

2022 Regular Session

SENATE BILL NO. 385

BY SENATOR MORRIS

CONTRACTS. Restricts non-competition agreements involving physicians. (8/1/22)

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AN ACT

To enact R.S. 37:1303, relative to medical practice by physicians; to prohibit contracts restricting certain primary care physicians from practicing medicine; to provide relative to physicians terminated without cause by an employer; to authorize certain restrictions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:1303 is hereby enacted to read as follows:

§1303. Contracts restricting the practice of medicine by a primary care physician; prohibited

A. Notwithstanding any provision of law to the contrary, no contract, agreement, or other provision of employment shall restrict the practice of medicine by a licensed primary care physician except as provided in this Section.

B. The provisions of this Section shall not apply to a primary care physician whose contract of employment or other contract relationship has been terminated for just cause.

C. No contract or agreement shall restrict a primary care physician from

1 practicing medicine within a restricted geographic region for more than one
2 year from the date of termination of the contract or agreement of employment.

3 D. As used in this Section, the following terms or phrases are defined as
4 follows:

5 (1) "Primary care physician" means a licensed medical physician
6 practicing family medicine, general internal medicine, general psychiatry,
7 general pediatrics, obstetrics, or gynecology.

8 (2) "Restricted geographic region" means the parish in which the
9 primary care physician's office is physically located and shall include one
10 contiguous parish which borders the parish in which the primary care
11 physician's office is located.

12 E. Any contract or agreement in violation of the provisions of this
13 Section is against public policy and shall be null, void, and unenforceable.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Thomas L. Tyler.

DIGEST

SB 385 Original

2022 Regular Session

Morris

Proposed law prohibits certain employment and other contracts restricting the practice of medicine by a licensed primary care physician unless the primary care physician's contract employment or relationship is terminated for just cause.

Proposed law provides that no contract or agreement can restrict a primary care physician from practicing medicine within a restricted geographic region more than one year from the date of termination.

Proposed law defines the following terms:

- (1) "Primary care physician" means a licensed medical physician practicing family medicine, general internal medicine, general psychiatry, general pediatrics, obstetrics, or gynecology.
- (2) "Restricted geographic region" means the parish in which the primary care physician's office is physically located and includes one contiguous parish which borders on the parish in which the primary care physician's office is located.

Proposed law provides that contracts or agreements in violation of proposed law are against public policy and are null, void, and unenforceable.

Effective August 1, 2022.

(Adds R.S. 37:1303)