

# HOUSE BILL NO. 1660

## 98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE FREDERICK.

4639H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To amend chapter 334, RSMo, by adding thereto one new section relating to covenants not to compete.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 334, RSMo, is amended by adding thereto one new section, to be  
2 known as section 334.113, to read as follows:

334.113. 1. As used in this section, the term “covenant not to compete” means an  
2 agreement or part of a contract of employment in which the covenantee agrees to refrain  
3 from competition with the convenantor for a specific period of time and within a particular  
4 geographic area.

5 2. No covenant not to compete shall be enforceable if it is ancillary to or part of an  
6 otherwise enforceable agreement with a nonprofit hospital organized under the laws of this  
7 state.

8 3. A covenant entered into under this section shall:

9 (1) Not deny the physician access to a list of his or her patients whom he or she had  
10 seen or treated within one year of the termination of the contract or employment;

11 (2) Provide access to medical records of the physician’s patients upon authorization  
12 of the patient and any copies of medical records for a reasonable fee under section 191.227;

13 (3) Provide that any access to a list of patients or to patients’ medical records after  
14 termination of the contract or employment shall be provided in the format that such  
15 records are maintained, except by mutual consent of the parties to the contract; and

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16           **(4) Permit the physician to provide continuing care and treatment to a specific**  
17 **patient or patients during the course of an acute illness even after the contract or**  
18 **employment has been terminated.**

19           **4. The provisions of this section shall apply to any covenant entered into on or after**  
20 **August 28, 2016.**

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