**SPORTS MEDICINE LICENSURE for OUT-OF-STATE PHYSICIANS**

**SUMMARY:**
Sports medicine professionals are responsible for the organization, management and provision of care for athletes in individual, team, and mass participation sporting events. Oftentimes, these professionals travel with the athletes across state lines. Currently, out-of-state athletic team medical staff cannot treat players and others because they lack the visiting state’s license. In these circumstances, the sports medicine professional must choose between treating injured athletes at great professional risk and handing over the care of an injured player to another professional who is not familiar with the individual’s medical history. The team sports medicine professionals add value to the treatment episode that cannot be duplicated by a physician who does not have a long-standing awareness of the individual athlete’s medical history. Sports medicine providers should not have to choose between treating injured athletes at great professional and financial risk, and reducing athletes’ access to quality health care services.

**Why Sports Medicine Licensure Clarity Matters:** For sports medicine professionals who travel into multiple states, obtaining and maintaining licensure in each state – especially under a scenario where they are not even providing medical care to residents of the secondary state – constitutes an excessively high administrative, cost, and risk management burden. Yet, sports medicine professionals should be able to engage in the treatment of injured athletes, whose medical histories they know well, across state lines without the fear of incurring great professional risk. The toolkit aims to preserve the access of athletes and athletic teams to sports medicine professionals who provide high-quality, continuous health care services.

**Talking Points:**
- Currently, out-of-state athletic team medical staff cannot treat players and others because they lack a visiting state’s license.
- State Orthopaedic Societies throughout the country are working with legislators on the bill language based on model legislation the American Academy of Orthopaedic Surgeons provided.
- The legislation states any visiting team physician must be licensed in their home state and must have an agreement with a sports team to provide care for the team while traveling in that state.
- The bill bans a visiting physician from practicing at a healthcare clinic or healthcare facility including an acute care facility in the visiting state. A visiting team physician can administer sideline evaluations, triage and diagnostic services. However, they must defer to a visiting state’s licensed physician if an athlete or staff member needs to be transported to a facility.

The bills do not give prescriptive rights to out-of-state medical staff.
**Visiting Team Physician Testimony**

Christopher C. Kaeding MD

- Physicians are licensed by each state, there is no national licensure agency

- Sports Teams typically have a team physician to care for team

- Teams frequently cross state lines for competition
  - High School, College, Semi-pro, Professional, Olympic/National teams

- Optimal care for the traveling team is best provided by their team physician

- This is what we would want for our own athletes traveling out of state

- Team physicians at all levels of competition have been caring for their teams at competitions out of their home state for many decades

- Athletic trainers have also recently been licensed by many states and each licensing state provides reciprocity for licensed athletic trainers traveling into their state for a competition. Team physicians do not have this situation.

- Nearly half of all states have passed legislation waiving state licensing requirements for team physicians licensed in another state who are traveling with their athletic team for a competition in their state.
  - These waivers are time limited and with restrictions that the team physician care only for their team and are not allowed to practice medicine with citizens of the state

- Recently the State of Indiana passed such legislation which was very similar to California’s (see below)

- Team physicians, through the Council of Delegates of the American Orthopaedic Society of Sports Medicine, are working with colleagues to have every state that currently does not have such legislation to enact similar legislation.

- Currently 25 states have statutes that exempt traveling team physicians from state licensure when they visit their state to care for their athletes. 8 additional states have bill introduced to address this issue

- This legislation would close this potential gap in the care of our athletes as well as protect team physicians from possible liability issues, while not hindering each state’s Medical Board’s authority to ensure the safety of their citizens
California Law

California currently has a law providing an exemption for out-of-state team physicians to treat only members of their team. The law is included below:

California Business & Professions Code
2076. (a) Notwithstanding any other provision of law, a physician and surgeon who is licensed to practice medicine in another state or country shall be exempt from licensure requirements under this act while practicing medicine in this state if all of the following conditions are met:

(1) The physician and surgeon has an oral or written agreement with a sports team to provide general or emergency medical care to the team members, coaching staff, and families traveling with the team for a specific sporting event to take place in this state.

(2) Except as provided in Section 2058 or 2060, the physician and surgeon may not provide care or consultation to any person residing in this state, other than a person described in paragraph (1).

(b) The exemption shall remain in force while the physician and surgeon is traveling with the team, but shall be no longer than 10 days per individual sporting event.

(c) The executive director may grant a physician and surgeon additional time for exemption, up to 20 additional days per sporting event, upon prior request by the physician and surgeon. The total number of days a physician may be exempt, including additional time granted upon request, may not exceed 30 days per sporting event.

(d) A physician and surgeon who is exempt from licensure requirements under this section is not authorized to practice medicine at a health care clinic or facility, including an acute care facility.

California Business & Professions Code
2076.5. (a) Notwithstanding any other provision of law, a physician and surgeon lawfully practicing medicine in another state or country may be exempted from licensure while practicing medicine in this state under the following conditions:

(1) The physician and surgeon has been invited by the United States Olympic Committee to provide medical services at training sites designated by the olympic training center or to provide medical services at an event in this state sanctioned by the committee.

(2) The United States Olympic Committee certifies to the board the name of the physician and surgeon, the state or country of the applicant’s licensure, and the dates within which the applicant has been invited to provide medical services.

(3) The physician and surgeon’s practice is limited to that required by the United States Olympic Committee. Those medical services shall be within the area of the physician’s and surgeon’s competence and shall only be provided to athletes or team personnel registered to train at the olympic training center or registered to compete in an event conducted under the sanction of the United States Olympic Committee.

