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Sent: Friday, May 01, 2009 9:13 PM  
To: Orloff, Tracey (HRSA)  
Subject: HRSA Announcement: 2009 H1N1 Flu Outbreak and Federal Torts Claims Act (FTCA) coverage for Health Center Emergency Response Activities

TO: Health Center Program Grantees  
Primary Care Associations  
National Cooperative Agreements

FROM: Jim Macrae, HRSA Associate Administrator

RE: 2009 H1N1 Flu Outbreak and Federal Torts Claims Act (FTCA) coverage for Health Center Emergency Response Activities

In response to questions regarding temporary changes in scope to allow health centers to participate in the H1N1 flu outbreak response, we are providing information regarding the Health Resources and Services Administration/Bureau of Primary Health Care's policy on the process for requesting a change in scope during emergencies. Please contact the Office of Policy and Program Development's Policy Branch at 301-594-4300 or [oppdgeneral@hrsa.gov](mailto:oppdgeneral@hrsa.gov) if you have any questions about this information.

1. Relevant Policy Information Notices (PINs): PIN 2007-16 ("FTCA Coverage for Health Center Program Grantees Responding to Emergencies") <http://bphc.hrsa.gov/policy/pin0716/default.htm> and PIN 2008-01 ("Defining Scope of Project and Policy for Requesting Changes"), section IV.C. (page 23 of pdf version) <http://bphc.hrsa.gov/policy/pin0801/>.
2. Definition of "Emergency": The H1N1 Flu Outbreak qualifies as an "emergency" for purposes of using the emergency change in scope request process outlined in PIN 2007-16 (see definition of "emergency" in section III of the PIN).
3. Adding a site: During an emergency, health centers that wish to temporarily add a site to the scope of project in order to provide current approved services at a location that is within the service area and within areas adjacent to the health center's service area may do so if the 4 criteria outlined in section IV.A. of PIN 2007-16 are met. Pre-approval is not required; however, the health center must notify BPHC within 15 days of initiating services (see item 5 below).
4. Definition of "temporary locations": "Temporary locations" include places where mass immunizations or medical care is provided as part of a coordinated effort to support the health care infrastructure during an emergency. Health center sites that are being operated in coordination with the public health response to the H1N1 flu virus would be eligible for inclusion within the scope of project using the emergency change in scope process (again, providing that the 4 conditions in section IV.A of PIN 2001-16 are met).
5. Notification Process and Timeline: To ensure that the emergency response at the temporary location is considered part of the health center's scope of project and eligible for FTCA coverage, the health center must provide the following information to its HRSA Project Officer by phone, e-mail or fax within 15 days after initiation of the emergency response activities: (1) health center name; (2) name of health center representative and his/her contact information; and (3) a brief description of the emergency response activities.
6. Impact of Emergency on Existing Health Center Sites: Both health centers directly impacted by the emergency (i.e., the health center is forced to close or is unable to operate) and health centers that are not directly impacted by the emergency may add sites to the scope of project by using the emergency scope notification process

described above, as long as the health center is providing services within the service area and within areas adjacent to the health center's service area.

7. Operating outside the service area: Impacted health centers seeking to add sites located outside the service area and outside adjacent communities must obtain pre-approval before the site can be considered part of the scope of project. FTCA coverage will not extend to providers providing health care at these sites until approval is obtained. Non-impacted health centers are not eligible for FTCA coverage via the emergency scope request process described in PIN 2007-16 if the care is provided at locations outside the service area and outside adjacent communities. (See section IV.B. and section IV.C. of PIN 2007-16.)

Thank you for your ongoing commitment to improve the health of the Nation's underserved communities and vulnerable populations by assuring access to comprehensive, culturally competent, quality primary health care.

/s/

James Macrae  
Associate Administrator for Primary Care

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