

114TH CONGRESS
1ST SESSION

H. R. 921

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

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 2015”.

1 **SEC. 2. CHOICE OF LAW PROTECTIONS FOR COVERED**
2 **SPORTS MEDICINE PROFESSIONALS.**

3 (a) IN GENERAL.—If a covered sports medicine pro-
4 fessional provides covered medical services to an athlete,
5 an athletic team, or a staff member of an athlete or ath-
6 letic team in a secondary State, such services shall be
7 deemed to have been provided in the primary State for
8 the following purposes:

9 (1) Determining the medical professional liabil-
10 ity insurance of that professional.

11 (2) Determining the civil and criminal mal-
12 practice liability of that professional.

13 **SEC. 3. DEFINITIONS.**

14 In this Act the following definitions apply:

15 (1) ATHLETE.—The term “athlete” means an
16 individual—

17 (A) competing in a sporting event spon-
18 sored or sanctioned by a national governing
19 body; or

20 (B) for whom an institution of higher edu-
21 cation provides a covered sports medicine pro-
22 fessional.

23 (2) ATHLETIC TEAM.—The term “athletic
24 team” means a sports team—

25 (A) composed of individuals who are paid
26 to participate on the team;

1 (B) composed of individuals who are com-
2 peting in a sporting event sponsored or sanc-
3 tioned by a national governing body; or

4 (C) for which an institution of higher edu-
5 cation provides a covered sports medicine pro-
6 fessional.

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

12 (A) at a health care facility; or

13 (B) while a health care provider legally au-
14 thorized to practice in the secondary State is
15 transporting the injured individual to a health
16 care facility.

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

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

22 (B) provides covered medical services, pur-
23 suant to a written agreement with an athletic
24 team, national governing body, or institution of

1 higher education, to an individual who is a
2 member or staff of the athletic team; and

3 (C) prior to providing the covered medical
4 services described in subparagraph (B), has dis-
5 closed the nature and extent of such services to
6 the entity that provides the physician or athletic
7 trainer with medical professional liability insur-
8 ance in the primary State.

9 (5) HEALTH CARE FACILITY.—The term
10 “health care facility” means a facility in which med-
11 ical care, diagnosis, or treatment is provided on an
12 inpatient or outpatient basis. Such term does not in-
13 clude facilities at an arena or stadium or temporary
14 facilities existing for events where athletic teams are
15 competing.

16 (6) INSTITUTION OF HIGHER EDUCATION.—The
17 term “institution of higher education” has the
18 meaning given such term in section 101 of the High-
19 er Education Act of 1965 (20 U.S.C. 1001).

20 (7) NATIONAL GOVERNING BODY.—The term
21 “national governing body” has the meaning given
22 such term in section 220501 of title 36, United
23 States Code.

24 (8) PRIMARY STATE.—The term “primary
25 State” means the State in which the covered sports

1 medicine professional is legally authorized to prac-
2 tice pursuant to a written agreement with an ath-
3 letic team, national governing body, or institution of
4 higher education.

5 (9) SECONDARY STATE.—The term “secondary
6 State” means any State in which the covered sports
7 medicine professional is not legally authorized to
8 practice.

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

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