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FISCAL IMPACT REPORT

ORIGINAL DATE 2/18/19

SPONSOR Moores LAST UPDATED _____ HB _____

SHORT TITLE Licensure for Visiting Sports Physicians SB 349

ANALYST Chilton

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY19	FY20	FY21	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		Minimal	Minimal	Minimal	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

University of New Mexico Health Sciences Center (UNM HSC)
 New Mexico Medical Board (NM)
 Regulation and Licensing Department (RLD)

SUMMARY

Synopsis of Bill

Senate Bill 349 would permit a physician traveling with a visiting sports team from outside New Mexico to provide sports medicine support to that visiting team (only), provided the physician was licensed in another state, had a written agreement with the visiting team to provide such services, had professional liability insurance, and had not been in violation of New Mexico’s Medical Practice Act, and provided that the sporting event was one for which an admission fee was charged to spectators. In the definition given, “sporting event” includes practice prior to the activity.

The individual practicing in this manner would not be able to treat anyone other than members of the visiting team, and only during the sporting event, would not be able to admit injured athletes to hospitals, and would be required to stay within the individuals scope of practice, referring more complicated conditions or those requiring hospitalizations to a physician licensed to practice in New Mexico.

The two sections are identical, Section 1 referring to allopathic medical doctors (MDs) and adding a new section to the Medical Practice Act (61-6-1, NMSA 1978), and Section 2 referring

to osteopathic physicians (DOs) and adding a new section to the Osteopathic Medicine Act (61-10-1, NMSA 1978).

FISCAL IMPLICATIONS

There are no immediate fiscal implications to any agency, but if the ease and lack of cost of obtaining temporary permission to practice without licensure led fewer physicians to apply for a no-longer-needed license in New Mexico, there would be a small reduction in license fees paid into the Medical Board.

SIGNIFICANT ISSUES

NM recommends that arrangements for transport and advanced care of more serious injuries and illnesses be made with New Mexico providers institutions in advance.

The UNM HSC points out, and the National Athletic Trainer's Association (NATA) confirms (www.nata.org), that federal legislation passed in 2018, the Sports Medicine Licensure Clarity Act, part of H.R. 302, may have resolved the issue of out-of-state sports professionals practicing beyond the borders of their states. The NATA summary on this point is as follows:

Under the Sports Medicine Licensure Clarity Act, health care services provided by a covered sports medicine professional to an athlete, an athletic team, or a staff member of the team outside of his or her home state would be deemed to have occurred in the professional's primary state of licensure. Medical services provided in the secondary state will be treated as occurring in the primary state, if the secondary state's licensure requirements are substantially similar to the primary state. Sports medicine professionals can now engage in the treatment of injured athletes across state lines without fear of great professional harm, such as loss of license to practice, while protected from monetary loss with professional liability insurance.

CONFLICTS, DUPLICATION COMPANIONSHIP, RELATIONSHIP

The bill conflicts with the Professional Athletic Competition Act (60-2A, NMSA 1978). The medical advisory board set up under that act has the authority to recommend physicians for events, especially professional boxing and wrestling.

TECHNICAL ISSUES

The definition of "sporting event" is vague: Would an automobile race or an equestrian event or dog show be considered as a "sporting event" for purposes of this bill?

If there were an emergency medical condition among the spectators at an event or on the opposing team, usually from New Mexico, it seems likely that the visiting physician's seeing to that person would be covered by New Mexico's Good Samaritan Act (24-10-3 and 24-10-4, NMSA 1978) but it might be advisable to make that clear.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

NM notes that maintaining the status quo would result in having to deal with the impracticabilities of employing a variety of practitioners, by name, to be licensed specifically for a given, out-of-state sporting event.

POSSIBLE QUESTIONS

The act would grant out-of-state physicians the opportunity to practice in New Mexico, serving sports teams coming to New Mexico to play before a paying crowd. If paid tickets were not required for an event (e.g., for a junior high football game or track meet across state lines), it appears the physician accompanying that team would not be able to practice as a sports medicine specialist for the team.

LAC/sb/gb