

1 Page 2-line 14 Delete "." and insert ";".

2

3 Page 2-after line 14 Insert:

4

5 "(C) Provisions which prevent direct solicitation  
6 of employees so long as such restrictions do not limit the  
7 employment rights of other employees;

8

9 (D) Provisions requiring the physician not to  
10 use confidential or proprietary information of the other  
11 contracting party."

12

13 Page 2-after line 20 Insert:

14

15 "(b) When considering reasonableness of damages imposed by  
16 contract upon termination of an agreement, whether liquidated or  
17 to be calculated, any tribunal shall consider:

18

19 (i) Whether the amount of damages will unreasonably  
20 cause harm to the public and patients in the community;

21

22 (ii) The amount of actual losses suffered by the  
23 practice or hospital which were caused by ending the employment  
24 relationship;

25

26 (iii) The amount of recruitment payments paid by  
27 the hospital or practice and whether those payments were from  
28 public funds;

29

30 (iv) The amount of income received by the practice or  
31 hospital on account of the physician while employed with the  
32 hospital or practice;

33

34 (v) The amount of compensation paid by the practice  
35 or hospital to the physician relative to average salaries paid  
36 to physicians as determined by commonly recognized salary  
37 surveys;

38

39 (vi) The amount of independent consideration paid by  
40 the hospital or practice to recruit the physician other than  
41 salary.

42

1 Page 3-line 1 Delete "(b)" and insert "(c)".  
2  
3 Page 3-line 3 After "center" insert "or to the sale of a  
4 business by the physician". SCOTT, CHAIRMAN