

Non-compete Clauses in Emergency Medicine (S. 2031)

**MAINTAINING INDEPENDENCE IN THE PURSUIT OF EXCELLENCE
IN EMERGENCY MEDICINE.**

THE PROBLEM

Non-compete clauses in emergency physician contracts hinder access to care and endanger patients. Non-compete agreements were originally designed to protect business interests by preventing high-level executives and salespeople from taking one company's clients or sensitive and proprietary information to another competing company.

However, these concerns do not apply to emergency medicine physicians for multiple reasons:

- Emergency physicians do not have clients or private patient lists. We proudly treat every patient presenting to the emergency department regardless of the patient's status within the healthcare system.
- The hospital or contract group provides no specialized training to emergency physicians. Emergency physicians do possess highly specialized information and skills; however, this specialized knowledge is obtained through rigorous study and training in Medicare supported medical schools and emergency medicine residency programs.

Private equity's (PE) growing market share of emergency departments (ED) has forced many physicians to choose between keeping their job and providing the best care to their patients. Many if not most PE backed contract management groups contracts contain non-competes. In these situations, noncompete clauses are particularly harmful as they limit physicians' ability to seek out employment in other EDs that would allow them to provide the care their patients deserve.

THE SOLUTION:

The Federal Trade Commission (FTC) recently withdrew its final noncompete rule, which would have prohibited all future non-compete clauses and made most current non-compete agreements unenforceable. Congress must now step in.



**“NON-COMPETE AGREEMENTS FOR
EMERGENCY PHYSICIANS ARE
PARTICULARLY DANGEROUS FOR PATIENTS...
EMERGENCY PHYSICIANS ARE
DISEMPOWERED BY RESTRICTIVE
COVENANTS AS ALTERNATIVE EMPLOYMENT
CAN BE BLOCKED SHOULD THEY ADVOCATE
TOO STRONGLY FOR PATIENTS.”**

- AAEM Member with more than 40 years
experience working in emergency medicine

**AAEM URGES ALL MEMBERS OF CONGRESS
TO COSPONSOR OR CHAMPION THE
WORKFORCE MOBILITY ACT (S. 2031), A BILL
THAT WOULD BAN MANY ANTI-COMPETITIVE
NONCOMPETE CLAUSES.**

