

FAVORABLE

HB 1388 Delegate Hill: Labor and Employment—Noncompete and Conflict of Interest Clauses—  
Veterinary and Health Care Professionals

March 5, 2024

Dear Madame Chair and HGO Committee Members:

I have practiced as a Certified Nurse Practitioner in Maryland since 1981, and have been the Legislative Chair for the Maryland Academy of Advanced Practice Clinicians (MAAPC) since 2008. MAAPC is a statewide organization that educates and advocates for all APRNs and PAs who live or work in Maryland.

MAAPC supports passage of HB 1388. An overwhelming majority of our 3000+ followers and members have voiced their support for this bill, urging us to work for its passage.

- Noncompete clauses in employment contracts are so restrictive in Maryland that qualified practitioners often cannot work in their fields for periods of up to two years after ending employment with organizations who require noncomplete clauses as a condition of employment.
- Most noncompete contracts restrict the practitioner from practicing in his/her area of expertise within a 50-mile radius of the place of employment for 1-2 years after ending employment with that organization.
- Patient access to care can be severely limited in certain areas of Maryland, like Southern Maryland, Eastern Shore and Western Maryland if and when a qualified provider terminates employment in the area, and there is no qualified provider to replace him/her.
- Patients in these areas who have lost their provider report they often have to travel 50 or more miles to find another qualified provider.
- These providers cannot work for a period of one or two years within a 50-mile radius and may have to relocate in order to find employment in their areas of expertise, causing an undue financial burden on the providers and their families. Many of these providers leave the state in order to find suitable employment.
- AB is a nurse practitioner who was employed in St. Mary's County for more than 10 years in a specialty practice. She had a noncompete clause in her contract that said she could not practice for 2 years within a 50-mile radius of the practice. (That includes all of Southern Maryland!) Her employer decided to hire another physician to the practice and fired AB stating he could not afford to pay both salaries. AB had to change specialties which required her to go back to school to learn a new specialty and had to take a substantial pay reduction because she was now new to her specialty in order to

be able to continue living in her house in St. Mary's County and have a reasonable commute to work.

Her patients of more than 10 years in this practice had to find another provider to continue their care in a specialty that had very few providers in Southern Maryland.

HB 1388 will eliminate these issues for patients—human or veterinary--and providers as well.

We urge a FAVORABLE report on HB 1388.

Respectfully,

Lorraine Diana, RN, MS, CRNP

Legislative Chair, MAAPC

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