

Patient Notice of Limited Legal Liability

Before the service is provided, the health care practitioner or the deemed entity posts a clear and conspicuous notice at the site where the service is provided of the extent to which the legal liability of the health care practitioner is limited.

The notification must be written and provided by the sponsoring health center or deemed VHP.

It is highly recommended that the health center or VHP provide the notification prior to the first visit and obtain the patient's signature.

Sample VHP Notices of Limited Legal Liability:

<https://bphc.hrsa.gov/ftca/about/health-center-volunteers.html>.

VHP Volunteer Agreements

As part of the application process, the health center must submit a VHP Volunteer Agreement for each VHP the health center is sponsoring for FTCA deeming.

Sample VHP Volunteer Agreements:

<https://bphc.hrsa.gov/ftca/about/health-center-volunteers.html>.

Did You Know?

There are over 1,100 deemed health centers that participate in the Health Center FTCA Program.

FTCA-deemed health centers provide medical care to over **25 million patients**.

Deeming applications are submitted through the Electronic Handbooks (EHB), a web-based application module.

Resources

- **Application & Technical Resources:**
<https://bphc.hrsa.gov/ftca/about/health-center-volunteers.html>
- **EHB Deeming Application Instructions:**
<https://bphc.hrsa.gov/ftca/healthcenters/healthcenterpolicies.html>

If you have any questions, please contact the Bureau of Primary Health Care (BPHC) Helpline at:

1-877-974-BPHC (877-974-2742)

The Helpline is available 8:30 AM to 5:30 PM (ET), Monday through Friday.

August 2018

Health Center

Volunteer Health Professionals (VHPs)

Federal Tort Claims Act (FTCA) Program



Overview of the Health Center VHP FTCA Program

In 2017, Congress 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).

Through this process, VHPs of deemed health centers may receive deemed Public Health Service employment status, with associated FTCA coverage, for the indicated time periods.

An FTCA-deemed health center must apply for and sponsor a qualified VHP for FTCA medical malpractice coverage. FTCA medical malpractice protection provides the covered individual with financial immunity from medical malpractice lawsuits resulting from his/her subsequent performance of medical, surgical, dental, and related functions within the scope of his/her volunteer work at the health center.

Additional information on the FTCA Health Center VHP Program:

<https://bphc.hrsa.gov/ftca/about/health-center-volunteers.html>.

Requirements of Sponsoring Health Centers

The sponsoring health center must be a currently FTCA-deemed entity.

FTCA coverage is not automatic. Health centers must:

- Apply annually to receive approval for deeming for FTCA coverage as an FTCA-deemed entity, and also
- Apply annually to receive approval for deeming for FTCA coverage for each individual VHP.

VHP Required Conditions

The service is provided to patients at the sponsoring health center facilities or through offsite programs or events carried out by the sponsoring health center.

The deemed health center is sponsoring the VHP.

The health care practitioner does not receive any compensation for the service from the patient, the sponsoring health center, or any third-party payer.

Before the service is provided, the health care practitioner or the deemed health center posts a clear and conspicuous notice at the site where the service is provided of the extent to which the legal liability of the health care practitioner is limited under FTCA.

At the time service is provided, the VHP is licensed or certified in accordance with applicable federal and state laws regarding the provision of the service.

The sponsoring health center maintains all relevant documentation to show that the VHP meets the requirements to be considered a health professional volunteer for purposes of FTCA coverage.

VHP FTCA Application Types

Initial Deeming:

- Sponsoring health centers applying for FTCA deeming status for VHPs for the first time.
- Coverage is effective as of the date noted on the Notice of Deeming Action (NDA) letter approving the VHPs.

Supplemental Deeming:

- Sponsoring health centers applying for FTCA deeming status throughout the calendar year.
- Coverage is effective as of the date noted on the Notice of Deeming Action (NDA) letter approving the VHPs.

Annual Redeeming:

- Sponsoring health centers annually applying to continue FTCA deeming status as entities and for their currently covered VHPs for the following calendar year.
- Coverage is effective as of January 1 of the following calendar year.

All applications must be submitted through the Electronic Handbooks (EHB) system:

<https://grants.hrsa.gov/webexternal/home.asp>.