VHP) deeming sponsorship application. See [Program Assistance Letter \(PAL\) 2019-03: Calendar Year 2020 Volunteer Health Professional Federal Tort Claims Act \(FTCA\) Deeming Sponsorship Application Instructions](#) (PDF – 424kb). Deemed health centers – i.e., health centers that have been deemed by HRSA as Public Health Service employees for purposes of FTCA liability protections under section 224(g)-(n) of the Public Health Service Act (42 U.S.C. 233(g)-(n)) – may apply for liability protections for their individual volunteer providers who are eligible for such protection for the performance of medical, surgical, dental, and related functions on behalf of the deemed health center under subsection 224(q) of the Public Health Service Act (42 U.S.C. § 233(q)). The deemed health center must submit to HRSA and receive approval of a VHP deeming sponsorship application for each individual volunteer. For liability protections to apply, the volunteer provider must be licensed, certified, or registered to provide clinical services.

FTCA Matters

Information from NACHC's Noddlepod Site

How does a health center submit a VHP deeming sponsorship application?

Health centers can complete a [VHP deeming sponsorship application](#) by accessing the Electronic Handbooks (EHBs) and going to the FTCA application section. The EHBs allow sponsoring health centers to submit multiple VHPs in one application submission. For assistance with this process, please contact [Health Center Program Support online](#) or at 877-464-4772, 7:00 a.m. to 8:00 p.m. ET, Monday-Friday (except federal holidays).

Can a Primary Care Association (PCA) or another entity submit a VHP deeming sponsorship application on behalf of the health center?

No. Applications for VHP deeming must be submitted by the health center's Authorized Official. However, health centers may seek technical assistance in preparing and submitting such applications from PCAs and other third parties.

Where can I find FTCA guidance related to temporary credentialing and privileging during a declared emergency?

See [PAL 2017-07: Temporary Privileging of Clinical Providers by Federal Tort Claims Act \(FTCA\) Deemed Health Centers in Response to Certain Declared Emergency Situations for guidance](#) (PDF – 288kb).

Can someone who is employed by one health center volunteer at another health center?

Health centers and their providers are strongly encouraged to exercise caution, as FTCA liability protections may be placed at risk when a provider acts on behalf of more than one entity under circumstances that do not make it clear in what capacity the individual was acting at the time of an event that becomes the subject of a claim or lawsuit. Health centers are reminded that when FTCA matters become the subject of litigation, the U.S. Department of Justice and the federal courts assume significant roles in certifying or determining whether a given activity falls within the scope of employment for purposes of FTCA coverage. Health centers and providers are encouraged to consult with private counsel and/or consider the purchase of private malpractice insurance when individual providers wish to undertake activities on behalf of multiple entities and/or in multiple capacities.