

# About Physician Non-Competes

January 2023

US Federal Trade Commission (FTC) proposes legislation that would ban ALL non-competes (including physicians) but exempts not-for-profit organizations. Read more [here](#).

## National News:

1. GA: Dr. Jacqui O'Kane moved to SC to avoid pressure from hospital employer increase pt. load. Read [more](#).
2. Dr. Vaness Urbina spent \$25K fighting a noncompete, opened a practice 19 miles away, cannot treat her patients who now have access issues. Read [more](#).
3. A) PA: 5 OB/Gyns wanted to change employers. Four were barred by noncompete agreements from practicing in their county for 1 year, severing physician-patient relationships.  
B) IA: a urologist left town due to a 1 year, 35 mile noncompete agreement.  
C) A PCP wanted to care for underserved patients but instead stopped practicing for 2 years due to a noncompete agreement. Read [more](#).
4. PA: physicians who want to leave hospital practice to join FQHC where shortages are rampant but cannot due to non competes. Read more [here](#).

Summary of state statutes (July 2022. Source: [ACC](#))

Physician* non-competes not allowed (or not enforceable)	Alabama, California, Colorado, Delaware, Massachusetts, Montana, New Hampshire, New Mexico, North Dakota, Oklahoma, Rhode Island, South Dakota
Physician* non-competes allowed with restrictions	Connecticut, District of Columbia, Florida, Georgia, Idaho, Illinois, Indiana, Louisiana, Maine, Michigan, Missouri, Nevada, North Carolina, Oregon, Tennessee, Texas, Utah, Washington, West Virginia, Wisconsin

\*Not all statutes are specific to physicians

## Specific Restrictions

- CO=1 yr, 15 mi, not enforceable if contract termed by employer
- FL="Reasonable" time, distance, counties w/ sole specialty grp.
- GA ID, MI, NV, WI="Reasonable time, distance, business need
- IL=Only considered following 2 years of employment
- IN, TX=Can be bought out, allowances for pt. Communications and medical info
- LA=Geographic and time limitations (2 years)
- ME=Effective after 1 yr employment or 6 mos. after signature
- MO=Effective after 1 yr employment
- NC=Case dependent
- OR=18 mos limit
- TN=2 yr limit, 10 mi or county borders. Specific rules apply to ER & hospital employed doctors
- UT=1 yr
- WA= enforceable for income > 100k. Terminated employees must be paid for duration
- WV=1 yr, 30 mi.
- DC=Eff for income > \$250k

# Links to State Statutes

Non-competes Prohibited	
AL (2016)	<a href="#">AL Code § 8-1-190 (2016)</a>
CA	<a href="#">Section 16600</a>
CO (2022)	<a href="#">HB22-1317</a>
DE (2021)	<a href="#">6 DE Code § 2707. (2021)</a>
MA	<a href="#">TitleXVI/Chapter112/Section12x</a>
MT (2021)	<a href="#">28-2-703</a>
NH (2016)	<a href="#">RSA 329:31-a</a>
NM (2020)	<a href="#">NM Stat § 24-11-2 (2020)</a>
ND	<a href="#">Chapter 9-08</a>
OK (2014)	<a href="#">15 OK Stat § 15-219A</a>
RI	<a href="#">§ 5-37-33</a>
SD	<a href="#">53-9-11.1</a>

Non-competes allowed, with restrictions			
CO (2016)	<a href="#">SB 351</a>	NC	<a href="#">Chapter 75</a>
DC (2020)	<a href="#">Law 23-209</a>	OR	<a href="#">ORS 653.295</a>
FL (2022)	<a href="#">FL Title XXXIII</a>	TN	<a href="#">§ 63-1-148</a>
GA (2012)	<a href="#">O.C.G.A. § 13-8-53</a>	TX (1983)	<a href="#">Title 2 Chapter 15</a>
ID (2008)	<a href="#">44-2701</a>	UT (2016)	<a href="#">Chapter 51 Pt 1</a>
IL (2022)	<a href="#">P.A. 102-358</a>	WA (2019)	<a href="#">49.62 RCW</a>
IN (2022)	<a href="#">#25-22.5-5.5</a>	WV (2017)	<a href="#">§47-11E-4</a>
LA	<a href="#">RS 23:921</a>	WI	<a href="#">103.465</a>
ME	<a href="#">Title 26, 599-A</a>		
MI	<a href="#">Section 445.774a</a>		
MO (2001)	<a href="#">431.202</a>		
NV	<a href="#">nrs 613.195</a>		