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Texas Business and Commerce Code - BUS & COM § 15.50. Criteria for Enforceability of Covenants Not to Compete

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and 30 Notwithstanding Section 15.05 (https://l.next.westlaw.com/Link/Document/FullText?and-commerce-code/bus-commerce-code/bus-commerce-code/bus-c

- (b) A covenant not to compete relating to the practice of medicine is enforceable against a person licensed as a physician by the Texas Medical Board if such covenant complies with the following requirements:
 - (1) the covenant must:
 - (A) not deny the physician access to a list of his patients whom he had seen or treated within one year of termination of the contract or employment;
 - (B) provide access to medical records of the physician's patients upon authorization of the patient and any copies of medical records for a reasonable fee as established by the Texas Medical Board under Section 159.008, Occupations Code (https://1.next.westlaw.com/Link/Document/FullText? findType=L&originatingContext=document&transitionType=DocumentItem&pubNum=1016178&refTy]; and
 - (C) provide that any access to a list of patients or to patients' medical records after termination of the contract or employment shall not require such list or records to be provided in a format different than that by which such records are maintained except by mutual consent of the parties to the contract;
 - (2) the covenant must provide for a buy out of the covenant by the physician at a reasonable price or, at the option of either party, as determined by a mutually agreed upon arbitrator or, in the case of an inability to agree, an arbitrator of the court whose decision shall be binding on the parties; and
 - (3) the covenant must provide that the physician will not be prohibited from providing continuing care and treatment to a specific patient or patients during the course of an acute illness even after the contract or employment has been terminated.
- (c) Subsection (b) does not apply to a physician's business ownership interest in a licensed hospital or licensed ambulatory surgical center.

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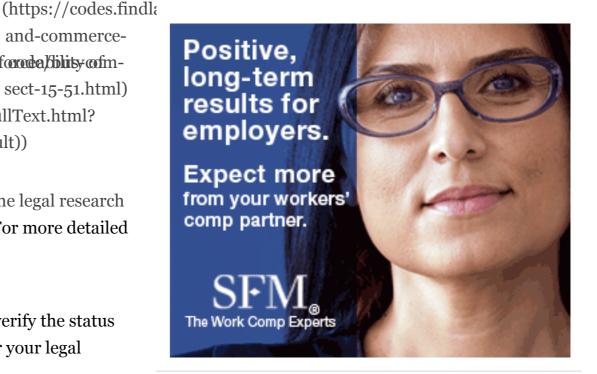
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