Article - Labor and Employment

[Previous][Next]

§3–716.

(a) (1) This subsection applies:

(i) to an employment contract or a similar document or agreement concerning:

1. an employee who earns equal to or less than 150% of the State minimum wage rate established under § 3–413 of this title;

2. employment in a position for which the employee:

A. is required to be licensed under the Health Occupations Article;

B. is employed in a position that provides direct patient care; and

C. earns equal to or less than $350,000 in total annual compensation; or

3. an employee licensed as a veterinary practitioner or veterinary technician under Title 2, Subtitle 3 of the Agriculture Article; and

(ii) whether or not the employer and employee entered into the employment contract or similar document or agreement in the State.

(2) This subsection does not apply to an employment contract or a similar document or agreement with respect to the taking or use of a client or patient list or other proprietary client–related or patient–related information.

(3) A noncompete or conflict of interest provision in an employment contract or a similar document or agreement that restricts the ability of an employee to enter into employment with a new employer or to become self–employed in the same or similar business or trade shall be null and void as being against the public policy of the State.

(b) (1) This subsection applies only to an employment contract or similar document or agreement concerning employment in a position for which the employee:

(i) is required to be licensed under the Health Occupations Article;

(ii) is employed in a position that provides direct patient care; and

(iii) earns more than $350,000 in total annual compensation.

(2) (i) The period for which a noncompete or conflict of interest provision in an employment contract or similar document or agreement is in effect may not exceed 1 year from the last day of employment.

(ii) The geographical restriction in a noncompete or conflict of interest provision in an employment contract or similar document or agreement may not exceed 10 miles from the primary place of employment.

(3) On request of a patient, an employer of an employee described in paragraph (1) of this subsection shall provide notice to a patient of the new location where a former employee will be practicing.

[Previous][Next]