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12 What do you need to know about Non-Compete Agreements? Get answers here.

Publisher Elsevier
Art Director Tamara Thomas
Ad Sales Jaesam Hong

Produced by TPT Press
Explore Chicago
There’s so much to experience in The Windy City

Chicago, Illinois is located on the south west shores of Lake Michigan in the Great Lakes region, and is a popular vacation spot for locals and tourists. Not only is Chicago famous for its hot dogs, jazz music and sports arenas, it is also home to well-known museums, and stunning architecture such as the Sears Tower. Here is a list of a few things to explore during your visit to the Windy City.

Millennium Park
A favorite meeting place known for its free concerts, famous public art features and close proximity to the Loop, Millennium Park is 24.5 acres of centerpieces, architecture, gardens and festivals! The Jay Pritzker Pavilion, designed by Frank Gehry, hosts some of Chicago’s biggest concerts and outdoor festivals. A particularly quintessential experience is to have a picnic on the lawns of the Pavilion and watch a free concert of jazz, rock or world music – no admission required. Sculptures are aplenty; the iconic Cloud Gate by Anish Kapoor is well known, but don’t forget to visit Jaume Plensa’s Crown Fountain or wander through the public art exhibitions on the Chase Promenades. After building up an appetite, al fresco dining at the Park Grill is a must, and you’ll be sure to find serene peace in the Lurie Garden.

201 E Randolph Street | Chicago, IL 60602

Wrigley Field
This is one for the sports fans! No visit to Chicago is complete without taking a walk around Wrigleyville. Experience the Friendly Confines, also known as Wrigley Field, explore the Park, and enjoy an abundance of food and drinks from the many stands available. Of course, the main attraction of Wrigley Field is baseball, especially after the Chicago Cubs have a World Series Championship under their belts after a 106-year drought! Wrigley Field isn’t just a baseball field, it’s also a major concert venue. Big music names – Billy Joel, Lady Gaga and the Zac Brown Band – have all graced this stage.
1060 W Addison Street | Chicago, IL 60613
mlb.com/cubs/ballpark

Garfield Park Conservatory
This glorious conservatory opened in 1908 and is described as “landscaped art under glass”. This conservatory is one of the largest in the world and is home to revolutionary architecture, with over 120,000 plants that represent approximately 600 species across its 1.6 acres. Shaped like a haystack with walls that are like stratified stonework, Jens Jensen, a landscape architect, said that the Fern Room was one of his greatest achievements and it’s not hard to see why with its stunning stone and water “prairie waterfall” within a glass structure. The Desert House is full of cacti and other prickly succulents and the Aroid House is the perfect place to visit for ideas on houseplants. Explore the many exhibits, plant sales, beekeeping demonstrations, and workshops. If you want to try something completely different, they also offer yoga with goats!
300 N Central Park Avenue | Chicago, IL 60624 | 773-638-1766
garfieldconservatory.org

Lincoln Park Zoo
Lincoln Park Zoo is one of the last free zoos in the USA. Its
35 acres is home to around 1,200 animals from around the world and offers visitors the unique opportunity of taking part in a variety of special programs and seasonal events, such as Summer Wine Fest, Brews at the Zoo, outdoor yoga sessions and singalongs designed to get children involved and learn about the animals. From mammals, to birds, to reptiles, there is an animal for everyone. If you’re lucky, you may even see gorgeous baby animals.

The Chicago Riverwalk

Enjoy the beauty of Chicago’s architecture as you stroll along the Riverwalk facing the Chicago River. Scattered along the walk are an abundance of restaurants, bars and attractions offering a variety of entertainment. Try a glass of wine at the City Winery paired with cheese plates and cured meats. After a long day, cool down with a cold, sweet treat from Frost Gelato. Cleverly-designed features along the Riverwalk provide plenty of opportunity to sit down and enjoy Chicago from a prime location. You can also jump onto a river boat and cruise the waters, or take a ride in a Chicago Water Taxi.

The Field Museum

One of Chicago’s favorite tourist destinations is the natural history museum housing biological and anthropological collections, brought together for the World’s Columbian Exposition of 1893. Over 350,000 square feet is home to permanent exhibitions waiting to be explored, but it could take more than one day! Immerse yourself in the thousands of artifacts such as the ancient Egyptian mummies. Marvel at the grand scale of a dinosaur skeleton including ‘Sue’, the largest and most complete Tyrannosaurus Rex skeleton ever uncovered. Appreciate the beauty of rare jewels in the Grainger Hall of Gems. Or watch a 3D movie, a rotating lineup of films which take the audience on a trip to the lands of the dinosaurs, the Galapagos and ancient Egypt with special effects that are so real, you’ll feel like you’re really there!

