



HOWARD MARKLEIN

STATE SENATOR • 17th SENATE DISTRICT

February 6, 2017

Senate Committee on Health and Human Services Testimony on Senate Bill 684

Good Morning!

Thank you Chair Vukmir and committee members for taking the time to hear testimony on Senate Bill 684. This common sense reform will allow traveling sports medicine professionals to treat the athletes on their team.

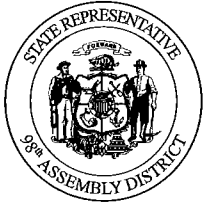
Simply put, this bill creates a narrow exemption to allow traveling sports medicine professionals to do their job without fear or professional risk. Currently, medical professionals serving on sports teams must have a Wisconsin license to treat members of their team when traveling to our state.

For instance, when the Packers played the Bears in Lambeau Field last year (one of the few games we actually won), if a Bears player was injured, technically their team physician needed a Wisconsin license to attend to that player. As you can imagine, this affects all NFL, MLB, and NBA teams that play in our state, as well as NCAA athletics, and other sports tournaments held in Wisconsin.

Senate Bill 684 helps relieve the administrative burden and costs of having to apply for a license in multiple states, while keeping necessary safeguards in place. Under the bill physicians must be properly licensed, accredited and in good standing in their home state. This exemption only pertains to sports physicians hired by a sports team traveling to Wisconsin. The bill does not give traveling sports medicine physicians the ability to treat anybody other than the members of their team, practice at a health care facility in this state or prescribe drugs in this state.

I plan on introducing an amendment to match the action taken by the Assembly Health Committee. They made two minor changes to the Assembly version, one to allow the Medical Examining Board to promulgate an emergency rule while the permanent rule process takes place. This change was suggested by DSFS. Also, they eliminated the language "or oral" on page 2, line 4 of the bill. Therefore, doctors would need a written agreement with a sports team to be eligible for the exemption.

This idea been supported by a long list of health organizations including: the Wisconsin Medical Society, Medical College of Wisconsin, Children's Hospital of Wisconsin, the Wisconsin Athletic Trainers Association and the Wisconsin Academy of Family Physicians. It has also received strong bi-partisan support in the Legislature, and unanimously passed the Assembly health committee last week. I would appreciate your support for this common sense proposal as well. Thank you for your time. I would be happy to answer any questions about the bill.



Adam Neylon

State Representative • 98th Assembly District

DATE: February 6, 2018

FROM: State Representative Adam Neylon

TO: Senate Committee on Health and Human Services

RE: Supporting Senate Bill 684

Good morning, Chairperson Vukmir and the members of the Committee on Health and Human Services.

It was brought to my attention by a constituent that many sports medicine professionals regularly face great professional risk when they travel from state to state. Sports medicine professionals are responsible for the organization, management and provision of treatment for the athletes under their care. When sports teams travel across state lines, the team physician may not be able to legally treat their injured players because they lack a medical license in that state. Their choice then is to treat their players without a license, with potentially serious legal consequences, or hand that athlete over to another professional who is not familiar with the individual's medical history. This bill is designed to correct this dilemma, by exempting sports team physicians from licensure requirements, under certain circumstances.

The physician must be licensed in good standing to practice medicine in their own state. They must have a written or oral agreement with a sports team to provide treatment at a specific sporting event in this state. They must be invited to provide their services by a national sports governing body, for example, the NCAA, at an event or a competition in this state. The physician's practice must be limited to services that are within his or her training and expertise.

The goal of SB 684 is to simply let visiting team doctors treat their patients here in Wisconsin. It does not give traveling sports medicine professionals the ability:

- To treat any person residing in this state, other than a member of their sports team.
- To practice at a health care facility or clinic in this state.
- To prescribe drugs.
- To practice here beyond a limit of 10 days per sporting event, with extensions granted by the Medical Examining Board not to exceed 30 days.

