

Calendar No. 501

115TH CONGRESS
2D SESSION

S. 808

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

IN THE SENATE OF THE UNITED STATES

APRIL 4, 2017

Mr. THUNE (for himself, Ms. KLOBUCHAR, Mr. PORTMAN, Mr. BOOZMAN, Mr. GRASSLEY, Mr. COTTON, Mr. WICKER, Mr. ROUNDS, Ms. MURKOWSKI, Mrs. CAPITO, Mr. MANCHIN, Mrs. ERNST, Mr. HOEVEN, Mr. ROBERTS, Mr. KENNEDY, Mr. LANKFORD, Mr. WHITEHOUSE, Mr. KING, Mrs. McCASKILL, Mr. YOUNG, Mr. CASSIDY, Mr. DONNELLY, Mr. COONS, Ms. WARREN, Ms. SMITH, Mr. MORAN, and Ms. COLLINS) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

JULY 9, 2018

Reported by Mr. ALEXANDER, with an amendment

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

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Sports Medicine Licen-
3 sure Clarity Act of 2017”.

4 **SEC. 2. PROTECTIONS FOR COVERED SPORTS MEDICINE**
5 **PROFESSIONALS.**

6 (a) **IN GENERAL.**—In the case of a covered sports
7 medicine professional who has in effect medical profes-
8 sional liability insurance coverage and provides in a sec-
9 ondary State covered medical services that are within the
10 scope of practice of such professional in the primary State
11 to an athlete or an athletic team (or a staff member of
12 such an athlete or athletic team) pursuant to an agree-
13 ment described in subsection (b)(4) with respect to such
14 athlete or athletic team—

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

23 (2) to the extent such professional is licensed
24 under the requirements of the primary State to pro-
25 vide such services to such an individual or team, the
26 professional shall be treated as satisfying any licen-

1 sure requirements of the secondary State to provide
2 such services to such an individual or team.

3 (b) DEFINITIONS.—In this Act, the following defini-
4 tions apply:

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

6 (A) an individual participating in a sport-
7 ing event or activity for which the individual
8 may be paid;

9 (B) an individual participating in a sport-
10 ing event or activity sponsored or sanctioned by
11 a national governing body; or

12 (C) an individual for whom a high school
13 or institution of higher education provides a
14 covered sports medicine professional.

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

17 (A) composed of individuals who are paid
18 to participate on the team;

19 (B) composed of individuals who are par-
20 ticipating in a sporting event or activity spon-
21 sored or sanctioned by a national governing
22 body; or

23 (C) for which a high school or an institu-
24 tion of higher education provides a covered
25 sports medicine professional.

1 (3) COVERED MEDICAL SERVICES.—The term
 2 “covered medical services” means general medical
 3 care, emergency medical care, athletic training, or
 4 physical therapy services. Such term does not in-
 5 clude care provided by a covered sports medicine
 6 professional—

7 (A) at a health care facility; or

8 (B) while a health care provider licensed to
 9 practice in the secondary State is transporting
 10 the injured individual to a health care facility.

11 (4) COVERED SPORTS MEDICINE PROFES-
 12 SIONAL.—The term “covered sports medicine profes-
 13 sional” means a physician, athletic trainer, or other
 14 health care professional who—

15 (A) is licensed to practice in the primary
 16 State;

17 (B) provides covered medical services, pur-
 18 suant to a written agreement with an athlete,
 19 an athletic team, a national governing body, a
 20 high school, or an institution of higher edu-
 21 cation; and

22 (C) prior to providing the covered medical
 23 services described in subparagraph (B), has dis-
 24 closed the nature and extent of such services to

1 the entity that provides the professional with li-
2 ability insurance in the primary State.

3 (5) HEALTH CARE FACILITY.—The term
4 “health care facility” means a facility in which med-
5 ical care, diagnosis, or treatment is provided on an
6 inpatient or outpatient basis. Such term does not in-
7 clude facilities at an arena, stadium, or practice fa-
8 cility, or temporary facilities existing for events
9 where athletes or athletic teams may compete.

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

14 (7) NATIONAL GOVERNING BODY.—The term
15 “national governing body” has the meaning given
16 such term in section 220501 of title 36, United
17 States Code.

18 (8) PRIMARY STATE.—The term “primary
19 State” means, with respect to a covered sports medi-
20 cine professional, the State in which—

21 (A) the covered sports medicine profes-
22 sional is licensed to practice; and

23 (B) the majority of the covered sports
24 medicine professional’s practice is underwritten

1 for medical professional liability insurance cov-
2 erage.

