

Malpractice Liability Exposure and the Sports Medicine Team Physician: Caring for Professional Athletes in the National Football League, Major League Baseball, and National Hockey League

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INTRODUCTION:

Orthopedic surgeons play a critical role in ensuring the health and safety of professional athletes, from sideline care to surgical repair. Despite the privilege of treating elite athletes, there exists great financial exposure to the individual physician in the event of a malpractice lawsuit. The purpose of the study was to evaluate and model malpractice liability exposure of the sports medicine surgeon caring for athletes in the National Football League (NFL), Major League Baseball (MLB), and National Hockey League (NHL) with respect to player position and additional supplemental malpractice insurance needs.

METHODS:

All 2,447 NFL, 992 MLB, and 980 NHL player contracts from the 2022-23 season were aggregated from a publicly available online database. Position, team, total contract value, average yearly salary, and total guaranteed money were noted. Risk ratios were calculated with respect to \$1mm and \$3mm of annual occurrence-based malpractice liability awards and used to generate a “covered-to-treat” analysis. Supplemental malpractice liability insurance was quantified.

RESULTS:

Assuming \$1mm and \$3mm occurrence-based awards covered by malpractice liability insurance, team physicians are only financially eligible to treat 17.3% and 50.0% of NFL players, 43.2% and 59.7% of MLB players, and 13.6% and 41.0% of NHL players from a risk-based medicolegal model, respectively. To reach 95% coverage, liability policies of \$52.6mm, \$108.1mm, and \$64.1mm are required to treat NFL, MLB, and NHL players, respectively. Positions carrying the greatest risk ratios are QB (9.9) in the NFL, Right Field (15.1) in the MLB, and Center (5.7) in the NHL.

DISCUSSION AND CONCLUSION:

Sports medicine specialists caring for elite athletes face extreme personal financial risk due to insufficient medicolegal coverage. Medical malpractice risk is crucial in partnerships between sports franchises, hospitals, players, agents, and sports medicine physicians to protect sports medicine physicians and offer the highest quality care.