

114TH CONGRESS
1ST SESSION

S. 689

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

IN THE SENATE OF THE UNITED STATES

MARCH 10, 2015

Mr. THUNE (for himself and Ms. KLOBUCHAR) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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”.

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

8 If a covered sports medicine professional provides
9 covered medical services to an athlete, an athletic team,

1 or a staff member of an athlete or athletic team in a sec-
 2 ondary State, such services shall be deemed to have been
 3 provided in the primary State for the following purposes:

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

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

8 **SEC. 3. DEFINITIONS.**

9 In this Act the following definitions apply:

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

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

15 (B) for whom a professional sports fran-
 16 chise or an institution of higher education pro-
 17 vides a covered sports medicine professional.

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

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

22 (B) composed of individuals who are com-
 23 peting in a sporting event sponsored or sanc-
 24 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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