



# Free Clinics Federal Tort Claims Act (FTCA) Program Overview

**Kathleen McAndrews, MHA**  
**Bureau of Primary Health Care (BPHC)**  
**Health Resources and Services Administration (HRSA)**  
**U.S. Department of Health and Human Services (HHS)**



**HRSA**  
Health Resources & Services Administration

# Agenda

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- Purpose
- Program Requirements
- Coverage
- Application Process
- Patient Visit Data
- Important Dates
- Questions/Answers

# Purpose

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- To provide guidance on the Calendar Year (CY) 2017 deeming application process.
- To provide guidance on requirements for medical malpractice coverage for eligible individuals in the free clinics.
- To provide program updates or changes to the application process and the electronic deeming system, the Electronic Handbook (EHB).

# Free Clinics FTCA Program

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- **FTCA coverage saves free clinics money that would otherwise be used on medical malpractice insurance premiums and allows clinics to:**
  - Reinvest money into health care services; and
  - Fund quality improvement activities.

# Free Clinics FTCA Program Map



Over 200 FTCA  
Free Clinics  
across 40  
states

# Program Requirements

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- **An eligible free clinic must be operated by a non-profit, private entity that:**
  - Does not accept reimbursement from any third party payer;
  - Does not impose charges on patients;
  - May accept patients' voluntary donations; and
  - Is licensed or certified per applicable law to provide health services.

# FAQ #1

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- **My clinic receives grant funding and donations. Does that make us ineligible for the program?**

# FAQ #1 Answer

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- **A free clinic can receive grant funding and donations as long as the funding and donations are not for a specific service per person.**



# Program Requirements

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- **Eligible healthcare professionals such as volunteers, board members, officers, employees, and/or individual contractor(s):**
  - Must be **sponsored** by an eligible free clinic;
  - Must meet all **statutory** and **program requirements**; and
  - Provide a **qualifying health service** (i.e., any medical assistance required or authorized to be provided under Title XIX of the Social Security Act (42 U.S.C. §1396, et seq.)).
- **Clinicians must provide services to patients at the free clinic or through certain qualifying offsite events conducted by the free clinic.**

# Program Requirements

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- Eligible healthcare professionals must also provide patients with written notification of limited legal liability (if not provided by the free clinic).
- Clinicians must be appropriately licensed or certified to provide qualifying healthcare services (in states where a license or certification is required).

# Service Contracts

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- An individual (contractor) health professional must have a contract directly with the free clinic.
- A contract between a free clinic and a corporation does not provide sufficient basis for deemed status under the Free Clinics FTCA Program.

# FAQ #2

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- Are there a minimum number of days for volunteers in order to qualify for the program?

## FAQ #2 Answer

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- **Volunteers do not have a requirement for a minimum amount of hours in order to qualify for the program.**

# Coverage

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- Covered individuals are provided liability protection from medical malpractice lawsuits when deemed by HRSA and therefore lawsuits are required to be brought under FTCA.
- Free clinic coverage does not extend to free clinic entities.

# Coverage Approval

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- Medical malpractice coverage under the Free Clinics FTCA Program does not occur automatically.
- FTCA coverage requires HRSA's approval of applications for deeming of certain individuals from the sponsoring free clinic.
- FTCA coverage is not retroactive and is not effective until the date shown on your deeming letter.
- Free clinic coverage does not extend to free clinic entities.

# Types of Applications

- There are three types of applications for FTCA coverage:

## **Category A - INITIAL APPLICATION**

- May be submitted at any time during the year when the EHB system is open to receive applications.

## **Category B - SUPPLEMENTAL APPLICATION**

- May be submitted at any time during the year when the EHB system is open to receive applications.

## **Category C - ANNUAL REDEEMING APPLICATION**

- To be deemed for CY 2017, all currently deemed health centers must file a redeeming application.
- All Redeeming applications are due on or before **September 12, 2016**.



# Category A – Initial

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- **In addition to a completed electronic application, the clinic must also submit the following:**
  - Documentation of non-profit status;
  - Board-approved Quality Improvement (QI)/Quality Assurance (QA) plan
  - Description of any and all disciplinary actions and filed medical malpractice lawsuits and claims alleged against the free clinic and/or its sponsored individuals within ten (10) years prior.

# Category B – Supplemental

- **In addition to a completed electronic application, the clinic must also submit the following:**
  - Copy of the new QI/QA plan only if it has changed since the initial or redeeming application; and
  - Description of **any and all** disciplinary actions and filed medical malpractice lawsuits and claims alleged against any new sponsored eligible individuals within ten (10) years prior to the submission of this FTCA application (including pending claims).