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

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

11 **SECTION 1. SHORT TITLE.**

12 *This Act may be cited as the “Sports Medicine Licen-*
13 *sure Clarity Act of 2017”.*

14 **SEC. 2. PROTECTIONS FOR COVERED SPORTS MEDICINE**
15 **PROFESSIONALS.**

16 (a) *IN GENERAL.—*In the case of a covered sports med-
17 *icine professional who has in effect medical professional li-*
18 *ability insurance coverage and provides in a secondary*
19 *State covered medical services that are within the scope of*
20 *practice of such professional in the primary State to an*
21 *athlete or an athletic team (or a staff member of such an*
22 *athlete or athletic team) pursuant to an agreement de-*
23 *scribed in subsection (b)(4) with respect to such athlete or*
24 *athletic team—*

1 (1) *such medical professional liability insurance*
2 *coverage shall cover (subject to any related premium*
3 *adjustments) such professional with respect to such*
4 *covered medical services provided by the professional*
5 *in the secondary State to such an individual or team*
6 *as if such services were provided by such professional*
7 *in the primary State to such an individual or team;*
8 *and*

9 (2) *to the extent such professional is licensed*
10 *under the requirements of the primary State to pro-*
11 *vide such services to such an individual or team, the*
12 *professional shall be treated as satisfying any licen-*
13 *sure requirements of the secondary State to provide*
14 *such services to such an individual or team to the ex-*
15 *tent the licensure requirements of the secondary State*
16 *are substantially similar to the licensure requirements*
17 *of the primary State.*

18 (b) *RULE OF CONSTRUCTION.—Nothing in this section*
19 *shall be construed—*

20 (1) *to allow a covered sports medicine profes-*
21 *sional to provide medical services in the secondary*
22 *State that exceed the scope of that professional's li-*
23 *cence in the primary State;*

24 (2) *to allow a covered sports medicine profes-*
25 *sional to provide medical services in the secondary*

1 *State that exceed the scope of a substantially similar*
2 *sports medicine professional license in the secondary*
3 *State;*

4 (3) *to supersede any reciprocity agreement in ef-*
5 *fect between the two States regarding such services or*
6 *such professionals;*

7 (4) *to supersede any interstate compact agree-*
8 *ment entered into by the two States regarding such*
9 *services or such professionals; or*

10 (5) *to supersede a licensure exemption the sec-*
11 *ondary State provides for sports medicine profes-*
12 *sionals licensed in the primary State.*

13 (c) *DEFINITIONS.—In this Act, the following defini-*
14 *tions apply:*

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

16 (A) *an individual participating in a sport-*
17 *ing event or activity for which the individual*
18 *may be paid;*

19 (B) *an individual participating in a sport-*
20 *ing event or activity sponsored or sanctioned by*
21 *a national governing body; or*

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

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

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

5 (B) *composed of individuals who are par-*
6 *ticipating in a sporting event or activity spon-*
7 *sored or sanctioned by a national governing*
8 *body; or*

9 (C) *for which a high school or an institu-*
10 *tion of higher education provides a covered*
11 *sports medicine professional.*

12 (3) *COVERED MEDICAL SERVICES.*—*The term*
13 *“covered medical services” means general medical*
14 *care, emergency medical care, athletic training, or*
15 *physical therapy services. Such term does not include*
16 *care provided by a covered sports medicine profes-*
17 *sional—*

18 (A) *at a health care facility; or*

19 (B) *while a health care provider licensed to*
20 *practice in the secondary State is transporting*
21 *the injured individual to a health care facility.*

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

1 (A) is licensed to practice in the primary
2 State;

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

7 (C) prior to providing the covered medical
8 services described in subparagraph (B), has dis-
9 closed the nature and extent of such services to
10 the entity that provides the professional with li-
11 ability insurance in the primary State.

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

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

23 (7) *LICENSE.*—The term “license” or “licen-
24 sure”, as applied with respect to a covered sports
25 medicine professional, means a professional that has

1 *met the requirements and is approved to provide cov-*
2 *ered medical services in accordance with State laws*
3 *and regulations in the primary State. Such term may*
4 *include the registration or certification, or any other*
5 *form of special recognition, of an individual as such*
6 *a professional, as applicable.*

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

11 (9) *PRIMARY STATE.*—*The term “primary State”*
12 *means, with respect to a covered sports medicine pro-*
13 *fessional, the State in which—*

14 (A) *the covered sports medicine professional*
15 *is licensed to practice; and*

16 (B) *the majority of the covered sports medi-*
17 *cine professional’s practice is underwritten for*
18 *medical professional liability insurance coverage.*

19 (10) *SECONDARY STATE.*—*The term “secondary*
20 *State” means, with respect to a covered sports medi-*
21 *cine professional, any State that is not the primary*
22 *State.*

23 (11) *STATE.*—*The term “State” means each of*
24 *the several States, the District of Columbia, and each*

1 *commonwealth, territory, or possession of the United*
2 *States.*

3 (12) *SUBSTANTIALLY SIMILAR.—The term “sub-*
4 *stantially similar”, with respect to the licensure by*
5 *primary and secondary States of a sports medicine*
6 *professional, means that both the primary and sec-*
7 *ondary States have in place a form of licensure for*
8 *such professionals that permits such professionals to*
9 *provide covered medical services.*

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