

**Supporting Statement
Federal Tort Claims Act (FTCA)
Application for Health Center Program
Deemed Public Health Service Employment Status
OMB Control No. 0906-0035 - Extension**

1. Circumstances Making the Collection of Information Necessary

The Health Resources and Services Administration (HRSA), Bureau of Primary Health Care (BPHC) is requesting continued approval from the Office of Management and Budget (OMB) for the Federal Tort Claims Act (FTCA) Program Deeming Applications for Health Centers. The current application has an OMB control number of 0906-0035 and expires April 30, 2021.

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

Section 224(g)-(n) of the Public Health Service (PHS) Act (42 U.S.C. 233(g)-(n)), as amended, authorizes the “deeming” of entities receiving funds under section 330 of the PHS Act as PHS employees for the purposes of receiving Federal Tort Claims Act (FTCA) coverage. The Health Center Program is administered by HRSA’s Bureau of Primary Health Care (BPHC). Health centers submit deeming applications annually to BPHC in the prescribed form and manner in order to obtain deemed PHS employee status, with the associated FTCA coverage. Deeming applications must address certain specified criteria required by law in order for deeming determinations to be issued, and the FTCA application form is critical to BPHC’s deeming determination process. This form provides HRSA with information that is essential for evaluating health center adherence to FTCA program requirements and making a determination as to 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

The FTCA Program has a web-based application system, the Electronic Handbooks (EHBs). This electronic application form minimizes the time and effort required for completion.

4. Efforts to Avoid Duplication

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. Involvement of 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, 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. Consistency with the Guidelines in 5 CFR 1320.5

The data are collected in a manner consistent with guidelines contained in 5 CFR 1320.5(d)(2).

8. Consultation Outside the Agency

A Federal Register notice announcing the FTCA Program deeming application for health centers was published on February 5, 2021 (Vol. 86, No. 23, pages 8364 – 8365). There were no public comments.

9. Remuneration of Respondents

Respondents will not receive any payments or gifts.

10. Assurance of Confidentiality

No assurance of confidentiality is made to the applicants. These applications provide descriptive information about each grantee and its operations and procedures. Grantee-level data are covered under the Freedom of Information Act.

11. Questions of a Sensitive Nature

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*	2900	\$52.58	\$152,482
Total	2900	\$52.58	\$152,482

* 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>.

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

The costs to respondents is comprised of their time, recordkeeping, reporting, data management, and auditing, as well as employer overhead and fringe benefits.

14. Annualized Cost to the Federal Government

The estimated annual cost to the government is approximately \$189,138 (2 Contractors, 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. Change in Burden

There is no change in the burden request.

16. Plans for Analysis and Timetable of Key Activities

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

17. Exemption for Display of Expiration Date

The expiration date will be displayed.

18. Certifications

This project fully complies with CFR 1320.9.