

Chairman Huffman, Vice Chairman Johnson, Ranking Member Antonio, and all members of the Senate Health Committee, thank you for the opportunity to submit supportive comments on Senate Bill 126 on behalf of the Ohio Chapter of the American College of Emergency Physicians (Ohio ACEP) that represents over 1,500 emergency physicians across the State.

Senate Bill 126 would prohibit or restrict certain non-compete clauses from being included in physician employment contracts. Board certified emergency physicians receive highly skilled and rigorous training. We see and treat every type and acuity of patient, and we do so 24/7/365. We are also almost exclusively physicians whose employment is based in a hospital or educational institution. We do know that some employers have instituted unfair non-compete clauses that can limit a physician's ability to change employers without also having to move and uproot their family out of state. There are many reasons a physician may want to change employment, and Ohio ACEP agrees those physicians should have that ability.

Physicians should be able to utilize their expertise and training in the place of employment they choose. If an opportunity presents itself for the physician to make an employment change to serve a different population or in a new location, their current employment contracts should not unfairly impede that ability.

Some have argued that these non-compete clauses are needed so physicians do not "take" their patients to their new practice or place of employment. This argument would not apply to emergency medicine, as we do not have traditional patients. We see everyone that comes through our door. Patients do not choose their emergency physician; they choose their emergency department.

While we would prefer a bill that bans these non-compete agreements completely, Senate Bill 126 is an important step in the right direction to protect Ohio's physicians.

We thank the bill sponsors and this committee for considering this perspective and we look forward to working on this issue as the process continues.

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