MEDCHI, THE MARYLAND STATE MEDICAL SOCIETY
HOUSE OF DELEGATES

Resolution 22-14

INTRODUCED BY: Baltimore City Medical Society

SUBJECT: Prohibiting Non-Compete Clauses in Physician Employment Contracts

Whereas, our American Medical Association (AMA) in a 2013 study found that nearly 42% of physicians are employees; and

Whereas, recognizing the growing number of physician employees in Maryland, MedChi, The Maryland State Medical Society, established the Center for the Employed Physician to provide resources and advocacy for physicians who choose to become employees of hospitals, group practices and other health care entities; and

Whereas, of all the resources, the employment contract and its complexities have elicited significant concern from physicians, particularly non-compete clauses therein; and

Whereas, our AMA and MedChi agree that “covenants-not-to-compete restrict competition, disrupt continuity of care, and potentially deprive the public of medical services.” (Opinion 9.02 and PEC 04/99, respectively); and

Whereas, MedChi advocates for the profession of medicine and the physician-patient relationship; and

Whereas, non-compete clauses may be unethical and compromise the professional rights of the physician; and

Whereas, non-compete clauses shift the relationship from physician-patient to employing entity-patient, thereby jeopardizing the physician-patient relationship; therefore be it

Resolved, that MedChi, The Maryland State Medical Society support legislation in the Maryland General Assembly to prohibit non-compete clauses in physician contracts.

As referred to the Board of Trustees for study and report back by the House of Delegates at its meeting on September 27, 2014.