The purpose of Senate Amendment 1 to SB 684, which is being drafted, is to provide the Medical Examining Board explicit rule-making authority, and specifies that any emergency rules promulgated by the Board under the bill would remain in effect until May 1, 2019, or the date on which permanent rules take effect (whichever is sooner). This suggestion was made by DSPS, which felt that this will provide enough time for completion of the permanent rules required under the bill, considering that the current regular session is nearing its end.

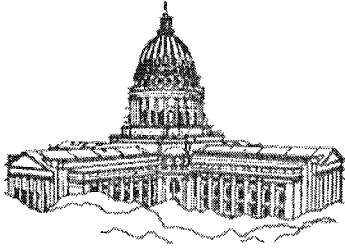
The amendment also establishes a 6-month delayed effective date, which would allow the Board enough time to complete the necessary rule-making under the bill. Authority to promulgate emergency rules, however, would be in effect on the day after publication.

Senate Amendment 2 to SB 684 simply deletes the words "or oral" from the language of the bill, limiting physicians who are exempted under the bill to those with a written contract with a team and governing body.

This legislation is common-sense, and has been done, in one form or another, in more than 30 states. Half a dozen states have introduced similar legislation recently, and the governor of Georgia signed their version of this bill in 2017. The US House of Representatives passed the federal version of this legislation, HR 302, in January 2017. AB 766 passed unanimously in the Assembly Committee on Health and is supported by the Wisconsin Medical Society, the Medical College of Wisconsin, and the Wisconsin Athletic Trainers Association, among others.

This bill will allow traveling sports medicine professionals to provide their patients with continuous, quality medical care, without incurring legal and professional risk, and it should be something we can all support.

Thank you for your time, and I would be happy to answer any questions the committee members may have.



LENA C. TAYLOR

Wisconsin State Senator • 4th District

HERE TO SERVE YOU!

**Testimony of State Senator Lena C. Taylor
Senate Committee on Health and Human Services**

Public Hearing Senate Bill 684

February 6, 2018

Good Morning Chairwoman Vukmir, Vice Chair Moulton and members of the Senate Committee on Health and Human Services. Thank you for the opportunity to submit written testimony on SB 684, regarding a licensure exemption for sports medicine physicians licensed outside this state.

Sometimes we take for granted the number of sports teams, both professional and collegiate, that we have in our state. As a result, the number of visiting athletes and coaching staff that come to Wisconsin annually numbers in the thousands. If any of you were like me, you just assumed that doctors traveling with visiting teams were the first line of defense for player injuries and treatments. Wrong assumption. Visiting team doctors technically cannot treat their own players without a Wisconsin medical license.

SB 684 will help to ensure that visiting athletes and their coaching staff, while in Wisconsin, have the ability to be treated by the physicians who know them best. Team physicians, who are licensed in good standing in their home state and have an agreement with a sports team to provide care, should be able to treat their own players while in the state for a game.

Over the years a number of organizations had been looking for ways to address this issue in state laws. The NFL created a position known as a visiting team medical liaison (VTML) It consists of a local physician licensed to practice medicine being able to provide controlled substances to players during an emergency. Major league baseball, also identified forms of reciprocity agreements for doctors to treat visiting players. However, as many of us know, there is nothing like being cared for by someone familiar with our medical history.

This past weekend, while on a road trip to New York, Milwaukee Bucks players Giannis Antetokounmpo and Matthew Dellavedova both twisted their ankles in a game against the Brooklyn Nets. Giannis stayed down on the floor for a breathtaking few minutes. He has had multiple injuries to the ankle in the past. We definitely wanted a physician who was familiar with his medical past to care for him after the injury.

SB 684 provides a common-sense approach in the need to provide a continuity of care for players and coaching staff while on a road trip. I encourage your support of this bill that will help protect Wisconsin athletes. Thank you.

