

TO: PCAs dealing with Emergency Situations
FROM: Colleen Meiman, National Policy Advisor
DATE: 9/29/24
RE: **FTCA and 340B Information for emergency situations**

Here is some high-level information about BPHC and 340B policies that might be helpful to you and your CHCs as you respond to an emergency. The three categories of information are:

- FTCA in Emergencies – Which CHCs can receive FTCA for caring for impacted patients, and where.
- FTCA in Emergencies – Providers.
- 340B in Emergencies

FTCA in Emergencies – Which CHCs can receive FTCA for caring for impacted patients, and where.

Last updated August 2023

Also see the chart at the end of this memo, which walks through the various scenarios

Services provided in or near the disaster areas: At present, the only health centers who can receive FTCA coverage for services provided in or near disaster areas are:

- Health centers whose service area was directly impacted by the disaster.
- Health centers whose service area is located in an area (county, parish, or other political subdivision) that is adjacent to an area that was directly impacted.

Any health center that establishes temporary sites to care for people impacted by the disaster have must inform BPHC of any temporary sites within 15 days of starting services; for more information, please refer to the attached flowchart, which refers to the relevant section of the FTCA Manual and PAL 2014-05.

Services for patients who are displaced by the disaster: Health centers whose target population was directly impacted by the disaster may receive FTCA coverage for caring for these patients (and others impacted by the disaster) at locations that are neither in nor adjacent to their service area.

- For example, say Houston is impacted by a hurricane, causing some health center patients from Houston to temporarily relocate to Austin. In that situation, a Houston health center may receive FTCA coverage for providing services to its patients (and members of its target population) in a shelter in Austin.

Again, any health center that establishes temporary sites to care for people impacted by the disaster have must inform BPHC of any temporary sites within 15 days of starting services; for more information, please refer to the attached flowchart, which refers to the relevant section of the FTCA Manual and PAL 2014-05.

FTCA in Emergencies – Providers.

Last updated April 2024

- Automatic FTCA coverage applies only to those providers who were already covered under FTCA at that CHC immediately prior to the emergency. Thus, if any other qualified individual offers to provide healthcare services on the CHC’s behalf in response to the emergency:
 - They are not automatically covered under FTCA.
 - In order to get them covered, the CHC must apply to BPHC for Volunteer Health Professional coverage for each individual, and wait for the application to be approved.
- Even providers from other CHCs – who are covered under FTCA at their “home” CHC – are not automatically covered when volunteering at a CHC responding to an emergency.
- FTCA applications for Volunteer Health Professionals must be submitted on an individual basis; PCAs may be able to help their CHCs with some of this.
 - BPHC streamlined this process as much as possible under current law in PAL 2024-01 and PAL 2024-02.

