As Introduced

136th General Assembly Regular Session 2025-2026

S. B. No. 301

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Senator Johnson

To enact section 3727.62 of the Revised Code

regarding the use of noncompete provisions in

certain health care professional employment	3
contracts with nonprofit hospitals.	4
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:	
Section 1. That section 3727.62 of the Revised Code be	5
enacted to read as follows:	6
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Sec. 3727.62. (A) As used in this section:	7
(1) "Advanced practice registered nurse" has the same	8
meaning as in section 4723.01 of the Revised Code.	9
(2) "Health care professional employee" means a physician,	10
physician assistant, or advanced practice registered nurse	11
employed by a nonprofit hospital. "Health care professional	12
employee" does not include a management employee employed by a	13
nonprofit hospital.	14
(3) "Management employee" means an employee who formulates	15
policy on behalf of a nonprofit hospital, who directs the	16
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implementation of policy, or who may be reasonably required on	
behalf of the hospital to have a major role in personnel	18
administration.	19

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(4) "Nonprofit hospital" means a hospital, as defined in	20
section 3722.01 of the Revised Code, no part of the net earnings	21
of which inures, or may lawfully inure, to the benefit of any	22
private shareholder or individual.	23
(5) "Physician" means an individual authorized under	24
Chapter 4731. of the Revised Code to practice medicine and	25
surgery, osteopathic medicine and surgery, or podiatric medicine	26
and surgery.	27
(6) "Physician assistant" means an individual who is	28
licensed under Chapter 4730. of the Revised Code.	29
(B)(1) Except as provided in division (B)(2) of this	30
section, no nonprofit hospital shall require a health care	31
professional employee or prospective health care professional	32
employee, as a condition of employment with the hospital, to	33
agree that, at the conclusion of the employment with the	34
hospital, the employee will refrain from obtaining employment in	35
a specified geographic area, for a specified period of time,	36
with a particular employer, or in a particular industry or	37
practice specialty.	38
(2) A nonprofit hospital may require a health care	39
professional employee or prospective health care professional	40
employee, as a condition of employment with the hospital, to	41
agree that, at the conclusion of the employment with the	42
hospital, the employee will refrain, for a period not to exceed	43
six months, from obtaining employment within a radius of fifteen	44
miles of the physical location where the employee was employed	45
with the hospital. To implement this requirement, the hospital	46
shall identify in the employee's employment contract with the	47
hospital one specific physical address from which the fifteen-	48
mile radius will be measured.	49

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(C) Division (B) of this section does not prohibit a	50
nonprofit hospital from requiring a health care professional	51
employee or prospective health care professional employee, as a	52
condition of employment with the hospital, to agree that, during	53
the term of the employee's employment contract with the	54
hospital, the employee will refrain from obtaining employment in	55
a specified geographic area, for a specified period of time,	56
with a particular employer, or in a particular industry or	57
practice specialty.	58
(D) An agreement by a health care professional employee to	59
waive the employee's rights under division (B) of this section	60
is void and unenforceable.	61
(E) If a health care professional employee or prospective	62
health care professional employee believes that a nonprofit	63
hospital has violated division (B) of this section, the employee	64
or prospective employee may bring a civil action against the	65
hospital in a court of competent jurisdiction. A nonprofit	66
hospital that violates division (B) of this section is liable to	67
a health care professional employee or prospective health care	68
professional employee for damages and attorney's fees and costs.	69