**Senator Lena C. Taylor
4th Senate District**



School of Medicine
and Public Health
UNIVERSITY OF WISCONSIN-MADISON

Department of Orthopedics & Rehabilitation

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Senate Committee on Health & Human Services – Senate Bill 684 (SUPPORT)
Testimony provided by
Dr. Geoffrey S. Baer,
University of Wisconsin School of Medicine & Public Health
February 6, 2018

Chair Vukmir & Members of the Senate Committee on Health & Human Services,

Thank you for the opportunity to testify today in support of Senate Bill 684. My name is Geoff Baer. I am an Associate Professor in the Department of Orthopedics and Rehabilitation at the University of Wisconsin School of Medicine & Public Health. I specialize in sports medicine and am the Head Orthopedic Team Physician at the University of Wisconsin. I provide medical care for Badger Football, Soccer, Wrestling and Spirit Squads and have previously provided coverage for the UW Men's and Women's Hockey Teams.

Sports teams typically have at least one team physician to care for their athletes. Sports teams at all levels of competition frequently cross state lines for competition. This includes high school, college, semi-professional, professional, Olympic, and national. Team physicians have been caring for their own patients at sporting events for many decades.

There are currently no laws regarding licensure for physicians visiting Wisconsin with sports teams. The standard of care is for physicians who travel with their sports teams to provide care for their team and travel party. Since there is no law for visiting physicians, physicians who take care of their own patients can create a risk for potential prosecution for practicing medicine in Wisconsin without an appropriate license. Currently, 25 states have statutes that exempt traveling team physicians from state licensure when they visit their state to care for their own team. An additional eight states have introduced bills to address this issue.

Senate Bill 684 would exempt physicians licensed in other states who are practicing at sporting events from being required to be licensed in Wisconsin. These exemptions

are subject to restrictions and limitations. The physician must be in good standing in state where he or she holds a current license, the physician must have a written or oral agreement with a sports team to provide care to team members and coaching staff while traveling with the team for a specific sporting event, or the physician has been invited by a national sport governing body to provide services at a national sport training center in Wisconsin. The bill also allows the Medical Examining Board to enter into agreements with similar boards of other states to implement the bill.

It's important to emphasize that the optimal care is best delivered by a patient's own physician. This legislation would protect physicians visiting from other parts of the country who are focused on delivering the best quality care for their own patients, regardless of location. Removing this administrative burden from these physicians would let them practice without fear or concern of repercussion.

I would like to thank Senator Marklein and Representative Neylon for introducing this legislation to help support team physicians when they travel and treat their patients in the state of Wisconsin. I thank the committee for taking the time to consider this important bill and I would be happy to take questions at this time.

Sincerely,

A handwritten signature in black ink, appearing to read 'G. Baer', with a long horizontal flourish extending to the right.

Geoffrey S. Baer MD, PhD
Associate Professor
Department of Orthopedics and Rehabilitation
University of Wisconsin School of Medicine and Public Health
Orthopedic Team Physician - UW Football, Wrestling, Men's and Women's Soccer,
Spirit Squads
Head Orthopedic Team Physician, University of Wisconsin-Madison



Senate Committee on Health & Human Services – Senate Bill 684 (SUPPORT)

Testimony provided by

Dr. David Bernhardt,

University of Wisconsin School of Medicine & Public Health

February 6, 2018

Chair Vukmir & Members of the Senate Committee on Health & Human Services,

Thank you for the opportunity to testify today in support of Senate Bill 684. My name is David Bernhardt. I am a faculty member at the University of Wisconsin School of Medicine & Public Health and I specialize in primary care sports medicine. I provide medical care for Badger men's basketball, cross country and track, as well as women's volleyball, crew, cross country and track.

Sports teams typically have at least one team physician to care for their athletes. Sports teams at all levels of competition frequently cross state lines for competition. This includes high school, college, semi-professional, professional, Olympic, and national. Team physicians have been caring for their own patients at sporting events for many decades.

