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 MED-

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
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 mal-
practice liability of that professional.

SEC. 2. 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 edu-
cation provides a covered sports medicine pro-
fessional.

(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 com-
peting in a sporting event sponsored or sanc-
tioned 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 dis-
closed the nature and extent of such services to
the entity that provides the physician or athletic
trainer with medical professional liability insur-
ance in the primary State.

(5) **Health Care Facility.**—The term “health care facility” means a facility in which med-
ical care, diagnosis, or treatment is provided on an
inpatient or outpatient basis. Such term does not in-
clude 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 High-

(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 prac-
tice.

(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.