

PLEASE READ IF YOUR APPLICATION FOR A PRELITIGATION SCREENING HEARING IDENTIFIES A FEDERAL FACILITY AS RESPONDENT!

If your request for a prelitigation screening hearing identifies the following facilities as respondent, you may not be required to complete the prelitigation screening hearing process before you proceed to formal legal action under the Federal Tort Claims Act statute:

Veterans Affairs Medical Center Boise (VA)

The Idaho State Board of Medicine lacks jurisdiction over medical malpractice cases involving the VA or its practitioners. POSSIBLE EXCEPTION: If the physician named as respondent is an independent contractor (not a VA employee).

Regional Counsel for the Department of Veterans Affairs has opined that The Federal Tort Claims Act, Title 28 United States Code (28 U.S.C., section 1346(b), “is the exclusive remedy for malpractice claims against the Department of Veterans Affairs.”

CONTACT: Counsel to the VA is Briana Buban of the Office of Regional Counsel, Department of Veterans Affairs, 208.422.1000.

Terry Reilly Health Services (TRHS)

The Idaho State Board of Medicine lacks jurisdiction over medical malpractice cases involving TRHS or its practitioners.

Terry Reilly Health Services is a “federally qualified health center” (FQHC) and falls under The Federally Supported Health Centers Assistance Act of 1992, U.S. C., section 233(g)-(n). As such, TRHS and its employees can only be sued for medical malpractice under the Federal Tort Claims Act.

CONTACT: Timothy Brown, Terry Reilly Health Services, 208.467.4431.

Family Health Center, Twin Falls (or any other of the federally funded family health centers in Idaho)

The Idaho State Board of Medicine lacks jurisdiction over medical malpractice cases involving Family Health Center, Twin Falls or its practitioners.

As with Terry Reilly Health Services, Family Health Center, Twin Falls, is a “federally qualified health center” and is immune from suit in Idaho state court.