

Union Calendar No. 572

114TH CONGRESS
2D SESSION

H. R. 921

[Report No. 114–736, Part I]

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 12, 2016

Additional sponsors: Mr. COLLINS of New York, Mr. GRAVES of Missouri, Mr. HANNA, Mr. ASHFORD, Mr. HILL, Mr. POMPEO, Mr. HECK of Nevada, Mr. LOEBSACK, Mr. TED LIEU of California, Mr. PAULSEN, Mr. DAVID SCOTT of Georgia, Mr. MCKINLEY, Mr. LONG, Mr. BARR, Mrs. ELLMERS of North Carolina, Mr. O'ROURKE, Mr. BOUSTANY, Ms. DELBENE, Mr. KELLY of Pennsylvania, Mr. COSTELLO of Pennsylvania, Mr. BRIDENSTINE, Mr. DESJARLAIS, Mr. DENT, Mrs. BLACKBURN, Mr. BISHOP of Michigan, Mr. MARINO, Mr. HASTINGS, Mr. TONKO, Mr. BILIRAKIS, Mr. MARCHANT, Mr. THOMPSON of Mississippi, Mr. COHEN, Mr. PETERS, Mr. KILMER, Mr. FLORES, Mr. TIPTON, Mr. TOM PRICE of Georgia, Mr. BARLETTA, Mr. HUFFMAN, Mr. JOLLY, Mr. RIBBLE, Mr. WALBERG, Mr. ALLEN, Mr. WESTERMAN, Mr. MULLIN, Mr. MULVANEY, Mr. GRIFFITH, Mr. AMODEI, Mr. HONDA, Mr. WALZ, Mr. POCAN, Mr. ROKITA, Mr. JOHNSON of Ohio, Mr. BABIN, Mr. STIVERS, Mr. TAKANO, Mr. YOUNG of Iowa, Mr. SWALWELL of California, Ms. ESHOO, Mrs. NOEM, Mr. OLSON, Mr. CARTER of Georgia, Mr. FINCHER, Mr. CRAMER, Ms. SINEMA, Mr. HECK of Washington, Mr. WELCH, Mr. REED, Mr. SHIMKUS, Mrs. WALORSKI, Mr. PIERLUISI, Mr. ROE of Tennessee, Mr. ROUZER, Mr. ROSKAM, Ms. JENKINS of Kansas, Mr. DUNCAN of Tennessee, Mr. AUSTIN SCOTT of Georgia, Mr. PERLMUTTER, Ms. GRAHAM,

Mr. ABRAHAM, Mr. HUDSON, Mr. FLEISCHMANN, Mr. HURD of Texas, Mr. CRENSHAW, Mr. HENSARLING, Mr. MOONEY of West Virginia, Mr. BERA, Mr. VEASEY, Mr. DOLD, Mr. KIND, Mr. WILLIAMS, Mr. CURBELO of Florida, Mr. FLEMING, Mr. TROTT, Mr. LAHOOD, Mr. KINZINGER of Illinois, Mr. MEEHAN, Mr. MACARTHUR, Mr. FARENTHOLD, Mrs. BROOKS of Indiana, Mr. COFFMAN, Ms. BROWN of Florida, Mr. FORBES, Mr. BEYER, Mr. SIRES, Mr. LAMBORN, Mrs. NAPOLITANO, Mr. LATTA, Mr. RENACCI, Mrs. BUSTOS, Mr. BUCHANAN, Mr. MURPHY of Pennsylvania, Mr. GARAMENDI, Mr. HOLDING, Mr. CONYERS, Mr. RODNEY DAVIS of Illinois, Mr. FARR, Mr. TAKAI, Mr. COLE, Mr. RATCLIFFE, Mr. CRAWFORD, Mr. RUIZ, Ms. MCSALLY, Mr. BYRNE, Mr. COLLINS of Georgia, Ms. ROS-LEHTINEN, Mr. DESAULNIER, Mr. YOUNG of Indiana, Mr. BUCSHON, Mr. GENE GREEN of Texas, Mr. JENKINS of West Virginia, Mr. SCHRADER, Mr. COURTNEY, Mr. JOYCE, Mr. LOUDERMILK, Mr. PASCRELL, Mr. BRADY of Pennsylvania, Mr. CULBERSON, Mr. ZINKE, Mr. LANCE, Mr. SMITH of Missouri, Mr. HARRIS, Mr. PITTINGER, Ms. CLARKE of New York, Mr. KLINE, Mr. GRAVES of Georgia, Mr. SENSENBRENNER, Mrs. BEATTY, Mr. BLUM, Mr. NOLAN, Mr. WENSTRUP, Ms. LOFGREN, Mr. DONOVAN, Mr. BURGESS, Mr. HARPER, Mr. SMITH of Texas, Ms. JACKSON LEE, Mr. BARTON, Mr. ISSA, Mr. DESANTIS, Mr. BUTTERFIELD, Ms. WILSON of Florida, Mr. ROONEY of Florida, Mr. JODY B. HICE of Georgia, Mr. MEADOWS, Mr. FITZPATRICK, Mr. POE of Texas, Mr. NUNES, Mr. BLUMENAUER, Mr. ROYCE, Mr. WOODALL, Mr. WILSON of South Carolina, Ms. DELAURO, Mr. KEATING, Mr. SESSIONS, Mr. DEFazio, Ms. MAXINE WATERS of California, Ms. PINGREE, Mr. CONNOLLY, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. HIMES, Mr. KELLY of Mississippi, Mrs. COMSTOCK, and Mr. GOSAR

SEPTEMBER 12, 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*]

SEPTEMBER 12, 2016

The Committee on the Judiciary discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[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.

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