# Category C – Redeeming

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- In addition to a completed electronic application, the clinic must also submit the following:
  - Board-approved QI/QA plan; and
  - Description of **any and all** disciplinary actions and filed medical malpractice lawsuits and claims alleged against any sponsored eligible individuals within five (5) years prior to the submission of this FTCA application (including pending claims).

# FAQ #3

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- **When should we begin our application?**

# FAQ #3 Answer

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- **You can begin collecting the information you need for your application at any time.**

# When Should We Begin?

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- **You can begin collecting and reviewing policies and minutes that must be submitted.**
- **You can also start obtaining the necessary approvals, which may include Board approval, now.**
- **You can review all the application questions by reading the Free Clinics FTCA Program Application Checklist found in Appendix A at the end of the Program Assistance Letter (PAL).**

# CY 2017 Requirement Highlights

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- 1) Contact information for the sponsoring free clinic;
- 2) Location and manager(s) of free clinic sites;
- 3) Assurance that the sponsoring free clinic and individuals for whom deeming is sought meet the statutory eligibility criteria;
- 4) Description of the free clinic's credentialing and privileging systems;

# CY 2017 Requirement Highlights

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- 5) **Description of the free clinic's risk management systems;**
- 6) **List of all individuals (i.e. volunteer health care professionals, board members, officers, employees, and individual contractors) who the free clinic is sponsoring for deemed employment status;**
- 7) **Evidence that each licensed or certified individual was credentialed and privileged by the sponsoring free clinic within the last two years, including the specific dates such actions were taken;**



# CY 2017 Requirement Highlights

- 8) **QI/QA plan with either a signature of an authorized board representative that notes date of board approval or a dated copy of board minutes, with appropriate signature(s), documenting approval (either method of submission must evidence that approval was undertaken within the last three (3) years);**
- 9) **Description of any and all (1) state board disciplinary actions and (2) filed state or federal court (and including any FTCA) malpractice claims against the free clinic and/or its sponsored eligible individuals within five (5) years prior to the submission of this FTCA application (including pending claims), and a brief statement of whether the clinic implemented risk management activities as needed in response to allegations, and to prevent further claims from occurring in the future; and**

# CY 2017 Requirement Highlights

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- 10) Affirmation signature (entered as electronic signature) by the Executive Director of the sponsoring free clinic that all statements and assertions made by the application are true under penalty of perjury.

# CY 2017 Requirement Highlights

## Data Collection for CY 2015

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- An annual data report is part of the annual redeeming application.
- The data collected is defined as follows:
  - Total number of free clinic-sponsored deemed individuals (including practitioners, board members, and officers);
  - Total number of deemed providers; and
  - Total number of “FTCA-covered” patient visits conducted by deemed providers.

# FAQ #4

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- **How do we complete and submit our application?**

# FAQ #4 Answer

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- Applications must be completed and submitted through HRSA's EHB, the electronic deeming system.

# How Do We Apply?

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- HRSA has developed an FTCA free clinic deeming module within the HRSA EHB system to streamline FTCA deeming application submission and processing.
- All free clinics must submit the deeming application within the EHB online system.
- Free clinics that are interested in submitting an application for initial coverage should contact the program at: [freeclinicsftca@hrsa.gov](mailto:freeclinicsftca@hrsa.gov).

# Important Dates

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- **August 8, 2016: Redeeming Cycle Opens**
- **September 12, 2016: Application Deadline**
- **By November 30, 2016: Deeming Letters Sent**
- **January 1, 2017: New Deeming Coverage Begins**

# Resources

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- **Website:** <http://bphc.hrsa.gov/ftca/freeclinics/>
  - Archived Webinars
  - Application Resources (Quick Reference Guides, FAQs)
  - Policy Documents: Program Assistance Letter (PAL 2016-05), Policy Information Notice (PIN 2011-02)
  - Clinical Risk Management Resources (ECRI)



# Questions

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# Contact Us

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- **Phone:**

- BPHC Help Line
- 1-877-974-BPHC (877-974-2742)
- 8:00 AM to 5:00 PM (ET)

- **Online:**

- Contact Form:  
<http://www.hrsa.gov/about/contact/bphc.aspx>
- Email [FreeclinicsFTCA@hrsa.gov](mailto:FreeclinicsFTCA@hrsa.gov)

# Contact Information

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**Heather Lee**

**Email:** [HLee@hrsa.gov](mailto:HLee@hrsa.gov)

**Phone:** 415-437-8610

**Amanda Ford**

**Email:** [AFord@hrsa.gov](mailto:AFord@hrsa.gov)

**Phone:** 301-594-4431

**Bureau of Primary Health Care (BPHC)**

**Health Resources and Services Administration (HRSA)**

**Web:** [bphc.hrsa.gov](http://bphc.hrsa.gov)

**Twitter:** [twitter.com/HRSAgov](https://twitter.com/HRSAgov)

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**Thank You!**