

HB 165 - AS INTRODUCED

2021 SESSION

21-0122

10/11

HOUSE BILL            **165**

AN ACT                relative to noncompete agreements for certain mental health professionals.

SPONSORS:            Rep. Abrami, Rock. 19

COMMITTEE:          Commerce and Consumer Affairs

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ANALYSIS

This bill mandates that certain noncompete provisions in employment contracts for pastoral psychotherapists, clinical social workers, clinical mental health counselors, and marriage and family therapists licensed by the board of mental health practice and psychologists licensed by the board of psychologists, are not enforceable.

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Explanation:        Matter added to current law appears in ***bold italics***.  
                          Matter removed from current law appears ~~[in brackets and struckthrough.]~~  
                          Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty One*

AN ACT                   relative to noncompete agreements for certain mental health professionals.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1           1 New Section; Mental Health Practice; Contract Restrictions Unenforceable. Amend RSA 330-  
2 A by inserting after section 22 the following new section:

3           330-A:22-a Certain Contract Restrictions Upon Mental Health Professionals Unenforceable.  
4 Any contract or agreement which creates or established the terms of a partnership, employment, or  
5 any other form of professional relationship with a pastoral psychotherapist, clinical social worker,  
6 clinical mental health counselor, or marriage and family therapist licensed by the board to practice  
7 in this state, which includes any restriction to the right of such licensed mental health professional  
8 to also practice in any geographic area for any period of time after the termination of such  
9 partnership, employment, or professional relationship shall be void and unenforceable with respect  
10 to said restriction; provided however, that nothing herein shall render void or unenforceable the  
11 remaining provision of any such contract or agreement. The requirements of this section shall apply  
12 to new contracts or renewals of contracts entered into on or after the effective date of this section.

13           2 New Section; Psychologists; Contract Restrictions Unenforceable. Amend RSA 329-B by  
14 inserting after section 16 the following new section:

15           329-B:16-a Certain Contract Restrictions Upon Psychologists Unenforceable. Any contract or  
16 agreement which creates or establishes the terms of a partnership, employment, or any other form of  
17 professional relationship with a psychologist licensed by the board to practice in this state, which  
18 includes any restriction to the right of such psychologist to also practice in any geographic area for  
19 any period of time after the termination of such partnership, employment, or professional  
20 relationship shall be void and unenforceable with respect to said restriction; provided however, that  
21 nothing herein shall render void or unenforceable the remaining provision of any such contract or  
22 agreement. The requirements of this section shall apply to new contracts or renewals of contracts  
23 entered into on or after the effective date of this section.

24           3 Effective Date. This act shall take effect January 1, 2022.