

Senate Study Bill 3159 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON SWEENEY)

A BILL FOR

1 An Act relating to noncompetition agreements and mental health
2 and disability services contracts with a state board of
3 regents institution.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 262.70, Code 2020, is amended to read as
2 follows:

3 **262.70 Education, prevention, and research programs in mental**
4 **health and disability services.**

5 1. The division of mental health and disability services of
6 the department of human services may contract with the board
7 of regents or any institution under the board's jurisdiction
8 to establish and maintain programs of education, prevention,
9 and research in the fields of mental health, intellectual
10 disability, developmental disabilities, and brain injury. The
11 board may delegate responsibility for these programs to the
12 state psychiatric hospital, the university hospital, or any
13 other appropriate entity under the board's jurisdiction.

14 2. A noncompetition agreement restricting the ability
15 of a current or former employee of a state board of regents
16 institution to engage in contract mental health services
17 while employed at a state board of regents institution or
18 for a period of time after termination of employment from a
19 state board of regents institution shall be unenforceable if
20 the current or former employee is a qualified health care
21 professional prescriber providing contract mental health
22 services in an identified mental health professional shortage
23 area.

24 3. A current employer of a state board of regents
25 institution shall not construe a noncompetition agreement or
26 any other agreement restricting the employment of an employee
27 who is a qualified health care professional prescriber to
28 prohibit the employee from providing contract mental health
29 services in an identified mental health professional shortage
30 area while employed at a board of regents institution.

31 EXPLANATION

32 The inclusion of this explanation does not constitute agreement with
33 the explanation's substance by the members of the general assembly.

34 This bill relates to noncompetition agreements and mental
35 health and disability services contracts with a state board of

1 regents institution.

2 The bill provides that a noncompetition agreement
3 restricting the ability of a current or former employee of
4 a state board of regents institution to engage in contract
5 mental health services while employed at a state board of
6 regents institution or for a period of time after termination
7 of employment from a state board of regents institution
8 shall be unenforceable if the current or former employee is
9 a qualified health care professional prescriber providing
10 contract services in an identified mental health professional
11 shortage area. The bill also provides that a current employer
12 of a state board of regents institution shall not construe a
13 noncompetition agreement or any other agreement restricting
14 the employment of an employee who is a qualified health care
15 professional prescriber to prohibit the employee from providing
16 contract mental health services in an identified mental health
17 professional shortage area while employed at a board of regents
18 institution.