

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 921
OFFERED BY M . _____

Strike all after the enactment clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Sports Medicine Licen-
3 sure Clarity Act of 2016”.

4 SEC. 2. PROTECTIONS FOR COVERED SPORTS MEDICINE
5 PROFESSIONALS.

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

15 (1) such medical professional liability insurance
16 coverage shall cover (subject to any related premium
17 adjustments) such professional with respect to such
18 covered medical services provided by the professional

1 in the secondary State to such an individual or team
2 as if such services were provided by such profes-
3 sional in the primary State to such an individual or
4 team; and

5 (2) to the extent such professional is licensed
6 under the requirements of the primary State to pro-
7 vide such services to such an individual or team, the
8 professional shall be treated as satisfying any licen-
9 sure requirements of the secondary State to provide
10 such services to such an individual or team.

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

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

14 (A) an individual participating in a sport-
15 ing event or activity for which the individual
16 may be paid;

17 (B) an individual participating in a sport-
18 ing event or activity sponsored or sanctioned by
19 a national governing body; or

20 (C) an individual for whom a high school
21 or institution of higher education provides a
22 covered sports medicine professional.

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

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

3 (B) composed of individuals who are par-
4 ticipating in a sporting event or activity spon-
5 sored or sanctioned by a national governing
6 body; or

7 (C) for which a high school or an institu-
8 tion of higher education provides a covered
9 sports medicine professional.

10 (3) COVERED MEDICAL SERVICES.—The term
11 “covered medical services” means general medical
12 care, emergency medical care, athletic training, or
13 physical therapy services. Such term does not in-
14 clude care provided by a covered sports medicine
15 professional—

16 (A) at a health care facility; or

17 (B) while a health care provider licensed to
18 practice in the secondary State is transporting
19 the injured individual to a health care facility.

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

24 (A) is licensed to practice in the primary
25 State;

1 (B) provides covered medical services, pur-
2 suant to a written agreement with an athlete,
3 an athletic team, a national governing body, a
4 high school, or an institution of higher edu-
5 cation; and

6 (C) prior to providing the covered medical
7 services described in subparagraph (B), has dis-
8 closed the nature and extent of such services to
9 the entity that provides the professional with li-
10 ability insurance in the primary State.

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

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

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

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

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

6 (B) the majority of the covered sports
7 medicine professional’s practice is underwritten
8 for medical professional liability insurance cov-
9 erage.

10 (9) SECONDARY STATE.—The term “secondary
11 State” means, with respect to a covered sports medi-
12 cine professional, any State that is not the primary
13 State.

14 (10) STATE.—The term “State” means each of
15 the several States, the District of Columbia, and
16 each commonwealth, territory, or possession of the
17 United States.

