

RESOLUTION 12.2021-19 (A-22)
INFERENCE OF NON-COMPETE/RESTRICTIVE COVENANT CLAUSES
TO PREVENT PHYSICIANS FROM EARNING ADDITIONAL INCOME

ISMS Board Action Taken on 06/25/2022

Did Not Adopt Resolution 12.2021-19 (A-22).

Medical Legal Council Recommendation to ISMS Board on 06/25/2022

At its June meeting, the Council engaged in a spirited discussion of the issue. Members were sensitive to the difficulties experienced by the author and discussed the complexities of employment contract negotiations, and the bargaining position of the respective parties. The Council considered existing ISMS policy and looked to the Employed Physician’s Bill of Rights for language to amend the first resolved to address the concerns expressed by the author and attend to the Board’s concerns regarding specificity. The Council believes that an amended resolution is in order.

The Medical Legal Council recommends that the ISMS Board of Trustees adopt Resolution 12.2021-19 (A-22), as amended:

RESOLVED, that the Illinois State Medical Society establish as policy that an individual physician’s activities that are not specified in an employment agreement and that do not occur during defined employed time boundaries are the prerogative of the individual physician as long as the activity does not conflict with an ongoing legitimate business interest of the employer’s organization ~~advocate, advance legislation, and support the ability of physicians to gain additional income with positions not in the specialty that they are currently employed and positions in telehealth or telemedicine;~~ and be it further

RESOLVED, that ISMS reaffirm current policy to support non-enforcement and elimination of restrictive covenants and non-compete clauses.