

115TH CONGRESS  
1ST SESSION

# S. 808

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

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## 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, and Mrs. ERNST) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## 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 2017”.

1 **SEC. 2. PROTECTIONS FOR COVERED SPORTS MEDICINE**  
2 **PROFESSIONALS.**

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

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

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

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

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

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

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

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

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

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

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

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

24 (3) COVERED MEDICAL SERVICES.—The term  
25 “covered medical services” means general medical

1 care, emergency medical care, athletic training, or  
 2 physical therapy services. Such term does not in-  
 3 clude care provided by a covered sports medicine  
 4 professional—

5 (A) at a health care facility; or

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

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

13 (A) is licensed to practice in the primary  
 14 State;

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

20 (C) prior to providing the covered medical  
 21 services described in subparagraph (B), has dis-  
 22 closed the nature and extent of such services to  
 23 the entity that provides the professional with li-  
 24 ability insurance in the primary State.

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

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

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

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

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

21                   (B) the majority of the covered sports  
22 medicine professional’s practice is underwritten  
23 for medical professional liability insurance cov-  
24 erage.

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

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

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