

## **Outpatient Medical Center, Inc.**

### **Federal Tort Claims Act (FTCA) coverage by the Federal Government**

The Federally Supported Health Care Centers Assistance Act of 1992 and 1995 granted medical malpractice liability protection through the Federal Tort Claims Act (FTCA) to HRSA-supported health centers. Under the Act, health centers are considered Federal employees and are immune from lawsuits, with the Federal government acting as their primary insurer.

Since its enactment in 1946, the Federal Tort Claims Act (FTCA) has been the legal mechanism for compensating people who have suffered personal injury by the negligent or wrongful action of employees of the U.S. government. Under Section 224 of the Public Health Service Act, as amended by the Federally Supported Health Centers Assistance Act of 1992 and 1995, employees of eligible health centers may be deemed to be Federal Employees qualified for protection under the FTCA.

Eligible health centers must submit an original deeming and annual renewal deeming applications to the U.S. Department of Health and Human Services, Health Resources and Services Administration, Bureau of Primary Health Care (BPHC). **Outpatient Medical Center, Inc. is currently deemed under FTCA coverage.**

There is no cost to participating health centers or their providers, and they are not liable for any settlements or judgements that are made. The Federal Government assumes the responsibility for these costs. The health center, their employees and eligible contractors are considered Federal Employees immune from suit for medical malpractice claims while acting within the scope of their employment. Once deemed, Health Center Program grantees are immune from medical malpractice lawsuits resulting from the performance of medical, surgical, dental, or related functions with the approved scope of project.

A patient who alleges the acts of medical malpractice by a deemed health center cannot sue the center or the provider directly, but must file the claim against the United States.

These claims are reviewed and/or litigated by the U.S. Department of Health and Human Services, Office of the General Counsel and the Department of Justice according to FTCA requirements. HRSA pays for all settlements and judgements from a separately appropriated Health Center FTCA Judgement Fund.