

House Bill 322

By: Representative Sims of the 169th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 13-8-58 of the Official Code of Georgia Annotated, relating to
2 enforcement by third parties of restrictive covenants, so as to prohibit the enforcement of
3 certain covenants and restrictions on physicians who leave the employment of a hospital
4 authority or restructured hospital owned by a hospital authority when a patient wants to
5 continue to use the physician; to provide for related matters; to repeal conflicting laws; and
6 for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 13-8-58 of the Official Code of Georgia Annotated, relating to enforcement by
10 third parties of restrictive covenants, is amended by adding a new subsection to read as
11 follows:

12 "(e) It is declared that it is against public policy for a hospital authority or a restructured
13 hospital owned by a hospital authority to impose unreasonable barriers to patients
14 continuing to use a physician after the physician is no longer employed by such hospital
15 authority or restructured hospital. In any action considering the enforcement of a
16 restrictive covenant against competition, solicitation, or both by a hospital authority or a
17 restructured hospital owned by a hospital authority against a formerly employed physician,
18 the court shall not enter any order that prohibits the physician from treating a patient who
19 chooses to continue to use the physician. In any action considering the enforcement of a
20 restriction on the use or disclosure of confidential information or trade secrets by a hospital
21 authority or a restructured hospital owned by a hospital authority against a physician, the
22 court shall not enforce any such restriction against any physician who is no longer
23 employed by such hospital authority or restructured hospital regarding patients who choose
24 to continue to use the physician."

25

SECTION 2.

26 All laws and parts of laws in conflict with this Act are repealed.