Shedd Aquarium

If you have a love for aquatics, a visit to the Shedd Aquarium is an absolute must! Discover a different world as you wander through the exhibits and animal presentations including the Stingray Touch and the Amphibians special exhibit. Get up close and personal with the Aquarium’s family of fish and animals with an Extraordinary Experiences tour including feeding the
sharks and an encounter with a beluga whale or a penguin! The Aquarium is home to seven permanent exhibits, such as the Amazon Rising with colorful fish, anacondas and stingrays; the Abbott Oceanarium with beluga whales, sea lions, sea otters and dolphins; and the Wild Reef with sharks and live coral – truly a sight to see!

1200 S Lake Shore Drive | Chicago, IL 60605 | 312-939-2438
sheddaquarium.org

The Peggy Notebaert Nature Museum

If you’re looking for something more interactive and hands-on that children will enjoy, then head on over to the Peggy Notebaert Nature Museum. From the biology of Ice Age mammals to prairie and river ecosystems - nature and its conservation are at the heart of this fascinating outdoor museum. Sitting alongside a lagoon, the myriad of interactive displays about the ecosystems of rivers and marshes will engage children, especially when they are not chasing the thousands of beautiful butterflies in the 2,700-square foot Judy Istock Butterfly Haven!

2430 N Cannon Street | Chicago, IL 60614 | 773-755-5100
naturemuseum.org

The Museum of Science and Industry

Interactivity is the priority for the Museum of Science and Industry. Enter a confounding mirror maze in the “Numbers in Nature” exhibit and try to find your way out; see what a tornado looks like from the inside in “Science Storms”; or walk around a U-505 German submarine. A guided tour will take you through the submarine’s cramped interior as you experience the sound and lighting effects which will transport you back to World War II. Peer into Berghoff’s restaurant, the Chicago Post Office and Walgreen’s Drug Company. Or watch a silent movie at the Nickelodeon, and don’t forget to have your vintage photo taken at the Old Time Photo Studio!

5700 S Lake Shore Drive | Chicago, IL 60637 | 773-684-1414
naturemuseum.org

Adler Planetarium

Delve into the magic of astronomy and astrophysics for a planetary experience of a lifetime at the Adler Planetarium. There are a number of permanent exhibitions that will keep you and the children enthralled. The “Mission Moon” documents USA’s history of space exploration, whilst “The Universe: A Walk Through Time” looks at theories on how the galaxy was created. Peek through a telescope in the Doane Observatory or study the Chicago skyline on Northerly Island outside the museum. The Grainger Sky Theater uses multiple projectors covering a 70-foot diameter dome which transports you to the solar system, its planets, and stars - truly a mesmerizing film experience.

1300 S Lake Shore Drive | Chicago, IL 60605 | 312-922-7827
adlerplanetarium.org

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Private Practice: The Pros & Cons of Self-Employment

Working in a hospital can be very attractive to many physicians: the regular guaranteed salary, the pension contributions, the holiday and sick pay all add up to a compelling package. However, a recent Medscape report found that self-employed physicians are more satisfied than employed physicians (63 percent vs 55 percent). It suggests that employed physicians dislike the lack of autonomy, the limited income potential and limited influence in decision-making. By contrast, their self-employed counterparts in private practice, enjoy the flexibility and greater autonomy in decision-making, particularly concerning income potential. “Being a solo practitioner and trying to run an efficient practice allows me to not have to see the large numbers of patients on a daily basis that my employed colleagues are faced with,” says J. Scott Litton Jr, MD, a private practitioner. “Patients are scheduled for 15- and 20-minute slots and gaps are purposely left in my schedule to accommodate the same-day call-ins. While this can be a very stressful day-to-day workflow, it is nonetheless very rewarding at the end of the day.”

