

**Program Description** - Free clinics assist in some communities in meeting the health care needs of the uninsured. They provide a venue for some providers to volunteer their services, although their hours of operation may be limited. Many of these clinics are faith-based. Most free clinics are small organizations with annual budgets of less than \$250,000.

In FY 2004, Congress provided first-time funding for payments of claims under the Federal Tort Claims Act (FTCA) to be made available for free clinic health professionals.

Authorized by Section 224 of the Public Health Service Act, the appropriation established the Free Clinics Medical Malpractice judgment fund and extended FTCA coverage to medical professional volunteers in free clinics in order to expand access to health care services to low-income individuals in medically underserved areas.

Qualifying 'free clinics' or health care facilities operated by nonprofit private entities must be licensed or certified in accordance with applicable law regarding the provision of health services. They cannot:

- accept reimbursements from any third-party payor (including reimbursement under any insurance policy or health plan, or under any Federal or State health benefits program including Medicare or Medicaid).
- impose charges on the individuals to whom the services are provided, or impose charges according to the ability of the individual involved to pay the charge.

Qualifying Free Clinics submit applications to the Department of Health and Human Service to have volunteer providers deemed that they sponsor.

HRSA has created a deeming process for the Free Clinics FTCA Medical Malpractice Program. Guidance on the deeming process was published on September 24, 2004, and HRSA has established a designated e-mail account and phone line so that free clinics and eligible health professionals may easily obtain information on the program. The first application was received on December 8, 2004. As of December 31, 2006, a total of 65 applications have been approved, and 1,688 volunteer practitioners have been deemed. Per the relevant authorizing legislation, HRSA will make deeming decisions within 30 days of receipt of a complete application.

**Performance Analysis** - The Free Clinics FTCA program is intended to encourage health care providers to volunteer at free clinics by providing medical malpractice protection at sponsoring free clinics, thus expanding the capacity of the health care safety net. The Free Clinics FTCA performance measures are designed to track the impact of this benefit on increasing volunteer provider participation at free clinics. These measures were established during the Program Assessment Rating Tool (PART) review conducted in 2006 for the FY 2008 Budget cycle. The program received a rating of Adequate.

In FY 2005, the first year that the program began deeming providers, strong early performance was demonstrated with the deeming of 657 providers at 38 free clinics. Monitoring these and the program's long term indicators, which examine the volume of patients visits and measuring the impact of FTCA coverage on clinician decisions to volunteer, will provide valuable information on the program's performance. (See "Details of Performance Analysis.")

<b>Performance Goal</b>	<b>Results</b>	<b>Context</b>
Increase the number of volunteer free clinic health care providers deemed eligible for FTCA malpractice coverage.	The program deemed 657 volunteer free clinic health care providers in FY 2005.	Tracks progress towards the program's statutory goal of expanding access to health care services to low-income individuals in medically underserved areas
Increase the number of free clinics operating with FTCA-deemed volunteer clinicians.	38 free clinics operated with FTCA-deemed volunteer clinicians in FY 2005.	Tracks progress towards the program's statutory goal of expanding access to health care services to low-income individuals in medically underserved areas.

<http://www.hrsa.gov/about/budgetjustification08/FreeClinicsMedicalMalpractice.htm>