

114TH CONGRESS
2^D SESSION

H. R. 921

[Report No. 114-]

To provide protections for certain sports medicine professionals who provide certain medical services in a secondary State.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 12, 2015

Mr. GUTHRIE (for himself, Mr. RICHMOND, and Mr. WOMACK) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

SEPTEMBER --, 2016

Reported from the Committee on Energy and Commerce with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on February 12, 2015]

A BILL

To provide protections for certain sports medicine professionals who provide certain medical services in a secondary State.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Sports Medicine Licen-*
5 *sure Clarity Act of 2016”.*

6 **SEC. 2. PROTECTIONS FOR COVERED SPORTS MEDICINE**

7 **PROFESSIONALS.**

8 *(a) IN GENERAL.—In the case of a covered sports med-*
9 *icine professional who has in effect medical professional li-*
10 *ability insurance coverage and provides in a secondary*
11 *State covered medical services that are within the scope of*
12 *practice of such professional in the primary State to an*
13 *athlete or an athletic team (or a staff member of such an*
14 *athlete or athletic team) pursuant to an agreement de-*
15 *scribed in subsection (b)(4) with respect to such athlete or*
16 *athletic team—*

17 *(1) such medical professional liability insurance*
18 *coverage shall cover (subject to any related premium*
19 *adjustments) such professional with respect to such*
20 *covered medical services provided by the professional*
21 *in the secondary State to such an individual or team*
22 *as if such services were provided by such professional*
23 *in the primary State to such an individual or team;*
24 *and*

1 (2) *to the extent such professional is licensed*
2 *under the requirements of the primary State to pro-*
3 *vide such services to such an individual or team, the*
4 *professional shall be treated as satisfying any licen-*
5 *sure requirements of the secondary State to provide*
6 *such services to such an individual or team.*

7 (b) *DEFINITIONS.—In this Act, the following defini-*
8 *tions apply:*

9 (1) *ATHLETE.—The term “athlete” means—*

10 (A) *an individual participating in a sport-*
11 *ing event or activity for which the individual*
12 *may be paid;*

13 (B) *an individual participating in a sport-*
14 *ing event or activity sponsored or sanctioned by*
15 *a national governing body; or*

16 (C) *an individual for whom a high school*
17 *or institution of higher education provides a cov-*
18 *ered sports medicine professional.*

19 (2) *ATHLETIC TEAM.—The term “athletic team”*
20 *means a sports team—*

21 (A) *composed of individuals who are paid*
22 *to participate on the team;*

23 (B) *composed of individuals who are par-*
24 *ticipating in a sporting event or activity spon-*

1 sored or sanctioned by a national governing
2 body; or

3 (C) for which a high school or an institu-
4 tion of higher education provides a covered
5 sports medicine professional.

6 (3) *COVERED MEDICAL SERVICES.*—The term
7 “covered medical services” means general medical
8 care, emergency medical care, athletic training, or
9 physical therapy services. Such term does not include
10 care provided by a covered sports medicine profes-
11 sional—

12 (A) at a health care facility; or

13 (B) while a health care provider licensed to
14 practice in the secondary State is transporting
15 the injured individual to a health care facility.

16 (4) *COVERED SPORTS MEDICINE PROFES-*
17 *SIONAL.*—The term “covered sports medicine profes-
18 sional” means a physician, athletic trainer, or other
19 health care professional who—

20 (A) is licensed to practice in the primary
21 State;

22 (B) provides covered medical services, pur-
23 suant to a written agreement with an athlete, an
24 athletic team, a national governing body, a high
25 school, or an institution of higher education; and

1 (C) prior to providing the covered medical
2 services described in subparagraph (B), has dis-
3 closed the nature and extent of such services to
4 the entity that provides the professional with li-
5 ability insurance in the primary State.

6 (5) *HEALTH CARE FACILITY*.—The term “health
7 care facility” means a facility in which medical care,
8 diagnosis, or treatment is provided on an inpatient
9 or outpatient basis. Such term does not include facili-
10 ties at an arena, stadium, or practice facility, or tem-
11 porary facilities existing for events where athletes or
12 athletic teams may compete.

13 (6) *INSTITUTION OF HIGHER EDUCATION*.—The
14 term “institution of higher education” has the mean-
15 ing given such term in section 101 of the Higher Edu-
16 cation Act of 1965 (20 U.S.C. 1001).

17 (7) *NATIONAL GOVERNING BODY*.—The term “na-
18 tional governing body” has the meaning given such
19 term in section 220501 of title 36, United States
20 Code.

21 (8) *PRIMARY STATE*.—The term “primary State”
22 means, with respect to a covered sports medicine pro-
23 fessional, the State in which—

24 (A) the covered sports medicine professional
25 is licensed to practice; and

1 (B) the majority of the covered sports medi-
2 cine professional's practice is underwritten for
3 medical professional liability insurance coverage.

4 (9) *SECONDARY STATE*.—The term “secondary
5 State” means, with respect to a covered sports medi-
6 cine professional, any State that is not the primary
7 State.

8 (10) *STATE*.—The term “State” means each of
9 the several States, the District of Columbia, and each
10 commonwealth, territory, or possession of the United
11 States.