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HOUSE FLOOR AMENDMENTS

2024 Regular Session

Amendments proposed by Representative Berault to Reengrossed Senate Bill No. 165 by Senator McMath

1 AMENDMENT NO. 1

2 Delete House Committee Amendment Nos. 7, 8, and 9 by the House Committee on Health  
3 and Welfare (#3704)

4 AMENDMENT NO. 2

5 On page 1, line 12, after "shall" and before "three" delete "terminate after" and insert in  
6 lieu thereof "not exceed"

7 AMENDMENT NO. 3

8 On page 1, line 13, after "the" and before "contract" insert "initial"

9 AMENDMENT NO. 4

10 On page 2, line 8, change "established" to "authorized"

11 AMENDMENT NO. 5

12 On page 2, line 13, after "of" delete the remainder of the line and insert in lieu thereof  
13 "Subsection N of this"

14 AMENDMENT NO. 6

15 On page 2, delete lines 15 through 19 and insert the following:

16 "N.(1) For any physician other than a primary care physician as defined  
17 in Subsection M of this Section, any provision in a contract or agreement which  
18 restrains the physician from practicing medicine shall not exceed five years  
19 from the effective date of the initial contract or agreement. Any subsequent  
20 contract or agreement executed between the employer and the physician after  
21 the initial five-year term shall not include noncompete provisions.

22 (2) If the contract or agreement provided for in Paragraph (1) of this  
23 Subsection is terminated by the physician prior to the initial five-year term, the  
24 physician may be prohibited from carrying on or engaging in a business similar  
25 to that of the employer in the parish in which the physician's principal practice  
26 is located and no more than two contiguous parishes in which the employer  
27 carries on a like business. The parishes shall be specified in the contract or  
28 agreement. The prohibition authorized in this Paragraph shall not exceed a  
29 period of more than two years from termination of employment.

30 O.(1) The provisions of Subsections M and N of this Section shall not  
31 apply to the following physicians:

32 (a) Any physician who is employed by or under contract with a rural  
33 hospital as provided for in the Rural Hospital Preservation Act, R.S. 40:1189.1  
34 et seq.

1           **(b) Any physician who is employed by or under contract with a federally**  
2           **qualified healthcare center as defined in R.S. 40:1183.3 and which operates in**  
3           **a rural parish as designated by the federal Office of Management and Budget**  
4           **at the time the physician is hired.**

5           **(2) For any physician exempted in this Subsection, the provisions of**  
6           **Subsections C, J, K, or L of this Section shall apply.**

7           Section 2.(A) The provisions of this Act shall apply to any contract or agreement  
8 entered into on or after the effective date of this Act.

9           (B) For any contract or agreement in existence as of the effective date of this Act,  
10 the initial three- or five-year term provided for in this Act shall commence on the effective  
11 date of this Act.

12           (C) For any contract or agreement in existence as of the effective date of this Act,  
13 the geographic provisions provided for in this Act shall be applicable on the effective date  
14 of this Act.

15           Section 3. This Act shall become effective on January 1, 2025."