# *CONFIDENTIAL*
# LEGISLATIVE BILL REVIEW

**Bill Number:_H.559__ Name of Bill:_ An act relating to an exemption from licensure for visiting team physicians**

**Agency/ Dept:AHS/VDH_____ Author of Bill Review:_David Herlihy, Board of Medical Practice____**

**Date of Bill Review: March 29, 2016 Status of Bill: (check one):**

**__ __Upon Introduction __ X__ As passed by 1st body _____As passed by both bodies _____ Fiscal**

**Recommended Position: (Only with regard to Part I – the Board does not have a position on Part II)**

**__X__Support __ __Oppose _____Remain Neutral _____Support with modifications identified in #8 below**

## Analysis of Bill

**1. Summary of bill and issue it addresses.** *Describe what the bill is intended to accomplish and why.*
This bill amends the licensing statutes for physicians (MDs and DOs), physician assistants, and podiatrists to add an exemption to the requirement for medical licensure for formally employed or designated team physicians, PAs, or podiatrists who are travelling with an athletic team in Vermont. The exemption is for treatment of team members, coaches, and staff. This addresses the issue of such team medical staff being in technical violation of the requirement to be licensed in Vermont in order to practice in Vermont. It has been long known that this happens and no enforcement for unlicensed practice has occurred, but this bill came about based upon a study and report from the Federation of State Medical Boards and efforts across the nation by an association of team physicians.

**2. Is there a need for this bill?** *Please explain why or why not.*
Yes. This has not been an issue for the Board, but it makes sense to add this exemption. It is understood that it is relatively common for teams to be accompanied by medical staff when they travel for training or competition. It will eliminate those technical violations and avoid having the Board and the Attorney General in the position of not bringing enforcement actions for violation of the statutory requirement for licensure.

**3. What are likely to be the fiscal and programmatic implications of this bill for this Department?**
No fiscal implications. Minimal programmatic implications.

**4. What might be the fiscal and programmatic implications of this bill for other departments in state government, and what is likely to be their perspective on it?**
None. OPR would be affected as well (exemption applies to DOs), but there are no costs or program implications for OPR either.

**5. What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it?** (f*or example, public, municipalities, organizations, business, regulated entities, etc)*
Minimal impact on others. In theory, there might be a reduced demand for medical consultation services by Vermont physicians if out-of-state physicians can accompany teams. However, this would be a negligible amount and VMS has not raised any concerns.

**5. Other Stakeholders:**

**6.1 Who else is likely to support the proposal and why?** The Vermont Medical Society supports it.

**5.2 Who else is likely to oppose the proposal and why?** No one.

**6. Rationale for recommendation:** *Justify recommendation stated above.*
This change in policy makes sense. It is a policy that was supported in a recent study approved by the Federation of State Medical Boards. Team physicians are familiar with the health issues of the athletes they support and are in the best position to provide the limited scope of medical care that occurs in this context. There are no policy reasons to oppose this; given that the physician and the patient both have ties to the state where the team is based. Vermont does not have a strong interest in dealing with such a matter if a complaint were to arise; both the complainant and the physician would be located in that other state. As noted above, this avoids the many situations in which this now happens and nothing is done about it. Many teams have physicians that regularly travel with them and there are no policy reasons to bar them from treating the team and personnel travelling with the team. Finally, this has been requested by Vermont physicians who serve as team physicians. They will benefit from having this exception becoming widespread so that they can treat their team members in other states without fear of licensing issues arising.

**Specific modifications that would be needed to recommend support of this bill***: Not meant to rewrite bill, but rather, an opportunity to identify simple modifications that would change recommended position.*

The Board proposed adding PAs and podiatrists, and including physicians coming from Canada, too. All involved supported those changes, and they were included in this "as passed" version.

***Secretary/Commissioner has reviewed this document: _____ Date: _____***