

As Introduced

**134th General Assembly
Regular Session
2021-2022**

S. B. No. 150

**Senators Johnson, Williams
Cosponsors: Senators Yuko, Schaffer**



A BILL

To enact section 4113.66 of the Revised Code to 1
prohibit the use of noncompete provisions in 2
physician employment contracts. 3

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

Section 1. That section 4113.66 of the Revised Code be 4
enacted to read as follows: 5

Sec. 4113.66. (A) As used in this section: 6

(1) "Employer of physicians" means any person or 7
government entity, other than a sole proprietor, that employs a 8
physician to provide medical care or treatment to patients. 9

(2) "Management employee" means an employee who formulates 10
policy on behalf of an employer of physicians, who directs the 11
implementation of policy, or who may be reasonably required on 12
behalf of the employer to have a major role in personnel 13
administration. 14

(3) "Physician" means an individual authorized under 15
Chapter 4731. of the Revised Code to practice medicine and 16
surgery, osteopathic medicine and surgery, or podiatric medicine 17

and surgery. 18

(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, as a condition of 23
employment with the employer, to agree that, at the conclusion 24
of the employment with the employer, the employee will refrain 25
from obtaining employment in a specified geographic area, for a 26
specified period of time, with a particular employer, or in a 27
particular industry or practice specialty. 28

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

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