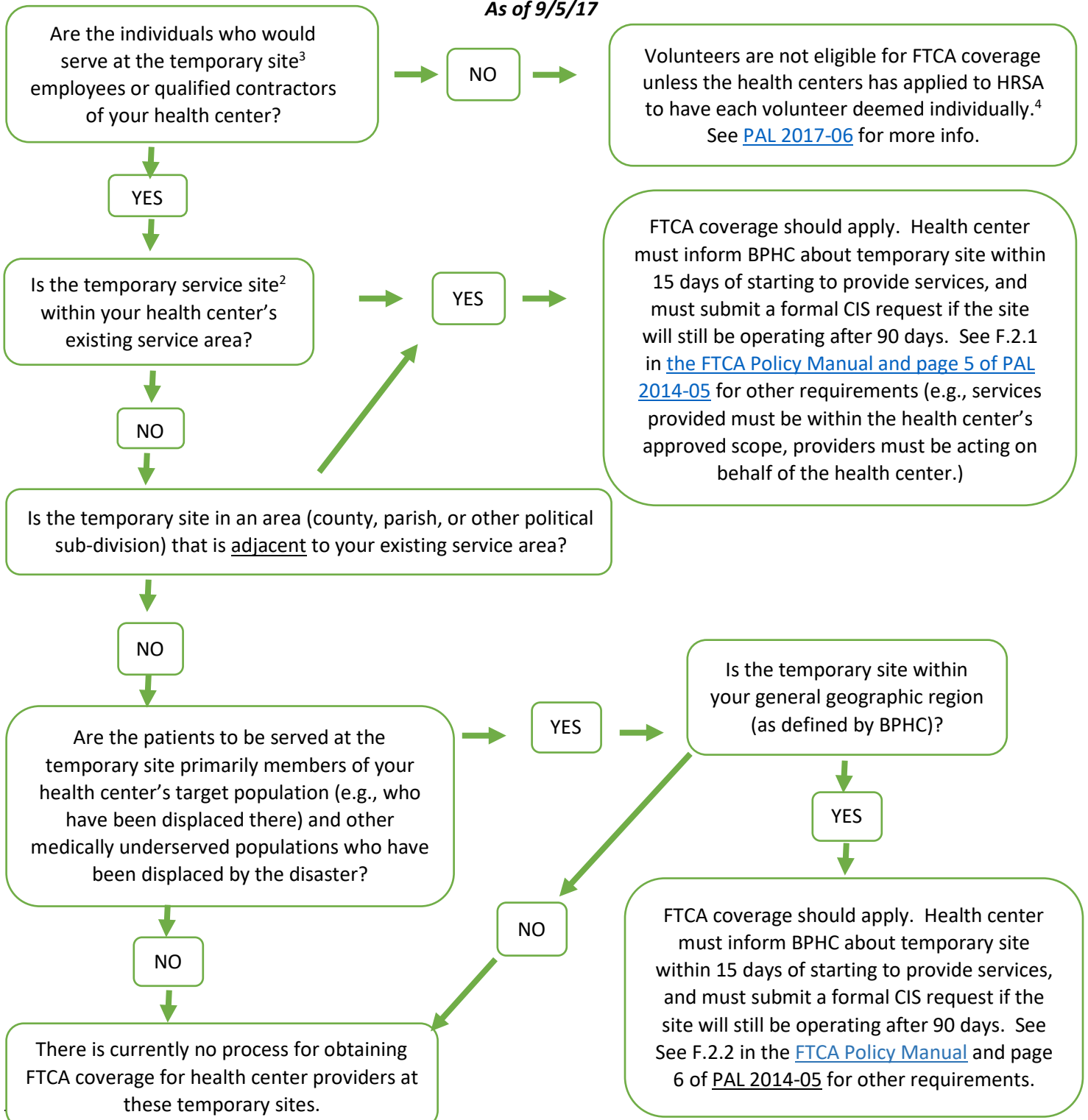
340B in Emergencies

Updated Sept. 2024

- **CHCs may accept donations of non-340B drugs.** It is recommended that the CHC create a separate inventory management category for donated drugs, and track them accordingly.
- **A CHC may transfer 340B drugs among its own sites.** In other words, a CHC may transfer 340B drugs among its own sites, but not to another CHC’s site.
- **A CHC may not accept donations, or purchase 340B drugs, from another CHC.** In other words, a CHC cannot accept 340B drugs – either as a donation or a purchase – from another CHC organization.
- **If 340B drugs are destroyed in the emergency:** If any drugs that were purchased under 340B are destroyed as a result of the emergency situation, the health center should note that in their records so that there is no question of those Rx being “diverted” to non-340B eligible prescriptions.
- **HRSA will allow for off-cycle registration of temporary sites established in response to the emergency.** Typically, HRSA’s Office of Pharmacy Affairs only allows CHCs to register new sites for 340B during their four two-week windows each year. However, HRSA routinely makes exceptions to these timeframes in response to emergency situations, so the CHC should plan on registering the site on OPAIS (HRSA’s 340B site) as soon as possible once things calm down a bit.

FTCA Coverage of Health Center Providers in Temporary Sites Responding to Emergency Situations¹

Based on [FTCA Policy Manual](#) and [PAL 2014-05](#)²- See the Manual and PAL for more information
As of 9/5/17



1 See FTCA Manual for definition of a qualifying "emergency."

2 Note that PIN 2007-16 has been superseded by the FTCA Manual and PAL 2014-02.

3 "Temporary sites" could include, but are not limited to, an existing site operated by another health center, a local hospital, or a place that provides shelter to evacuees or victims of the emergency. See the FTCA Manual and PAL for more information.

4 It is possible that the volunteer would qualify for immunity or limited liability under State or Federal charitable immunity/limited liability statutes (such as the Federal Volunteer Protection Act of 1997) or under Federal provisions related to the National Disaster Medical System (section 2811 of the PHS Act).