



Baton Rouge Primary Care Collaborative, Inc.

Doctors Committed to Wellness and Disease Prevention

What is the 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

Through the Federal Tort Claims Act (FTCA), eligible HRSA-supported health centers may be granted medical malpractice liability protection with the Federal government acting as their primary insurer. To receive coverage, grantees must submit an initial deeming application to the U.S. Department of Health and Human Services, Health Resources and Services Administration, Bureau of Primary Health Care and meet the requirements to attain deemed status. Renewal applications for redeeming must be submitted on an annual basis to continue coverage.

A deemed health center, its employees, and eligible contractors working within the approved scope of project are considered federal employees and are immune from lawsuits for medical malpractice. A patient who alleges acts of medical malpractice by a deemed health center cannot sue the health center or the provider(s) directly, but must file the claim against the United States Government. The Federal government assumes responsibility for costs related to a claim resulting from the performance of a medical, surgical, dental, or related function. There is no cost to a participating health center or its providers. 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.

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.

Baton Rouge Primary Care Collaborative Inc. is a FTCA eligible facility.

“This health center receives HHS funding and has Federal Public Health Service (PHS) deemed status with respect to certain health or health-related claims, including medical malpractice claims, for itself and its covered individuals.”