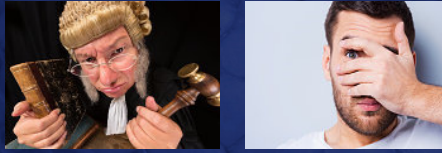


Sports and the Law: What Team Physicians & Athletic Trainers Need to Know...2017



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Disclosures

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Introduction

- The landscape is evolving regarding pertinent issues concerning medical licensure, team travel and the transportation of medication across state lines...
- These issues are pertinent to all team physicians (high school, college, professional) as well as all licensed athletic trainers....
- Specifically, two questions have been raised by both state and federal officials



Questions ???

- (1) Are team physicians (and, by default....athletic trainers) practicing without a license when traveling outside their "home" state ?...and, if so, will their liability insurance cover them if an issue arose ?
- (2) Are team physicians (and, by default....athletic trainers) committing a federal offense by carrying schedule II narcotics with them across state lines ?



Answer : Question #1

- Right now there are 31 states that have, in place, reciprocity laws that exempt team physicians from being licensed in their particular state (assuming the physician is duly licensed in their "home" state)....but this reciprocity does not necessarily address the liability insurance issues....



States with statutes in place:

- Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Montana, New Hampshire, New Jersey, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Utah, Vermont, Virginia, Washington, West Virginia.....



States with bills being considered:

- Georgia, Hawaii, Kansas, Maine, Massachusetts, Missouri, New York, Oklahoma, Texas (close to passing law).....



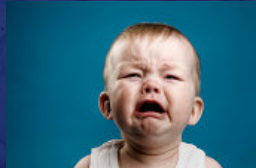
States looking for sponsors:

- Alaska, Nebraska, Nevada, New Mexico, Oregon, Tennessee



States yet to start process :

- Idaho, North Dakota, South Dakota, Wisconsin



S. 689

- Sports Medicine Licensure Clarity Act... (Traveling Team Physicians Liability Protection Act).....
 - Legislation initiated by the AOSSM and the AAOS...
 - Currently passed the House and now is in the Senate sub-committee ...(Bill S. 689)



Key Points S. 689

- The professional (MD or ATC) will be exempt from requiring licensure in “secondary state” (visiting state) and their medical professional liability insurance coverage shall cover them in said “secondary state”
- This allows the team physician (and ATC) to treat the athlete, coaches and staff that are participating in sponsored activity....



Must Remember...

- The visiting team physician **MUST** be licensed in their home state and **MUST** have a written or oral agreement with a sports team to provide care for the team while traveling in that state for a specific event....
- While visiting, he/she can not provide services at any healthcare facility (including ER)...they can only administer “sideline” evaluation, triage and diagnostic services....
- The team physician has no prescriptive rights...
- The exemption is good only for 10 days for each event....



Answer: Question #2 (Transportation of Controlled Substances)

- Right now there is legislature submitted to the House that address the transportation of controlled substances across state lines specifically as it relates to team physicians and their duties as such.....
- HR 3014



Key Points HR 3014

- A team physician who is registered to dispense controlled substances in a given site (State) can apply to the Attorney General for a separate registration authorizing them to:
 - “transport one or more controlled substances (Schedule II, III, IV, or V) from the team physicians registered location to a State in which the team physician is not registered for the purpose of administering the substances...”



Requirements

- The team physician must maintain records of any transportation, the location and administration of these substances. They will be allowed to administer these controlled substances only for 72 consecutive hours (bowl games ???)...
- After which, these controlled substances must be returned to the registered location...



Requirements

- These medications **MUST** be under the direct supervision of the team physician **AT ALL TIMES**...ie during team meals, practices, travel to and from events, etc....



Please note.....

This legislation has yet to be formally introduced into the Senate...this above language has only been approved by the DEA, DOJ, Energy and Commerce Committee and the Ways and Means Committee...!!!!



Future issues needing to be addressed ...

- What should be done if a member institution of the NCAA is known to veer away from what is agreed upon “best practices” ...should there be an enforcement mechanism ???
- Who should be included in the “athletics medical health care team”should strength and conditioning coaches be a part of that team ???



Summary

- There is legislation afoot that finally will address these issues that, until now, have been “under the radar”...
- Anecdotally, when I broach this topic with either administrators and/or attorneys, they are both amazed that this type of specific legislation is now required but also sound somewhat reassuring that, if ever there was a case brought to trial for either of these stated issues, that the team physicians (or ATC) would prevail due to either the current “standard of care” or the “commonality of practice”....
- Both pieces of legislation are being supported by the AAOS, AOSSM, AMSSM, NATA, NFL, MLB, NBA, NHL....NCAA



Thank you for your attention !!!

