

113TH CONGRESS
1ST SESSION

H. R. 3722

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

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 12, 2013

Mr. LATHAM (for himself and Mr. RICHMOND) 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. PROTECTIONS FOR COVERED SPORTS MEDI-**
4 **CINE PROFESSIONALS.**

5 (a) IN GENERAL.—If a covered sports medicine pro-
6 fessional provides covered medical services to an athlete,
7 an athletic team, or a staff member of an athlete or ath-
8 letic team in a secondary State, such services shall be

1 deemed to have been provided in the primary State for
2 the following purposes:

3 (1) Determining the medical professional liabil-
4 ity insurance of that professional.

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

7 **SEC. 2. DEFINITIONS.**

8 In this Act the following definitions apply:

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

11 (A) competing in a sporting event spon-
12 sored or sanctioned by a national governing
13 body; or

14 (B) for whom an institution of higher edu-
15 cation provides a covered sports medicine pro-
16 fessional.

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

19 (A) composed of individuals who are paid
20 to participate on the team;

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

1 (C) for which an institution of higher edu-
2 cation provides a covered sports medicine pro-
3 fessional.

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

9 (A) at a health care facility; or

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

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

17 (A) is legally authorized to practice in the
18 primary State;

19 (B) provides covered medical services, pur-
20 suant to a written agreement with an athletic
21 team, national governing body, or institution of
22 higher education, to an individual who is a
23 member or staff of the athletic team; and

24 (C) prior to providing the covered medical
25 services described in subparagraph (B), has dis-

1 closed the nature and extent of such services to
2 the entity that provides the physician or athletic
3 trainer with medical professional liability insur-
4 ance in the primary State.

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

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

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

20 (8) PRIMARY STATE.—The term “primary
21 State” means the State in which the covered sports
22 medicine professional is legally authorized to prac-
23 tice.

24 (9) SECONDARY STATE.—The term “secondary
25 State” means any State in which the covered sports

1 medicine professional is not legally authorized to
2 practice.

3 (10) STATE.—The term “State” means each of
4 the several States, the District of Columbia, and
5 each commonwealth, territory, or possession of the
6 United States.

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