



MAR 22 2021

Dear Urban Indian Organization Leader:

The Federal Tort Claims Act (FTCA) is a Federal law that allows parties claiming to have been injured by certain tortious actions of Federal employees acting within the scope of their Federal duties to present claims for property damage, personal injury, and/or wrongful death to the Federal agency or agencies involved in the incident. The FTCA also provides authority for the Federal government to defend against such claims. On January 3, 2021, Congress amended 25 U.S.C. § 5321(d) to extend FTCA coverage to Urban Indian Organizations (UIOs) and their employees to the same extent and in the same manner as to Tribes and Tribal Organizations.

Processing of FTCA claims that involve allegations of tortious conduct by employees of UIOs will be conducted by the U.S. Department of Health and Human Services (HHS) Office of the General Counsel's (OGC) General Law Division, Claims and Employment Law Branch. Once the OGC's Claims Office in Washington, D.C., receives the FTCA claim, they will contact you directly to request relevant information and supporting documentation, for example, medical records and employment verification documents.

To better assist with the investigation and evaluation of these FTCA claims, I am requesting that each Urban Indian Organization designate one individual to be its point of contact. This individual will be responsible for responding to requests from the HHS OGC Claims Office. Please e-mail the name, address, telephone number, and e-mail address of your designated contact by Friday, April 16, 2021, to Daniel Mendoza, HHS OGC Paralegal Specialist, at daniel.mendoza@hhs.gov.

The Indian Health Service (IHS) Risk Management Program will be responsible for coordinating the clinical peer reviews of all FTCA medical malpractice claims presented to HHS involving an Urban Indian Organization carrying out a contract or grant pursuant to the Indian Health Care Improvement Act (IHCIA). To improve the quality of care we provide, I am requesting the cooperation of your providers in completing these reviews when requested by our IHS Risk Management Program.

The IHS will provide additional information, including a Frequently Asked Questions document and training on these matters in the near future. If you have any questions or need additional information on our IHS Risk Management Program, please directly contact Paul Fowler, M.D., by telephone at (301) 443-6372, or by e-mail at paul.fowler@ihs.gov.

Whether a tort claim is covered under the FTCA is ultimately determined on a case-by-case basis by the U.S. Department of Justice. Urban Indian Organizations should be aware that a claim may be filed against them involving matters not covered under the FTCA. Since claims may be filed involving matters not covered under the FTCA, UIOs should consult with your legal counsel regarding the need to maintain gap or wrap-around coverage in the event a claim is not covered under the FTCA.

I look forward to working with you on this important matter.

Sincerely,

/Elizabeth A. Fowler/
Acting Director