(b) The exemption provided in this section shall remain in force while the holder is providing medical services at the invitation of the United States Olympic Committee and only during the time certified to the board, but in no event longer than 90 days.

(c) Notwithstanding any other provision of law, the official team manager who is responsible for any team member participating in events at the invitation of the United States Olympic Committee shall provide the official team manager’s name, address, telephone number, and other contact information to the board.
States Olympic Committee in California may give consent to the furnishing of hospital, medical, and surgical care to a minor who is a team member and that consent shall not be subject to disaffirmance because of minority. The consent of the parent, or parents, of that person shall not be necessary in order to authorize hospital, medical, and surgical care.

**Indiana Law**

**Resolution 08-22 Visiting Medical Personnel**

**Introduced by:** Gregory Rowdon, M.D.

**Referred to:** Reference Committee III

Whereas, there is currently no law regarding licensure for visiting medical personnel who travel to Indiana with their sports team for the purpose of providing medical care to a team while the team is competing in the state; and

Whereas, currently many visiting medical personnel provide medical care without concern for the appropriate licensing; and

Whereas, the current situation creates a risk of potential prosecution against visiting medical personnel for practicing medicine in the state without a license; and

Whereas, California created an exemption in their licensing requirements for visiting medical personnel under the following conditions:

1. Must be licensed to practice medicine in another state or country
2. Must have oral or written agreement with a sports team to provide care for the team, coaches and families traveling to a specific sporting event within the state
3. May not provide care to any person residing in the state other than those listed above (No longer than 10 days per event)
4. May request an exemption extension up to another 20 days per event but may not exceed a total of 30 days per event
5. Under the exemption a physician is not authorized to practice at a health care clinic or facility including acute care facilities;

therefore, be it

RESOLVED, that ISMA seek legislation or rules creating an exemption from licensing requirements for visiting medical personnel of sports teams similar to the statute in the state of California, with the addition of any out-of-state licensed medical providers, such as physical therapists, athletic trainers, chiropractors, massage therapists that accompany the visiting team; and be it further

RESOLVED, that a medical provider who is licensed to practice in another state or country shall be
exempt from licensure requirements in this state while providing medical services to a sports team if all of the following requirements are met:

1. The provider has a written or oral agreement with a sports team to provide care to the team members, coaching staff, and families traveling with the team for a specific sporting event to take place in this state.
2. The provider may not provide care or consultation to any person residing in this state other than as listed in number 1 or under the Good Samaritan Act.
3. The exemption shall remain in force while the provider is traveling with the team, but shall be no longer than 10 days in duration per sporting event.
4. A maximum of 20 additional days per sporting event may be granted upon prior request by the provider but may not exceed 30 days total per sporting event.
5. A provider who is exempt from licensure requirements under this provision is not authorized to practice at a health care clinic/facility including an acute care facility.
6. If the provider has been invited by the National Sport Governing Body to provide services at the national sport training center or to provide services at an event/competition in this state sanctioned by the Body, then the provider meets the following requirements:

   a. The provider has been certified by the National Sport Governing Body in regards to state or country of origin licensure and the dates within which the provider has been invited to provide services.
   b. The provider’s practice is limited to that required by the National Sport Governing Body. Those services shall be within the area of the provider's competence and shall only be provided to athletes or team personnel registered to train/coach at the center or registered to compete in an event sanctioned by the Body.
   c. The exemption shall remain in force while the holder is providing services at the invitation of the National Sport Governing Body and only during the time certified by the Body, but may not exceed 30 days total.

**OHIO LAW**

Portion of State of Ohio Bill 141, signed into law in 2013, which exempts from licensure team physicians traveling from out of state into Ohio to care for their team

Sub. S. B. No. 141 129th G.A.

Subject to division (B)(2) of this section, this chapter does not apply to a person who holds a current, unrestricted license to practice medicine and surgery or osteopathic medicine and surgery in another state when the person, pursuant to a written agreement with an athletic team located in the state in which the person holds the license, provides medical services to any of the following while the team is traveling to or from or participating in a sporting event in this state:

(a) A member of the athletic team;
(b) A member of the athletic team’s coaching, communications, equipment, or sports medicine staff;
(c) A member of a band or cheerleading squad accompanying the
(d) The athletic team's mascot.

(2) In providing medical services pursuant to division (B)(1) of this section, the person shall not provide medical services at a health care facility, including a hospital, an ambulatory surgical facility, or any other facility in which medical care, diagnosis, or treatment is provided on an inpatient or outpatient basis.

**Arizona Statute**

32-1421. Exemptions from licensing requirements

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B. This article does not apply to:

1. A doctor of medicine residing in another jurisdiction who is authorized to practice medicine in that jurisdiction, if the doctor engages in actual single or infrequent consultation with a doctor of medicine licensed in this state and if the consultation regards a specific patient or patients.

2. A doctor of medicine who is licensed to practice in another jurisdiction if the doctor engages in the practice of medicine that is limited to patients with whom the doctor has an already established doctor-patient relationship and who reside outside this jurisdiction when both the doctor and the patient are physically in this state for not more than sixty consecutive days. For the purposes of this paragraph, "patient" means a person who is not a resident of this state and who is an athlete or a professional entertainer.

The full reference for the statute is Arizona Revised Statute, Title 32, Chapter 13, Article 2, Section 32-1421. You can find it online using the state of Arizona government website: [http://www.azleg.gov/ArizonaRevisedStatutes.asp](http://www.azleg.gov/ArizonaRevisedStatutes.asp)