

## **BILL ANALYSIS**

Senate Research Center  
85R6199 MAW-D

S.B. 849  
By: Huffines  
Health & Human Services  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Currently, when a team physician for an out-of-state sports team practices their trade in Texas, they are acting in contravention of state law—they are practicing medicine without a license. Our state licensing apparatus does not have any provision to account for this common event. S.B. 849 would provide a statutory exception to allow these professionals to help their teams with no risk of legal repercussion or insurance lapse. This bill would only grant a limited exception for those medical professionals to practice with their teams and for family members of the team.

Additionally, the exception is only for 10 days so there is not a risk of this being exploited as a work-around to our licensing system. This exception is consistent with the rationale for our regulatory system because there is no issue with consumer protection—the teams have hand-selected these physicians themselves. Moreover, to be covered by the exception, the professionals must be fully licensed within their home state. While not all states protect Texas physicians in similar situations, this bill could be a step towards creating an environment of reciprocity. S.B. 849 provides a common-sense solution to the potential issues surrounding out-of-state team physicians practicing their trade for their teams within Texas.

As proposed, S.B. 849 amends current law relating to an exemption from licensing requirements for certain physicians and athletic trainers employed by sports teams.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter B, Chapter 151, Occupations Code, by adding Section 151.0521, as follows:

Sec. 151.0521. EXEMPTION FOR SPORTS TEAM PHYSICIAN. Sets forth the requirements for a person who is exempt from the licensing requirements of this subtitle (Physicians) and may engage in the practice of medicine in this state.

SECTION 2. Amends Section 451.003, Occupations Code, as follows;

Sec. 451.003. APPLICABILITY. Provides that this chapter does not apply to:

(1) a physician licensed by the Texas Medical Board or engaged in the practice of medicine as authorized by Section 151.0521;

(2) to (9) makes no changes to these subdivisions;

(10) an athletic trainer who does not live in this state and who meets the requirements of Section 451.004, rather than an athletic trainer who does not live in this state, who is licensed, registered, or certified by an authority recognized by the Texas Department of Licensing and Regulation (TDLR), and who provides athletic training in this state for a period determined by TDLR.

SECTION 3. Amends Subchapter A, Chapter 451, Occupations Code, by adding Section 451.004, as follows:

Sec. 451.004. EXEMPTION FOR SPORTS TEAM ATHLETIC TRAINER. Provides that a person is exempt from this chapter if the person:

- (1) is employed or designated as a team athletic trainer by a professional or intercollegiate sports team visiting this state for a specific sporting event;
- (2) is licensed, registered, or certified as an athletic trainer in the team's home state; and
- (3) limits the person's practice of athletic training in this state to providing, during the period beginning on the date the team arrives in this state for the event and ending on the 10th day after the date of the event, athletic training to the members, coaches, and staff of the team, and to a family member of a team member, coach, or staff if the family member is visiting this state for the event.

SECTION 4. Effective date: September 1, 2017.