

## Overview of the FTCA Free Clinic Program

The Health Insurance Portability and Accountability Act (HIPAA) granted medical malpractice coverage through FTCA to volunteer Free Clinic health care professionals. The Patient Protection and Affordable Care Act extended this coverage to Free Clinic board members, officers, employees, and individual contractors.

A Free Clinic must apply for and sponsor a qualified individual for FTCA medical malpractice coverage deeming. FTCA medical malpractice protection provides the covered individual with immunity from medical malpractice lawsuits resulting from his/her subsequent performance of clinical medical, dental, or related functions within the scope of his/her work at the Free Clinic.

The Free Clinics FTCA Program has four major program requirements that are based on statutory requirements\*\*:

- Credentialing and Privileging System
- Quality Improvement/Quality Assurance (QI/QA) program, including a risk management (RM) system
- Professional Liability
- Annual Data Reporting

\*\* Additional information on the above program requirements can be found in PIN 2011-02.

## Requirements of Sponsoring Clinics

The sponsoring Free Clinic must meet the following requirements:

- Must be a 501(c)(3) organization
- Must be licensed or certified in accordance with applicable state law
- Must not receive any compensation for service from individual or third-party payor (Note: Free Clinic is allowed to accept donations)

## Requirements of Free Clinic Health Professionals

- Free Clinic health professionals cannot receive any compensation for service from individual or third-party payor
- Health Services must be provided at the Free Clinic or through sponsored offsite programs or events
- Individuals who are volunteer health care professionals must be currently licensed or certified to provide health care services

## Credentialing and Privileging

### Credentialing

Process of assessing and confirming qualifications  
Credentialing Elements

- Verify Licensure
- Verify Education, and Training
- Ability to Perform Job
- Identification

### Privileging

Process of authorizing the specific scope and content of patient care services provided

### Privileging Elements

- Verify and Assess Competence based on the course of training as required to perform defined procedures
- Free Clinic must have implemented policies and procedures to assess that the Free Clinic volunteer has the required competence and skills needed to perform their scope of work within the Free Clinic

## Quality Improvement/Quality Assurance Program (QI/QA)

The Free Clinic must have a QI/ QA plan:

- Identifies the Free Clinic’s plan to mitigate risk and improve quality care for patients
- Outlines the process for identification and evaluation of concerns, education plan for staff members, and responsibilities of management
- Includes the Free Clinic’s credentialing and privileging process

Additional information on the above program requirements can be found on our site: <https://bphc.hrsa.gov/initiatives/ftca/policies-program-guidance#ftca-free-clinics>

### Patient Notice of Limited Liability

- Free Clinic must provide each patient with written notification of the limited liability of the health care professional pursuant to FTCA
- The notification must be written and provided by the sponsoring Free Clinic or deemed individual
- Highly recommended that Free Clinics provide the notification prior to the first visit and obtain the patient’s signature

Please see sample notification at: <https://bphc.hrsa.gov/initiatives/ftca/technical-assistance-resources#-free-clinic-application-toolkit>

**If you have any questions, please contact the Bureau of Primary Health Care (BPHC) Health Center Program Support at:**

**Phone: 1-877-464-4772, Option 1  
8:00 a.m. to 5:30 p.m. ET,  
Monday through Friday  
(except Federal holidays)**

**Online: <https://hrsa.force.com/support/s/>**

## Annual Data Reporting

On an annual basis, all Free Clinics with FTCA deemed individuals must submit data on the number of patient visits, deemed providers and

### Did You Know?

- There are over 15, 000 deemed providers and individuals at over 200 Free Clinics that participate in the FTCA Free Clinic Program
- FTCA deemed health professionals provide medical care to over 1 million patients
- Deeming applications can be submitted through our new web-based application module, HRSA’s Electronic Handbook (EHB) deemed individuals

### Resources

Application & Technical Resources available on our website: <https://bphc.hrsa.gov/initiatives/ftca/application-process#free-clinics-application>

\*Free Clinical Risk Management Resources available through: <https://www.ecri.org>

\*Available to participating Free Clinics

To easily connect to a variety of T/TA resources aimed to reduce risk, improve patient safety, and enhance processes, Scan the FTCA T/TA QR code.

