

TREATING ELITE AND PROFESSIONAL ATHLETES



Medical Protection members treating elite and professional athletes

The treatment of elite and professional sportspeople is recognised as an area of particular risk when it comes to clinical negligence claims. Athletes may have a higher earnings capacity when compared to the average patient, and the impact of a relatively minor injury may be disproportionately significant. In addition to these factors, third parties such as sponsors may have a stake in the sportsperson's well-being. These factors are liable to translate into claims of far greater value than those typically seen for the type of harm sustained or treatment provided.

Medical Protection has produced guidance for specialists/consultants in private practice who receive referrals to treat injured professional or elite sportspeople. 'Elite' sportspeople refers to those individuals with the potential to earn money from sport, media or endorsements, such as an amateur gymnast with Olympic potential, or a young member of an academy (eg football/rugby/cricket), currently unsigned but with the potential to become a successful professional sportsperson.

Our advice to specialists/consultants treating sportspeople for injuries incurred during the course of their employment is to ensure that they conduct themselves in such a way that any duty of care is limited to the patient and not the patient's employer.

In order to minimise their liability, we strongly advise members who treat elite or professional athletes that they should:

- Not enter into a written or oral contract with a third party (ie someone who is not their patient) to treat a professional or elite sportsperson for reward.
- Only accept referrals from other independent healthcare professionals, and not from clubs directly or from healthcare professionals working for them.
- Address any professional fee notes to the patient and not a third party. If fees are to be settled by a third party, the patient should be asked to forward them on. Alternatively, written confirmation may be obtained from the patient that all fee notes should be sent to the club, employer or their medical insurers.

In order to reflect the interests of our wider membership, Medical Protection is unable provide membership for doctors acting as club doctors for professional sports teams and no member may request assistance in respect of claims brought against them by a third party such as an employing club or team, sponsor or organiser of a sporting competition, or other individual or company that has a financial interest in a sportsperson.

Therefore we urge any members already providing services to patients who are elite or professional athletes to review any contracts held with a third party so that they are aware of their potential liabilities.

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