

ALLOW OUT-OF-STATE PHYSICIAN AFFILIATED WITH ATHLETIC TEAM TO PRACTICE IN MICHIGAN

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House Bill 4792 (reported from committee w/o amendment)

Sponsor: Rep. Robert Wittenberg

Committee: Regulatory Reform

Complete to 11-9-15

Analysis available at
<http://www.legislature.mi.gov>

BRIEF SUMMARY: House Bill 4792 would amend Section 16171 of the Public Health Code to allow an individual who is licensed as a physician in another state, and who provides medical services for an athletic team, to practice that profession in this state without holding a Michigan license, if certain criteria are met.

FISCAL IMPACT: HB 4792, as introduced, would not have a significant fiscal impact on the state or local units of government as the bill would bring statute into conformity with relevant actual practices of the Department of Licensing and Regulatory Affairs (LARA).

THE APPARENT PROBLEM:

According to testimony presented by the bill sponsor, under current law, team physicians who travel with athletic teams and clubs from other states into Michigan and treat the members of the travel party are breaking state law, though to the knowledge of those presenting testimony, no visiting team physician has been charged with such a violation in Michigan.

THE CONTENT OF THE BILL:

House Bill 4792 would amend Section 16171 of the Public Health Code to allow an individual who is licensed as a physician in another state, and who provides medical services for an athletic team, to practice that profession in this state without holding a Michigan license, if all of the following are met:

- The individual holds a current, unrestricted license to practice medicine or osteopathic medicine and surgery in the other state.
- The athletic team is located in the same state in which the individual is licensed.
- The individual provides the medical services under the terms of a written agreement with the athletic team.
- The individual only provides the medical services while the athletic team is traveling to or from or participating in a sporting event in this state and only to any of the following:
 - A member of the athletic team.
 - A member of the athletic team's coaching, communications, equipment, or sports medicine staff.
 - A member of a band or cheerleading squad that is accompanying the athletic team.
 - The athletic team's mascot.
- The individual does not provide medical services at a health care facility or agency, as defined in Section 20106 of the Code, located in this state.

A health care facility or agency is defined in Section 20106 as:

- An ambulance operation, aircraft transport operation, nontransport prehospita l life support operation, or medical first response service.
- A county medical care facility.
- A freestanding surgical outpatient facility.
- A health maintenance organization.
- A home for the aged.
- A hospital.
- A nursing home.
- A facility or agency listed above that is located in a university, college, or other educational institution.
- A hospice.
- A hospice residence.

The bill would take effect 90 days after being enacted.

BACKGROUND INFORMATION:

Section 16171 of the Code currently contains several other situations in which an individual may practice a certain health profession without being licensed in that profession in Michigan, including a current exemption for individuals authorized to practice a health profession in another state who have been authorized by the U.S. Olympic Committee to exclusively to team personnel and athletes.

ARGUMENTS:

For:

Supporters of the bill stated that the intent is to bring Michigan law into line with current practice without altering Michigan's standards for physician licensing. Participants in the athletic contest would be best served by a physician who is familiar with their medical history and has treated them in the past, supporters say, and since those participants are also usually residents of the state where that physician is licensed, those participants would be receiving the same level of care they would in their home state.

Against:

There were no individuals or organizations indicated opposition to the bill, nor were there any representatives voting in opposition to the bill in committee.

POSITIONS:

The following submitted testimony cards indicating support for HB 4792:

Michigan State University (9-30-15)

Michigan State Medical Society (9-30-15)

Michigan Orthopedic Society (9-16-15)

Department of Licensing and Regulatory Affairs (9-16-15)

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