

**Health and Government Operations Committee
March 5, 2024**

**House Bill 1388
Labor and Employment – Noncompete and Conflict of Interest Clauses – Veterinary and
Health Care Professionals**

*****SUPPORT*****

The National Association of Social Workers – Maryland Chapter, an organization representing social workers statewide are writing on behalf of our community of private practitioners. We come together to express our unequivocal support for House Bill 1388, which seeks to amend the Labor and Employment Article, Section 3–716, of the Annotated Code of Maryland. This amendment is a monumental step towards fostering more equitable contracting opportunities for social work entrepreneurial licensed practitioners in independent social work private practice.

As dedicated professionals who have devoted our careers to the health and well-being of Marylanders, we often find ourselves constrained by noncompete and conflict of interest clauses in our employment contracts. These provisions not only restrict our ability to move freely within our profession but also impede our aspiration to venture into entrepreneurial endeavors, thereby stifling innovation and competition within our industries.

The Current Challenge

Many of us have encountered significant barriers when attempting to start our own practices or join other group practices due to the restrictive covenants embedded in our previous or current employment agreements. These clauses limit our professional growth and the ability to serve our communities better by leveraging our skills, experiences, and the relationships we've built over years of service.

The Solution Offered by House Bill 1388

House Bill 1388 represents a critical step forward in eliminating these barriers. By nullifying noncompete and conflict of interest provisions for employees earning up to 150% of the state minimum wage rate or those required to be licensed under the Health Occupations Article, this bill directly supports our rights to professional mobility and entrepreneurship. Moreover, its retroactive application ensures fairness and opportunity for those currently bound by existing contracts.

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The Importance of This Bill

1. **Enhanced Access to Care:** By removing these restrictions, the bill will enable more professionals to enter the market, thereby increasing access to mental health care and Maryland. Competition drives not only innovation but also makes services more accessible and affordable for our communities.
2. **Professional Growth and Innovation:** Freed from these constraints, professionals can pursue opportunities that best align with their expertise and passions, fostering an environment of continuous learning, innovation, and improvement in client care.
3. **Economic Development:** Encouraging the establishment of new practices and businesses leads to job creation, economic growth, and more robust health care in Maryland.

Conclusion

Considering the above, we urge the Maryland General Assembly to pass House Bill 1388. This bill not only aligns with the principles of fairness and professional autonomy but also promotes a more competitive and innovative health care industry in Maryland. We stand ready to support this bill and contribute to the advancement of our professions for the betterment of our communities.

Respectfully,

NASW Maryland Private Practice Committee