

As Introduced

**133rd General Assembly
Regular Session
2019-2020**

S. B. No. 141

Senator Williams

A BILL

To enact section 4113.66 of the Revised Code to
prohibit the use of noncompete provisions in
physician employment contracts.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 4113.66 of the Revised Code be
enacted to read as follows:

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Sec. 4113.66. (A) As used in this section:

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(1) "Employer of physicians" means any person or
government entity, other than a sole proprietor, that employs a
physician to provide medical care or treatment to patients.

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(2) "Management employee" means an employee who formulates
policy on behalf of an employer of physicians, who directs the
implementation of policy, or who may be reasonably required on
behalf of the employer to have a major role in personnel
administration.

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(3) "Physician" means an individual authorized under
Chapter 4731. of the Revised Code to practice medicine and
surgery, osteopathic medicine and surgery, or podiatric medicine
and surgery.

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(4) "Physician employee" means a physician employed by an 19
employer of physicians. "Physician employee" does not include a 20
management employee employed by an employer of physicians. 21

(B) No employer of physicians shall require a physician 22
employee or prospective physician employee to agree, as a 23
condition of employment with the employer, that at the 24
conclusion of the employment with the employer, the employee 25
will refrain from obtaining employment in a specified geographic 26
area, for a specific period of time, with a particular employer, 27
or in a particular industry or practice specialty. 28

(C) This section does not prohibit an employer of 29
physicians from requiring a physician employee or prospective 30
physician employee to agree, as a condition of employment with 31
the employer, that during the term of a physician employee's 32
employment contract with the employer the employee refrain from 33
obtaining employment in a specified geographic area, for a 34
specified period of time, with a particular employer, or in a 35
particular industry or practice specialty. 36

(D) An agreement by a physician employee to waive the 37
employee's rights under division (B) of this section is void and 38
unenforceable. 39

(E) If a physician employee or prospective physician 40
employee believes that an employer of physicians has violated 41
division (B) of this section, the employee or prospective 42
employee may bring a civil action against the employer in a 43
court of competent jurisdiction. An employer of physicians who 44
violates division (B) of this section is liable to a physician 45
employee or prospective physician employee for damages and 46
attorney's fees and costs. 47