

HOUSE BILL NO. 198

INTRODUCED BY J. ETCHART

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE PROHIBITION ON CONTRACTS THAT RESTRICT THE PRACTICE OF SPECIFIED HEALTH CARE PROVIDERS; AMENDING SECTION 28-2-724, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 28-2-724, MCA, is amended to read:

**"28-2-724. Prohibition of contracts that restrict practice -- applicability -- exceptions.** (1) A contract that creates or establishes the terms of employment, a partnership, or any other form of professional relationship with a health care provider described in subsection (2), may not restrict the right of the health care provider, after the termination of the employment, partnership, or other form of professional relationship, to:

(a) practice or provide services for which the provider is licensed, in any geographic area and for any period, ~~after the termination of the employment, partnership, or other form of professional relationship~~;

(b) treat, advise, consult with, or establish a provider-patient relationship with any current patient of the employer or with a patient affiliated with a partnership or other form of professional relationship; or

(c) solicit or seek to establish a provider-patient relationship with any current patient of the employer or with a patient affiliated with a partnership or other form of professional relationship.

(2) The requirements of subsection (1) apply to contracts or agreements involving the following health care providers:

(a) a ~~psychiatrist or addiction medicine~~ physician licensed under Title 37, chapter 3;

(b) a psychologist licensed under Title 37, chapter 17;

(C) A NATUROPATHIC PHYSICIAN LICENSED UNDER TITLE 37, CHAPTER 26;

~~(e)(D)~~ a social worker licensed under Title 37, chapter ~~22~~ 39;

~~(d)(E)~~ a professional counselor licensed under Title 37, chapter ~~23~~ 39;

~~(e)(F)~~ an addiction counselor licensed under Title 37, chapter ~~35~~ 39;

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Drafter: Chanan Brown,

1           ~~(f)~~(G)     a marriage and family therapist licensed under Title 37, chapter ~~37~~ 39; and

2           ~~(g)~~(H)     a behavioral health peer support specialist licensed under Title 37, chapter ~~38~~ 39;

3           ~~(h)~~(I)     a registered professional nurse or an advanced practice registered nurse licensed under Title,

4     37, chapter 8; or

5           ~~(i)~~(J)     a physician assistant licensed under Title 37, chapter 20.

6 (3) This section does not apply to a contract in connection with the sale and purchase of a  
7 practice."

9 **NEW SECTION. Section 2. Effective date.** [This act] is effective on passage and approval.

11 NEW SECTION. Section 3. Applicability. [This act] applies to contracts made or renewed on or after  
12 [the effective date of this act].

13 - END -