



MEMORANDUM

To: Sen. Prozanski, Chair, Senate Committee on Judiciary
Sen. Thatcher, Vice Chair, Senate Committee on Judiciary
Sen. Broadman, Senate Committee on Judiciary
Sen. Gelser Blouin, Senate Committee on Judiciary
Sen. Manning, Senate Committee on Judiciary
Sen. McLane, Senate Committee on Judiciary

From: Mark Bonanno, General Counsel and Vice President of Health Policy

Date: February 12, 2025

Re: OMA Comments on SB 468

The Oregon Medical Association (OMA) engages in advocacy, policy, and community for over 7,000 physicians, physician associates, and medical and PA students in Oregon. The association serves and supports members in their efforts to practice medicine better, improve the health of Oregonians and provide the best care for their patients.

We appreciate the opportunity to provide testimony regarding Senate Bill 468. The OMA supports the concept of reducing the widespread use of noncompete clauses in employment agreements by employers in healthcare settings that seek to impose and enforce them against front line practicing clinicians.

ORS 653.295 which has its roots in the law around protecting trade secrets is a carefully balanced state policy. Including a restriction in this existing statute against the use of noncompetes in the employment context for clinicians would ensure the state's policy creates a level playing field for all employers of clinicians whether they work in a medical clinic or hospital.

We do think it is important to distinguish between restrictive covenants in employment agreements compared to their use in business agreements such as ownership agreements or purchase and sale agreements where they can serve a legitimate business purpose.

We also would like to have further discussion about whether there should be an exception to the rule against employee noncompetes for a clearly identified protectable interest if an employer has made a significant investment in the training of an employee to develop unique clinical skills. We would want to see continued investment in our healthcare workforce in order to advance medical research and the development of new treatments.

Thank you for your time and if you have questions, please let us know.

The Oregon Medical Association (OMA) is the state's largest professional organization engaging in advocacy, policy, community-building, and networking opportunities for Oregon's physicians, physician associates medical students, and physician assistant students. The OMA's members speak with one voice as they advocate for policies that improve access to quality patient care, reduce administrative burdens on medical professionals, and improve the health of all Oregonians. Additional information can be found at www.theOMA.org.