

H.B. No. 0163**Physician noncompete clause.**

Sponsored By: Representative(s) Nicholas, Connolly, Harshman and Miller and Senator(s) Baldwin, Bebout, Rothfuss, Scott and Wasserburger

AN ACT relating to professions and occupations; prohibiting a noncompete provision for a physician's employment, partnership or other business agreement; prescribing enforcement of other contract provisions; providing applicability; and providing for an effective date.

2/13/2018 Bill Number Assigned
 2/14/2018 H Received for Introduction
 2/15/2018 H Introduced and Referred to H07 - Corporations 58-1-1-0-0

ROLL CALL

Ayes: Representative(s) Allen, Barlow, Biteman, Blackburn, Blake, Bovee, Brown, Burkhart, Byrd, Clausen, Clem, Connolly, Court, Crank, Dayton, Edwards, Eklund, Eyre, Flitner, Freeman, Furphy, Gierau, Gray, Haley, Halverson, Harshman, Henderson, Hunt, Jennings, Kinner, Kirkbride, Larsen, Laursen, Lindholm, Lone, Loucks, MacGuire, Madden, Miller, Nicholas, Northrup, Obermueller, Olsen, Paxton, Pelkey, Piiparinen, Pownall, Salazar, Schwartz, Simpson, Sommers, Steinmetz, Stith, Sweeney, Walters, Wilson, Winters, Zwonitzer

Nays: Representative Hallinan

Excused: Representative Greear

Ayes 58 **Nays** 1 **Excused** 1 **Absent** 0 **Conflicts** 0

2/15/2018 H Rerefer to H02 - Appropriations
 2/16/2018 H02 - Appropriations:Recommend Amend and Do Pass 7-0-0-0-0

ROLL CALL

Ayes: Representative(s) Burkhart, Larsen, Nicholas, Schwartz, Sommers, Walters, Wilson

Ayes 7 **Nays** 0 **Excused** 0 **Absent** 0 **Conflicts** 0

2/16/2018 H Placed on General File

HB0163HS001/ADOPTED

Page 3-line 5 Delete "July 1, 2018" and insert "immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution".
 NICHOLAS, CHAIRMAN

2/22/2018 H COW:Passed
 2/23/2018 H 2nd Reading:Passed

HB0163H3001/ADOPTED

Page 1-line 4 After "provisions;" insert "providing applicability;"

Page 3-after line 3 Insert:
"Section 2. This act shall not apply to any employment, partnership or other business agreement originally entered into prior to the effective date of this act."

2/27/2018 H 3rd Reading:Passed 43-14-3-0-0

ROLL CALL

Ayes: Representative(s) Allen, Brown, Burkhart, Clausen, Clem, Connolly, Court, Crank, Dayton, Edwards, Eklund, Eyre, Furphy, Gray, Greear, Halverson, Harshman, Henderson, Hunt, Jennings, Kinner, Kirkbride, Larsen, Laursen, Lindholm, Loucks, MacGuire, Madden, Miller, Nicholas, Obermueller, Olsen, Paxton, Pelkey, Pownall, Salazar, Simpson, Sommers, Steinmetz, Stith, Walters, Wilson, Winters

Nays: Representative(s) Barlow, Biteman, Blackburn, Blake, Bovee, Flitner, Freeman, Gierau, Haley, Hallinan, Piiparinen, Schwartz, Sweeney, Zwonitzer

Excused: Representative(s) Byrd, Lone, Northrup

Ayes 43 **Nays** 14 **Excused** 3 **Absent** 0 **Conflicts** 0

3/1/2018 S Received for Introduction
3/2/2018 S Introduced and Referred to S10 - Labor
3/6/2018 S10 - Labor:Recommend Amend and Do Pass 5-0-0-0-0

ROLL CALL

Ayes: Senator(s) Baldwin, Boner, Bouchard, Peterson, Scott

Ayes 5 **Nays** 0 **Excused** 0 **Absent** 0 **Conflicts** 0

3/6/2018 S Placed on General File

**HB0163SS001.01/ADOPTED (TO ENGROSSED COPY)
(CORRECTED COPY)
[DIVIDED AMENDMENT]**

Page 1-line 14 After "that" insert "unreasonably".
Page 2-line 1 After "medicine" insert "within any community in Wyoming". SCOTT, CHAIRMAN

**HB0163SS001.02/FAILED (TO ENGROSSED COPY)
(CORRECTED COPY)
[DIVIDED AMENDMENT]**

Page 2-line 14 Delete "." and insert ";".
Page 2-after line 14 Insert:
 "(C) Provisions which prevent direct solicitation of employees so long as such restrictions do not limit the employment rights of other employees;
 (D) Provisions requiring the physician not to use confidential or proprietary information of the other contracting party."
Page 2-after line 20 Insert:
 "(b) When considering reasonableness of damages imposed by contract upon termination of an agreement, whether liquidated or to be calculated, any tribunal shall consider:
 (i) Whether the amount of damages will unreasonably cause harm to the public and patients in the community;
 (ii) The amount of actual losses suffered by the practice or hospital which were caused by ending the employment relationship;
 (iii) The amount of recruitment payments paid by the hospital or practice and whether those payments were from public funds;
 (iv) The amount of income received by the practice or hospital on account of the physician while employed with the hospital

or practice;

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

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

Page 3-line 1 Delete "(b)" and insert "(c)".

Page 3-line 3 After "center" insert "or to the sale of a business by the physician". SCOTT, CHAIRMAN

3/7/2018 S COW:Failed 5-24-1-0-0

ROLL CALL

Ayes: Senator(s) Christensen, Moniz, Rothfuss, Scott, Wasserburger

Nays: Senator(s) Agar, Anderson, Anselmi-Dalton, Baldwin, Barnard, Bebout, Boner, Bouchard, Burns, Case, Coe, Dockstader, Driskill, Ellis, Emerich, Hastert, Hicks, Kinskey, Landen, Nethercott, Pappas, Perkins, Peterson, Von Flatern

Excused: Senator Meier

Ayes 5 **Nays** 24 **Excused** 1 **Absent** 0 **Conflicts** 0

3/7/2018 S postponed indefinitely