

Supporting Statement
Federal Tort Claims Act (FTCA) Program Deeming Applications for Health Centers
OMB Control No. 0906-XXXX

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 Centers.

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). Under the Act, health centers are considered Federal employees and are immune from lawsuits, with the Federal government acting as their primary insurer.

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 HRSA with the information essential for application evaluation and determination of whether a health center meets the statutory requirements for deemed PHS employee status for the purposes of FTCA coverage.

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 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 centers.

5. Impact on Small Businesses or Other Small Entities

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 and regulation, the FTCA Program Deeming Application for Health

Centers must be submitted annually. If Health Centers do not submit an annual deeming application, the entity will not maintain 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 centers was published on June 23, 2017 (Vol. 82, No. 120, pages 28668 - 28669). There were no public comments.

In 2017 HRSA consulted with multiple health center deeming application reviewers during the development of the FTCA Program deeming application for health centers. 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 comments suggested requesting additional documentation. However, such a collection of information would be overly burdensome for both the health center and HRSA. HRSA used feedback from these outside consultants to estimate the burden hours required for gathering information for and completing this application.

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9. Explanation of any Payment/Gifts to Respondents

Respondents will not receive any payments or gifts.

10. Assurance of Confidentiality Provided to Respondents

See the attached Privacy Impact Assessment.

11. Justification for Sensitive Questions

There are no questions of a sensitive nature.

12. Estimates of Annualized Hour and Cost Burden

HRSA has designed FTCA Program deeming applications for health centers as a user-friendly mechanism for health centers to apply for deemed status.

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 Program Initial Application	35	1	35	2.5	87.5
FTCA Health Center Program Redeeming Application	1125	1	1125	2.5	2812.5
Total	1160		1160		2900

The burden estimates for completing the FTCA Program deeming applications for health centers have been determined based on the experience of the program. Individual health center burden is estimated to be 2.5 hours per respondent for completing the FTCA Program deeming

applications for health centers for both the initial and redeeming applications. The Program estimates that there will be approximately 1160 respondents annually.

Estimated Annualized Burden Costs:

Type of Respondent	Total Burden Hours	Hourly Wage Rate	Total Respondent Costs
Medical and Health Services Manager ¹	2900	\$52.58	\$152,482
Total	2900	\$52.58	\$152,482

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

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

14. Annualized Cost to the Federal Government

The estimated annual cost to the government is approximately \$189,138 (2 Contractor, 1 GS-12, 1 GS-14, 1 GS-15, 1 SES FTEs - 11% time of work) for reviewing the forms, and for processing and providing notification to applicants.

15. Explanation for Program Changes or Adjustments

N/A

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

At this time, no statistical analysis will be conducted with the information collected. At this time, 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. Exemptions to Certification for Paperwork Reduction Act Submissions

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>.

There are no exceptions to the certification.