



May 30, 2023

The Honorable Scott Peters
U.S. House of Representatives
1201 Longworth House Office Building
Washington, D.C. 20510

The Honorable Mike Gallagher
U.S. House of Representatives
1230 Longworth House Office Building
Washington, D.C. 20510

The Honorable Anna Eshoo
U.S. House of Representatives
272 Cannon House Office Building
Washington, D.C. 20510

Dear Representatives Peters, Gallagher, and Eshoo:

On behalf of the American College of Emergency Physicians (ACEP) and our 40,000 members, thank you for introducing H.R. 731, the Workforce Mobility Act of 2023. This important bipartisan legislation will prohibit employers from using non-compete clauses in employment contracts, with certain limited exceptions. ACEP is grateful for your strong leadership in preventing employers from implementing this unfair, exploitative, and coercive practice that restricts physician autonomy and limits otherwise viable employment options.

Non-compete clauses hinder opportunities for emergency physicians to expand critical skills and experience, exacerbate workforce shortage challenges for rural and underserved areas, and prevent emergency physicians from working simultaneously at multiple facilities, which can suppress wages. Additionally, geographic restrictions in these clauses can significantly upset personal and professional lives, limiting the ability of emergency physicians to practice medicine in their communities, putting undue strain on physicians' families, and negatively affecting an emergency physician's ability to effectively advocate for their patients.

Further, the unique nature of emergency medicine also makes non-compete agreements particularly ill-suited to the specialty. Unlike many other specialties, emergency physicians do not have a "book of business" of existing patients with whom they have established and ongoing relationships. If they leave to go to another hospital, patients do not follow them to their new practice, so their departure does not result in their previous employer losing any business. As a result, emergency physicians simply find it harder to change jobs and often feel trapped by these nonsensical, anti-competitive conditions.

Thank you once again for your continued bipartisan leadership on this important issue. ACEP and our members stand ready to help secure its enactment into law. Should you have any questions or require any further information, please do not hesitate to contact Ryan McBride, ACEP's Congressional Affairs Director, at rmcbride@acep.org.

Sincerely,

Christopher S. Kang, MD, FACEP
ACEP President

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