There are currently no laws regarding licensure for physicians visiting Wisconsin with sports teams. Most physicians who travel with sports teams provide care without concern for the applicable medical licensing laws. Since there is no law for visiting physicians, physicians who practice on their own patients can create a risk for potential prosecution against visiting medical personnel for practicing medicine in Wisconsin without an appropriate license. Currently, 25 states have statutes that exempt traveling team physicians from state licensure when they visit their state to care for their own athletes. An additional eight states have introduced bills to address this issue.

Senate Bill 684 would exempt physicians licensed in other states who are practicing at sporting events from being required to be licensed in Wisconsin. These exemptions are subject to restrictions and limitations. The physician must be in good standing in state where he or she holds a current license, the physician must have a written or oral agreement with a sports team to provide care to team members and coaching staff while traveling with the team for a specific sporting event, or the physician has been invited by a national sport governing body to provide services at a national sport

training center in Wisconsin. The bill also allows the Medical Examining Board to enter into agreements with similar boards of other states to implement the bill.

It's important to emphasize that the optimal care is best delivered by a patient's own physician. This legislation would protect physicians visiting from other parts of the country who are focused on delivering the best quality care for their own patients, regardless of location. Removing this administrative burden from these physicians would let them practice without fear or concern of repercussion.

I would like to thank Senator Marklein & Representative Neylon for introducing this legislation to help support team physicians when they travel and treat their patients in the state of Wisconsin. I thank the committee for taking the time to consider this important bill and I would be happy to take questions at this time.

Senate Committee on Health & Human Services – Senate Bill 684 (Support)

Michael Moll, MEd., LAT
University of Wisconsin – Intercollegiate Athletics
Assistant Director of Athletics for Sports Medicine
February 6, 2018

Chair Vukmir & Members of the Senate Committee on Health & Human Services,

I appreciate the opportunity to testify today in support of Senate Bill 684. My name is Michael Moll. I work as the Assistant Athletic Director for Sports Medicine at the University of Wisconsin and serve as the Athletics Health Care Administrator. In my role, I am responsible for the oversight of the medical care provided to our student-athletes that participate in 23 varsity sports.

Athletic teams often have a variety of medical providers that provide care to the participating athletes. At the University of Wisconsin Madison, we have 21 athletic trainers and 12 physicians who work with a variety of other health care professionals to provide care to our student-athletes. We are certainly not unique. This type of care is provided to many professional and intercollegiate athletes that travel to our state for a variety of competitions. As athletic trainers, we are fortunate that our state Athletic Training Practice Act allows for an exemption of our licensure law for athletic trainers that are credentialed in another state to work in Wisconsin on a temporary basis for a specific event. However, physicians who travel to Wisconsin for athletic events to provide care to the athletes that they treat on a regular basis have no such protection. They are at risk for potential prosecution for practicing medicine without the appropriate license in Wisconsin.

Senate Bill 684 would exempt physicians licensed in other states that are working at athletic events from being required to be licensed in Wisconsin. Whether we are hosting an event at Camp Randall or at the Kohl Center, we certainly want the care provided to the athletes participating to be exceptional. The individuals that can best deliver this care are the sports medicine providers that have an established relationship and are aware of that athlete's medical history. This legislation would protect physicians visiting from other parts of the country who are focused on delivering the best quality care for their own patients, regardless of location.

I would like to thank Senator Marklein & Representative Neylon for introducing this legislation to help support sports medicine physicians that travel with their patients for athletic events in Wisconsin. I would also like to thank the committee for taking the time to consider this important bill and I would be happy to answer any questions that you might have.



Wisconsin Medical Society

Your Doctor. Your Health.

TO: Senate Committee on Health and Human Services
Senator Leah Vukmir, Chair

FROM: Mark Grapentine, JD – Senior VP of Government Relations

DATE: February 6, 2018

RE: **Support** for Senate Bill 684

On behalf of nearly 13,000 members statewide, thank you for this opportunity to share our support for Senate Bill 684, which will enhance visiting team physicians' ability to care for their athletes.

