

**Supporting Statement**  
**Application for Federally Supported Health Centers Assistance Act (FSHCAA) / Federal**  
**Tort Claims Act (FTCA) Particularized Determination**  
**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 an Application for Federally Supported Health Centers Assistance Act (FSHCAA) / Federal Tort Claims Act (FTCA) Particularized Determination.

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 FSHCAA 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.

FSHCAA and 42 CFR section 6.6(d) authorize FTCA coverage for services to non-health center patients in certain situations. 42 CFR section 6.6 (e) describes specific activities that are covered under FTCA when providing services to non-health patients. In cases where a proposed activity does not fall squarely within the description in section 6.6 (e) deemed health centers may request a particularized determination request to be evaluated by HRSA.

**2. Purpose and Use of Information Collection**

Particularized determination applications are provided in compliance 42 CFR § 6.6 and must address certain specified criteria for deeming determinations to be issued. The application submissions provide BPHC with the information essential for evaluation of compliance with legal requirements and making a deeming determination of coverage under 42 CFR § 6.6.

**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. Impact on Small Businesses or Small Entities**

This activity does not have a substantial impact on small entities or small businesses.

**6. Consequences of Collecting the Information Less Frequently**

If health centers do not submit particularized determination request for such activities when providing services to individuals who are not patients of the entity, such services will be ineligible for FTCA protections under FSHCAA.

**7. Special Circumstances Relating to the Guidelines in 5 CFR 1320.5**

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

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

A 60-day notice published in the Federal Register on March 08, 2023, Vol. 88, No. 45; pp. 14377. There were no public comments.

**9. Explanation of any Payment/ Gift to Respondents**

Respondents will not receive any payments or gifts.

**10. Assurance of Confidentiality Provided to Respondents**

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. Justification for Sensitive Questions**

There are no questions of a sensitive nature.

**12. Estimates of Annualized Hour and Cost Burden**

HRSA has designed the Federally Supported Health Centers Assistance Act (FSHCAA) / Federal Tort Claims Act (FTCA) Particularized Determination Application for health centers as a user-friendly mechanism for health centers to apply for particularized determinations.

**12A. Estimated Annualized Burden Hours:**

<b>Form Name</b>	<b>Number of Respondents</b>	<b>Number of Responses per Respondent</b>	<b>Total Responses</b>	<b>Average Burden per Response (in hours)</b>	<b>Total Burden Hours</b>
Application for Federally	12	1	12	2	24

Support Health Center Assistance Act (FSHCAA) / Federal Tort Claims Act (FTCA) Particularized Determination					
Total	12	1	12	2	24

The burden estimates for completing the FTCA Particularized Determination applications for health centers have been determined based on the experience of the program. Individual health center burden is estimated to be 2 hours per respondent for completing the FTCA Particularized Determination applications. The Program estimates that there will be approximately 12 applications annually.

**12B. Estimated Annualized Burden Costs:**

Type of Respondent	Total Burden Hours	Hourly Wage Rate	Total Respondent Costs
Medical and Health Services Manager <sup>1</sup>	24	\$61.53	\$1,476.72
Total	24	\$61.53	\$1,476.72

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

The costs to respondents are 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 \$183,751 (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.<sup>2</sup>

<sup>1</sup> 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>.

<sup>2</sup> Based on 2023 DC Locality Pay (step 5) and benefits rate 100% of Salary.

## **15. Change in Burden**

This is a new information collection.

## **16. Plans for Analysis and Timetable of Key Activities**

This data will not be used for publication but will serve critical internal functions. Firstly, it will assist us in verifying compliance and determining eligibility for FTCA deemed status. Secondly, the data will be shared with senior management and key stakeholders in assessing program development and impact, guiding strategic decision-making, and shaping future initiatives. Lastly, this data will aid FTCA in identifying areas that require further technical assistance, thereby enabling us to develop targeted resources that effectively address these needs.

## **17. Exemption for Display of Expiration Date**

The expiration date will be displayed.

## **18. Exceptions to Certification for Paperwork Reduction Act Submissions**

This project fully complies with CFR 1320.9. The certifications are included in this package.