



**Committee:** House Health and Government Operations Committee

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

**Hearing Date:** March 5, 2024

**Position:** Support

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The Licensed Clinical Professional Counselors of Maryland (LCPCM) supports *House Bill 1388 - Labor and Employment – Noncompete and Conflict of Interest Clauses – Veterinary and Health Care Professionals*. The bill prevents an employee who is licensed under the Health Occupations Article or who works as a veterinarian or veterinary technician from being held to a noncompete clause.

Current Maryland law only prohibits noncompete employment agreements for individuals making 150% or less of minimum wage. Behavioral health practitioners, including licensed clinical professional counselors, likely make over this minimal threshold. Noncompete clauses can have an impact on continuity of care. If a practitioner cannot take a position within a certain vicinity, they may be forced to leave the area. As a result, their patients will need to seek other providers. For behavioral health, where it can take a long time to develop a therapeutic relationship, it is particularly disruptive when a patient has to switch providers.

It is possible that there will be federal action on this issue in the future. The Federal Trade Commission has proposed a new rule to ban employers from imposing noncompete clauses on their employees.<sup>i</sup> However, this rule has not been finalized. Given the severity of the health professional shortage, Maryland should move ahead with this legislation.

We ask for a favorable report. If we can provide any additional information, please contact Robyn Elliott at [relliott@policypartners.net](mailto:relliott@policypartners.net).

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<sup>i</sup> <https://www.ftc.gov/legal-library/browse/federal-register-notice/non-compete-clause-rulemaking>