Currently, sports medicine professionals traveling over state lines with a team are not allowed to treat a patient while in those states unless the physician holds a license to practice medicine from a medical examining board of the state that team is visiting. This can be an administrative and costly burden for a team physician – especially if that team travels to many states over the course of a season.

Senate Bill 684 helps solve this issue by providing visiting physicians with a very limited exception to the in-state license requirement. Under the bill, a visiting physician with a written or oral agreement with a sports team may administer sideline evaluations, triage and diagnostic services to a team's athletes and coaching staff. The physician may also practice if a national sports government body has invited the physician to provide services a national training center located in Wisconsin or a sanctioned competition or event held in our state.

The bill ensures that this exception is limited in scope. Under the bill, a visiting physician must defer to a Wisconsin-licensed physician if an athlete or staff member needs to be transported to a local health care facility. The bill also does not grant prescribing rights to any out-of-state staff. The bill establishes a limited time for this exception to be in effect: 10 days. If a competition will last longer than that, the physician must petition the state's Medical Examining Board for a 20-day extension. No visiting physician would be allowed to practice in the state for more than 30 days of any one calendar year.

More than 30 states have already passed similar legislation, including every state surrounding Wisconsin.

Thank you again for this opportunity to provide our strong support for Senate Bill 684. We especially want to thank State Senator Howard Marklein and State Assembly Representative Adam Neylon for leading on this helpful, common-sense legislation.



Office of Government and
Community Relations

TO: The Honorable Members of the Senate Committee on Health and Human Services

FROM: Craig Young, MD
Professor of Orthopaedic Surgery & Community and Family Medicine
Medical Director of Sports Medicine

DATE: February 6, 2018

RE: Please Support SB 684, Licensure Exemption for Sports Medicine Physicians

The Medical College of Wisconsin (MCW) supports Senate Bill 684 (SB 684), legislation creating a licensure exemption for out-of-state sports medicine physicians providing care at certain sporting events and facilities in Wisconsin. MCW applauds Senator Marklein and Representative Neylon for authoring this legislation on behalf of the health and well-being of out-of-state athletes traveling to Wisconsin for athletic competitions.

This legislation will put Wisconsin in line with numerous other states which successfully grant temporary licensure exemptions for physicians traveling with athletes and teams. For background, I am a practicing sports medicine physician, and have had the privilege to work with the US Olympic committee facility in Colorado Springs, CO. In that capacity, I was granted temporary privileges to practice medicine at the USOC training facility, without needing to obtain a Colorado state medical license.

These types of exemptions not only eliminate significant and unnecessary regulatory burdens for physicians, but they allow athletes to maintain personal physician-patient relationships. I can attest that there is no better care for patients and athletes, than to be cared for by their own physician. I am always happy to assist the physicians traveling with opposing teams during their visits to Wisconsin, but out-of-state athletes will be best served by having their own physicians caring for them.

This legislation will place responsible practice parameters around physicians who come to Wisconsin to care for athletes. These physicians must be licensed and in good standing within their state, and must have obtained a written or oral agreement with their sports team to provide care for a specific sporting event in Wisconsin. Among other requirements, the physician must also have been invited by the relevant sport governing body to provide medical services to the athletes.

As currently drafted, however, MCW is concerned the bill could actually allow out-of-state physicians to provide care to any team members and coaches at certain sporting events, not solely to the team members and coaches the physician is actually traveling with. MCW recommends a simple amendment on page 2, lines 10-13, to more clearly specify that the physician's services would only apply to the team members and coaches the physician is directly affiliated with.

Thank you Chairperson Vukmir and members of the Senate Committee on Health and Human Services for your consideration of this important legislation. Please don't hesitate to contact Nathan Berken, MCW's Director of Government Relations, at 414.955.8588, or nberken@mcw.edu, if you have any questions or need additional information.