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

"24-1I-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
agreement; or

[6.]  (3)  a health care practitioner's

employment with a party seeking to enforce the agreement.

B.  A provision in an agreement for clinical health

care services to be rendered in this state is void,

unenforceable and against public policy if the provision:

   (1) makes the agreement subject to the laws of

another state; or

   (2) requires any litigation arising out of the

agreement to be conducted in another state."

SECTION 2.  Section 24-1I-5 NMSA 1978 (being Laws 2015,

Chapter 96, Section 5) is amended to read:

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

   A.  [This act] Chapter 24, Article 11 NMSA 1978 does

not apply to agreements between health care practitioners who

are shareholders, owners, partners or directors of a health

care practice.

   B.  Except as provided by Subsection C of this

section, the provisions of [this act] Chapter 24, Article 11

NMSA 1978 apply to agreements, or renewals or extensions of

agreements, executed on or after July 1, 2015.

   C.  The provisions of Subsection B of Section

24-1I-2 NMSA 1978 apply to agreements, or renewals or
extensions of agreements, executed on or after July 1, 2017."