SLS 19RS-2881

2019 Regular Session

SENATE CONCURRENT RESOLUTION NO. 134

BY SENATOR CLAITOR

HEALTH CARE. Requests the Louisiana Department of Health to convene the Task Force on Protecting Patient Choice.

A CONCURRENT RESOLUTION

To urge and request the Louisiana Department of Health to convene the Task Force on Protecting Patient Choice to study the health outcome and economic impact of physician noncompete agreements on patients, families, and communities.

WHEREAS, as a matter of public policy, Louisiana has demonstrated a long-held position against noncompete agreements; and

WHEREAS, noncompete agreements prohibit an individual from competing in a designated geographical area for a specified period of time; and

WHEREAS, noncompete agreements are enforceable against physicians; and

WHEREAS, enforcement of noncompete agreements relative to physicians may limit the freedom of patients to choose their treating physician; and

WHEREAS, noncompete agreements exacerbate physician shortages in many Louisiana parishes; and

WHEREAS, according to the 2018 American Medical Association economic impact study, physicians bring economic prosperity to our communities through more than one hundred thousand jobs, more than nineteen million dollars in economic activity, more than six hundred million dollars in state and local tax revenue, and nearly nine billion dollars in wages and benefits, all of which can be stifled by noncompete agreements.
THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby request the Louisiana Department of Health to convene the Task Force on Protecting Patient Choice to study the health outcome and economic impact of physician noncompete agreements on patients, families, and communities.

BE IT FURTHER RESOLVED that the task force shall be comprised of the following seventeen members:

(1) The secretary of the Louisiana Department of Health or his designee.

(2) Two members appointed by the Louisiana Hospital Association.

(3) Two members appointed by the Louisiana Rural Hospital Association.

(4) Two members appointed by the Louisiana State Medical Society.

(5) One member appointed by the Louisiana Academy of Family Physicians.

(6) One member appointed by the Louisiana Chapter of the American Academy of Pediatrics.

(7) One member appointed by Our Lady of the Lake Regional Medical Center.

(8) One member appointed by the Louisiana State Bar Association and Louisiana State Medical Society Joint Medical Legal Interprofessional Committee.

(9) One member appointed by the Louisiana Academy of Physician Assistants.

(10) One member appointed by the Louisiana Association of Nurse Practitioners.

(11) One member appointed by the president of the Senate.

(12) One member appointed by the speaker of the House of Representatives.

(13) One member appointed by the chairman of the Senate Committee on Commerce, Consumer Protection and International Affairs.

(14) One member appointed by the chairman of the House Committee on Commerce.

BE IT FURTHER RESOLVED that the Louisiana Department of Health shall provide staff support to the task force.

BE IT FURTHER RESOLVED that the members of the task force shall serve without compensation, except per diem or expense reimbursement that they may be individually entitled to by their respective organization.

BE IT FURTHER RESOLVED that a majority of the total membership shall
constitute a quorum of the task force, and any official action by the task force shall require
an affirmative vote of a majority of the quorum present and voting.

BE IT FURTHER RESOLVED that the secretary of the Louisiana Department of
Health shall call the first meeting of the task force on or before August 1, 2019, at which the
task force shall elect a chairman and other officers as it considers necessary.

BE IT FURTHER RESOLVED that the task force shall meet as often as is necessary
to fulfill its mission and shall issue a report to the legislature of its findings and
recommendations, including proposed legislation, on or before January 1, 2020, at which
time the task force shall terminate.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the
secretary of the Louisiana Department of Health, the executive director of the Louisiana
Hospital Association, the executive director of the Louisiana Rural Hospital Association, the
executive director of the Louisiana State Medical Society, the executive director of the
Louisiana Academy of Family Physicians, the executive director of the Louisiana Chapter
of the American Academy of Pediatrics, the chief executive officer of Our Lady of the Lake
Regional Medical Center, the president of the Louisiana State Bar Association, the executive
director of the Louisiana Academy of Physician Assistants, and the executive director of the
Louisiana Association of Nurse Practitioners.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Christine Arbo Peck.

DIGEST
SCR 134 Original 2019 Regular Session Claitor

Requests the Louisiana Department of Health to convene the Task Force on Protecting
Patient Choice to study the health outcome and economic impact of noncompete agreements
utilized in contracts of certain healthcare professions on patients, families, and communities.

Requires the first meeting of the task force to be convened on or before August 1, 2019.

Requires a report to the legislature of its findings and recommendations, including proposed
legislation, on or before January 1, 2020.