

Supporting Statement A

Federal Tort Claims Act (FTCA) Program Deeming Applications for Health Center Volunteer Health Professionals

OMB Control No. 0906-XXXX

Terms of Clearance: None

1. Circumstances Making the Collection of Information Necessary

The Health Resources and Services Administration (HRSA), Bureau of Primary Health Care (BPHC) is requesting Office of Management and Budget (OMB) approval for the Federal Tort Claims Act (FTCA) Program Deeming Applications for Health Center Volunteer Health Professionals (VHPs).

Congress, through enactment of Section 9025 of the 21st Century Cures Act (Pub. L. 114-255), which added subsection 224(q) to the Public Health Service Act (42 U.S.C. § 233(q)), as amended, extended liability protections for the performance of medical, surgical, dental, and related functions to VHPs at health centers that have also been deemed as employees of the Public Health Service (PHS). Sponsoring health centers are required by law to submit deeming applications in the specified form and manner on behalf of named individuals for review and approval, resulting in a “deeming determination” that includes associated FTCA coverage for these individuals.

2. Purpose and Use of Information Collection

Deeming applications must address certain specified criteria required by law in order for deeming determinations to be issued, and FTCA application forms are critical to BPHC’s deeming determination process. These forms provide BPHC with the information essential for application evaluation and determination of whether an individual meets the statutory requirements for deemed PHS employee status for the purposes of FTCA coverage. Because the 21st Century Cures Act extended FTCA coverage to VHPs, BPHC will add new FTCA application forms for use by health centers applying to sponsor volunteers to become VHPs with associated FTCA coverage for their activities within the scope of deemed employment on behalf of the health center.

3. Use of Improved Information Technology and Burden Reduction

The FTCA Program has a web based application system, the Electronic Handbooks (EHBs). These electronic application forms decrease the time and effort that would be required to complete paper-based application forms.

4. Efforts to Identify Duplication and Use of Similar Information

The application form is unique to this requirement. The information requested is specific to this activity and is needed to make FTCA deeming decisions for health center volunteers.

5. Impact on Small Businesses or Other Small Entities

The information being collected has been held to the absolute minimum required for the intended use of the data. This activity does not have a substantial impact on small entities or small businesses.

6. Consequences of Collecting the Information Less Frequently

As required by statute, the FTCA Program deeming applications for health center VHPs must be submitted annually. If sponsoring health centers do not submit an annual deeming application on behalf of their volunteers for whom they seek deemed status, such individual will not be eligible for FTCA coverage for purposes of medical malpractice.

7. Special Circumstances Relating to the Guidelines of 5 CFR 1320.5

The request fully complies with the regulation.

8. Comments in Response to the Federal Register Notice/Outside Consultation

A Federal Register notice announcing the FTCA Program deeming application for health center VHPs was published on June 23, 2017 (Vol. 82, No. 120, pages 28669 - 28670). There were no public comments.

In 2017, BPHC consulted with multiple health center deeming application reviewers during the development of the FTCA Program deeming application for health center VHPs. Overall, these outside consultants noted that the information requested should be readily available to the health center; an annual collection of this information is appropriate; and the application instructions are clear. Some suggested requesting additional documentation for each VHP. However, such a collection of information would be overly burdensome for both the health center and HRSA/BPHC. BPHC used feedback from these outside consultants to estimate the burden hours required for gathering information for and completing this application.

Name: Amelia Broussard, PhD, RN, MPH

Title: FTCA Reviewer and Site Visitor, Independent Consultant

Home phone: 706-692-5663; cell phone: 404-234-9227

Email: broussardco1@msn.com

Company: KEPRO

Name: Jeffrey Reck
Title: Subcontractor
Phone: 508-533-0493
Email: reckja@gmail.com
Company: KEPRO

Name: Felicia Eshragh
Title: KEPRO Consultant – FTCA Deeming
Phone: 616-240-8286
Email: Felicia.eshragh@gmail.com
Company: KEPRO

Name: James P. Kelly
Title: Reviewer
Phone: 717-314-4511
Email: jpkelly179@aol.com
Company: KEPRO

Name: Courtney D. Pavona
Title: Subcontractor
Phone: 330-338-9252
Email: cpavona@outlook.com

Company: KEPRO

9. Explanation of any Payment/Gifts to Respondents

Respondents will not receive any payments or gifts.

10. Assurance of Confidentiality Provided to Respondents

Data will be kept private to the extent allowed by law.

11. Justification for Sensitive Questions

There are no questions of a sensitive nature.

12. Estimates of Annualized Hour and Cost Burden

HRSA/BPHC has designed FTCA Program deeming applications for health center VHPs as a user-friendly mechanism for sponsoring health centers to apply for deemed status on behalf of

their individually named volunteers.

Estimated Annualized Burden Hours:

Form Name	Number of Respondents	Number of Responses per Respondent	Total Responses	Average Burden per Response (in hours)	Total Burden Hours
FTCA Health Center Volunteer Health Professional Program Application	1375	3	4125	2	8250
Total	1375		4125		8250

The burden estimates for completing the FTCA Program deeming applications for health center VHPs have been determined based on the experience of HRSA/BPHC’s Health Center FTCA Program and Free Clinics FTCA Program. BPHC estimates that there will be approximately 1375 respondents annually and that each respondent may have approximately three applications per year. Individual health center burden is estimated to be two (2) hours per respondent for completing the FTCA Program deeming applications for health center VHPs. The total estimated burden hours for this collection is 8250.

Estimated Annualized Burden Costs:

Type of Respondent	Total Burden Hours	Hourly Wage Rate	Total Respondent Costs
Medical and Health Services Manager ¹	8250	\$52.58	\$433,785
Total	8250	\$52.58	\$433,785

13. Estimates of Other Total Annual Cost Burden to Respondents or Recordkeepers/Capital Costs

Other than their time, there is no cost to respondents.

¹ Wages for Medical and Health Services Managers are based on Bureau of Labor Statistics, U.S. Department of Labor, *Occupational Employment Statistics*, Medical and Health Services Managers, at <https://www.bls.gov/oes/current/oes119111.htm>.

14. Annualized Cost to the Federal Government

The estimated annual cost to the government is approximately \$126,117 (2 contractors, 1 GS-12, 1 GS-14, 1 GS-15, 1 SES FTE – approximately 11% time of work) for reviewing the forms, and for processing and providing notification to applicants.

15. Explanation for Program Changes or Adjustments

This is a new information collection.

16. Plans for Tabulation, Publication, and Project Time Schedule

At this time, no statistical analysis will be conducted with the information collected and no information collected will be published.

17. Reason(s) Display of OMB Expiration Date is Inappropriate

The OMB number and Expiration date will be displayed on every page of every form/instrument.

18. Exceptions to Certification for Paperwork Reduction Act Submissions

There are no exceptions to the certification.