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SENATE BILL 82

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

INTRODUCED BY

Gerald Ortiz y Pino

AN ACT

RELATING TO ACCESS TO HEALTH CARE; MAKING CERTAIN PROVISIONS IN
HEALTH CARE PRACTITIONER AGREEMENTS VOID, UNENFORCEABLE AND
AGAINST PUBLIC POLICY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 24-11-2 NMSA 1978 (being Laws 2015,
Chapter 96, Section 2) is amended to read:

"24-11-2. ENFORCEABILITY OF A NON-COMPETE PROVISION--
OTHER PROVISIONS VOID.--

A. A non-compete provision in an agreement, which
provision restricts the right of a health care practitioner to
provide clinical health care services in this state, shall be
unenforceable upon the termination of:

~~[A.]~~ (1) the agreement;

~~[B.]~~ (2) a renewal or extension of the

underscoring material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 agreement; or

2 ~~[G-]~~ (3) a health care practitioner's
3 employment with a party seeking to enforce the agreement.

4 B. A provision in an agreement for clinical health
5 care services to be rendered in this state is void,
6 unenforceable and against public policy if the provision:

7 (1) makes the agreement subject to the laws of
8 another state; or

9 (2) requires any litigation arising out of the
10 agreement to be conducted in another state."

11 SECTION 2. Section 24-1I-5 NMSA 1978 (being Laws 2015,
12 Chapter 96, Section 5) is amended to read:

13 "24-1I-5. APPLICABILITY.--

14 A. ~~[This act]~~ Chapter 24, Article 1I NMSA 1978 does
15 not apply to agreements between health care practitioners who
16 are shareholders, owners, partners or directors of a health
17 care practice.

18 B. Except as provided by Subsection C of this
19 section, the provisions of ~~[this act]~~ Chapter 24, Article 1I
20 NMSA 1978 apply to agreements, or renewals or extensions of
21 agreements, executed on or after July 1, 2015.

22 C. The provisions of Subsection B of Section
23 24-1I-2 NMSA 1978 apply to agreements, or renewals or
24 extensions of agreements, executed on or after July 1, 2017."