

1 SENATE BILL NO. 451
2 INTRODUCED BY J. SMALL

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4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING HEALTH CARE CONTRACT LAWS;
5 PROHIBITING CONTRACTS THAT RESTRICT PRACTICE FOR CERTAIN HEALTH CARE PROVIDERS;
6 AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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10 NEW SECTION. **Section 1. Prohibition of contracts that restrict practice -- applicability --**

11 **exceptions.** (1) A contract that creates or establishes the terms of employment, a partnership, or any other
12 form of professional relationship with a health care provider described in subsection (2), may not restrict the
13 right of the health care provider to:

- 14 (a) practice or provide services for which the provider is licensed, in any geographic area and for
- 15 any period, after the termination of the employment, partnership, or other form of professional relationship;
- 16 (b) treat, advise, consult with, or establish a provider-patient relationship with any current patient of
- 17 the employer or with a patient affiliated with a partnership or other form of professional relationship; or
- 18 (c) solicit or seek to establish a provider-patient relationship with any current patient of the
- 19 employer or with a patient affiliated with a partnership or other form of professional relationship.

20 (2) The requirements of subsection (1) apply to contracts or agreements involving the following
21 health care providers:

- 22 (a) a ~~psychiatrist or addiction medicine~~ physician licensed under Title 37, chapter 3;
- 23 (b) a psychologist licensed under Title 37, chapter 17;
- 24 (c) a social worker licensed under Title 37, chapter 22;
- 25 (d) a professional counselor licensed under Title 37, chapter 23;
- 26 (e) an addiction counselor licensed under Title 37, chapter 35;
- 27 (f) a marriage and family therapist licensed under Title 37, chapter 37; and
- 28 (g) a behavioral health peer support specialist licensed under Title 37, chapter 38.

Amendment - 1st Reading-white - Requested by: Steve Gist - (H) Business and Labor

- 2023

68th Legislature 2023

Drafter: Jameson Walker, 406-444-3722

SB0451.001.001

1 (3) This section does not apply to a contract in connection with the sale and purchase of a
2 practice.

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4 NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an
5 integral part of Title 28, chapter 2, part 7, and the provisions of Title 28, chapter 2, part 7, apply to [section 1].

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7 NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.

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- END -

AMENDED