

1 Page 1-line 14 After "that" insert "unreasonably".

2
3 Page 2-line 1 After "medicine" insert "within any
4 community in Wyoming".
5

6 Page 2-line 14 Delete "." and insert ";".
7

8 Page 2-after line 14 Insert:
9

10 "(C) Provisions which prevent direct solicitation
11 of employees so long as such restrictions do not limit the
12 employment rights of other employees;
13

14 (D) Provisions requiring the physician not to
15 use confidential or proprietary information of the other
16 contracting party."
17

18 Page 2-after line 20 Insert:
19

20 "(b) When considering reasonableness of damages imposed by
21 contract upon termination of an agreement, whether liquidated or
22 to be calculated, any tribunal shall consider:
23

24 (i) Whether the amount of damages will unreasonably
25 cause harm to the public and patients in the community;
26

27 (ii) The amount of actual losses suffered by the
28 practice or hospital which were caused by ending the employment
29 relationship;
30

31 (iii) The amount of recruitment payments paid by
32 the hospital or practice and whether those payments were from
33 public funds;
34

35 (iv) The amount of income received by the practice or
36 hospital on account of the physician while employed with the
37 hospital or practice;
38

39 (v) The amount of compensation paid by the practice
40 or hospital to the physician relative to average salaries paid
41 to physicians as determined by commonly recognized salary
42 surveys;
43

44 (vi) The amount of independent consideration paid by

1 the hospital or practice to recruit the physician other than
2 salary.

3

4 Page 3-line 1 Delete "(b)" and insert "(c)".

5

6 Page 3-line 3 After "center" insert "or to the sale of a
7 business by the physician". SCOTT, CHAIRMAN