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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

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A BILL

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Sports Medicine Licensure Clarity Act of 2015''.

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

(a) IN GENERAL.—If a covered sports medicine professional provides covered medical services to an athlete, an athletic team, or a staff member of an athlete or athletic team in a secondary State, such services shall be deemed to have been provided in the primary State for the following purposes:

(1) Determining the medical professional liability insurance of that professional.

(2) Determining the civil and criminal malpractice liability of that professional.

SEC. 3. DEFINITIONS.

In this Act the following definitions apply:

(1) ATHLETE.—The term ''athlete'' means an individual—

(A) competing in a sporting event sponsored or sanctioned by a national governing body; or

(B) for whom an institution of higher education provides a covered sports medicine professional.

(2) ATHLETIC TEAM.—The term ''athletic team'' means a sports team—

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

(B) composed of individuals who are competing in a sporting event sponsored or sanctioned by a national governing body; or

(C) for which an institution of higher education provides a covered sports medicine professional.

(3) COVERED MEDICAL SERVICES.—The term ''covered medical services'' means general medical care, emergency medical care, or athletic training services. Such term does not include care provided by a covered sports medicine professional—

(A) at a health care facility; or

(B) while a health care provider legally authorized to practice in the secondary State is transporting the injured individual to a health care facility.

(4) COVERED SPORTS MEDICINE PROFESSIONAL.—The term ''covered sports medicine professional'' means a physician or athletic trainer who—

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

(B) provides covered medical services, pursuant to a written agreement with an athletic team, national governing body, or institution of

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

(C) prior to providing the covered medical services described in subparagraph (B), has disclosed the nature and extent of such services to the entity that provides the physician or athletic trainer with medical professional liability insurance in the primary State.

(5) HEALTH CARE FACILITY.—The term ''health care facility'' means a facility in which medical care, diagnosis, or treatment is provided on an inpatient or outpatient basis. Such term does not include facilities at an arena or stadium or temporary facilities existing for events where athletic teams are competing.

(6) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

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

(8) PRIMARY STATE.—The term ''primary State'' means the State in which the covered sports

medicine professional is legally authorized to practice pursuant to a written agreement with an athletic team, national governing body, or institution of higher education.

(9) SECONDARY STATE.—The term ''secondary State'' means any State in which the covered sports medicine professional is not legally authorized to practice.

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

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