

Date: June 29, 2018

Request: The Health Resources and Services Administration (HRSA) requests approval of non-substantive changes to the Free Clinics Federal Tort Claims Act (FTCA) Program Deeming Application (OMB #0915-0293, expires 11/30/2020).

Purpose: The proposed changes are necessary to align the Free Clinics FTCA Program Policy Guide with the Free Clinics FTCA Program authorizing statute (42 USC 233(o)) (Free Clinics Statute). Additionally, the proposed changes will improve the application's clarity and are critical to eliminating potential confusion among free clinics participating in the FTCA program. The proposed alignments will have minimal, if any, impact on burden for applicants and will enable a more efficient and expedited application review process.

Time Sensitivity: A recent review of the Free Clinics Statute, conducted by HHS Office of General Counsel (OGC), has led to the determination that the Free Clinics FTCA Program deeming application requires slight modification to align with the requirements of the Free Clinics Statute. Per OGC, the Free Clinics FTCA Program must implement these changes immediately and prior to the upcoming annual deeming cycle. This year, the annual deeming application period will run from early September to early October. HRSA must adhere to this application timeline in order to review applications and make deeming determinations prior to December 31 of each calendar year, the last day a deeming determination is valid. This timeline also allows HRSA to issue deeming determinations in sufficient time on behalf of free clinics' sponsored individuals prior to the fall of each calendar year, which is normally the time that other healthcare entities, such as hospitals, require proof of medical malpractice. HRSA requests approval as soon as possible in order to prevent any disruption to the critical health care services free clinics provide.

PROPOSED CHANGES

Pursuant to the Free Clinics Statute, individuals who are volunteer health professionals (VHPs) must be currently licensed or certified (and meet all other requirements) in order to be eligible for the Free Clinics FTCA Program. Currently, the Free Clinics FTCA Program deeming application does not request information regarding the licensing/certification status of VHPs at free clinics. In accordance with the recent OGC analysis of the Free Clinics Statute, HRSA must immediately implement this requirement through the collection of primary source verification of current licensure and/or certification for each sponsored VHP through the annual deeming application. HRSA is also proposing to align and streamline other areas of the application for additional clarity with minimal impact on burden.

Specifically, HRSA is proposing non-substantive changes to align with Free Clinics FTCA Program requirements and more clearly and concisely convey program expectations and requirements to free clinic applicants in the following areas: Section III. Sponsoring Free Clinic Eligibility; Section IV. Credentialing and Privileging Systems; Section V. Risk Management Systems; Section VI. Free Clinic Volunteer Health Care Professionals, Board Members, Officers, Employees, and Individual Contractors; and Section IX. Remarks.

Attachment:

1. FTCA Free Clinics deeming application tracked with proposed non-substantive changes