Greater Satisfaction in Private Practice

Physicians working in private practice will typically draw a salary on a monthly or quarterly basis based on the practice income after all expenses – such as rent, staff and administrative costs – are paid. This gives a self-employed physician greater control over their income; they can choose to work longer hours to provide an evening or weekend service to their patients, for example. Writing for the American Academy of Family Physicians (AAFP), Peter Rippey, MD, makes the case that, “In private practice, I also get to decide what hours I work, what procedural services I provide, what my scope of practice is, when I take vacation and who I have assist me.” He also points out that private practice can help to plug holes in medical provision and provide an important service for patients. “Private practices are a vital means for health care access, especially in rural areas (where) the next closest option may be more than an hour away,” he says. However, Rippey also recognizes that “the uncertainty of the health care landscape as the Patient Protection and Affordable Care Act continues to be implemented – along with the challenges related to payment, electronic health records (EHRs), meaningful use and ICD-10 looming on the horizon – seems to have spurred a mass exodus from private practice to employed positions.” In fact, the AAFP states that more than 85 percent of new physicians are employed. The significant capital required to set up in private practice and the lack of financial certainty, especially in the first few years, do act as considerable barriers to new physicians who would like the autonomy and flexibility private practice can deliver. Some experts estimate that set-up costs alone can total somewhere in the region of $70,000 to $100,000. The American Small Business Administration estimates that 50 percent of new businesses fold within the first five years, this represents a serious financial risk for the would-be self-employed physician.

The costs of private practice

Any physician that is considering investing in a private practice would be well advised to seek expert financial and legal advice at an early stage. The costs associated with setting up a private practice must include:

- Malpractice insurance
- Rent or mortgage for premises, as well as any redecorating costs
- Computer, records and accounting systems
• Basic office equipment and furnishings
• Sales and marketing costs, including signage and advertising
• Medical equipment and supplies, although the cost of this can be reduced by opting for “gently used” equipment until the practice is clearing a profit
• Staffing costs
• External consultancy costs, e.g. tax and legal advisors
• Tax liabilities
• Professional development and other professional and medical credentialing costs

By assessing and planning for these complex costs a physician running their own private practice needs to be well versed in finance, human resources and business administration – as well as their own medical specialty.

Being your own boss

If HR, marketing, finance, facility management, and revenue cycle management don’t hold much appeal to you as a physician, then private practice is probably not for you – unless you find yourself to be an experienced office manager.

However, Mark A Rosen, MD, argues that, “if you are entrepreneurial and enjoy the business of medicine, including being a team player, taking risks, having a vision of the future and the marketplace, and negotiating with others, you will enjoy private practice. It isn’t easy, but some of us find it rewarding.”

Not only do self-employed physicians have greater decision-making freedom, they can swiftly respond to events, office dynamics, medical treatments and trends because they are less hampered by bureaucracy than large healthcare groups. This freedom might be realized in many ways: from sponsoring local sports teams, through to offering a sliding fee scale based on a patient’s ability to pay. Building up a strong relationship with the local community in this way then enables the physician to enjoy a high patient retention rate, boosting profits and morale. You are free to decide which direction you want to take your practice because you are the boss.

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ABOUT THE AUTHOR
Melanie Grano is a freelance business writer and 20-year Journalism veteran who regularly contributes to career-based publications, including ThirdCertainty and Computer Times.
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Please forward your CV and cover letter to Jill Maher, Principal Consultant at Maher Medical Practice Consulting at mahermedicalpractice@gmail.com.
Physicians in the midst of a job search should be aware that signing a non-compete employment contract with their prospective employer could become expected in contract negotiations.

A physician restrictive covenant, also referred to as a “non-compete agreement,” is a clause in a physician’s contract whereby the physician (employee) agrees to disengage in competition with the employer for a prescribed period of time after he or she leaves that company’s employ.

Although it may seem insignificant, those lines in a contract can change your future. Healthcare attorney and a member of the law firm McDonald Hopkins LLC in Chicago, Steven M. Harris, Esq. advises physicians to consult with a lawyer who is well-versed in the laws of your state before signing a contract containing a non-compete clause. In addition, he says that when considering your next career move, getting a lawyer may help to shed some light on an impenetrable clause.

“I strongly recommend that no employee sign a non-compete without consulting with an attorney first,” concurs David Schein, an attorney who consults with medical practices on employment issues and serves as Director of Graduate Programs at the University of St. Thomas in Texas. Schein adds that an attorney experienced in this area can negotiate items such as a smaller geographic area or a shorter time restriction. Occasionally, people sign agreements without fully understanding the implications. Specialists in certain areas of medicine are in demand, so it makes sense for them to use any leverage upfront.

Non-compete contracts are a way for employers to guard their protectable interests (an employer’s advantage that once the employee-employment relationship ends would make it unfair to allow the employee to compete with it). In this area of employment law, certain states do enforce non-compete agreements, though there is no national standard. What makes the non-compete clause so confounding is that they vary greatly in what they view as a reasonable non-compete. For example, non-competes in Texas often have geographic restrictions of “50-100 miles of the city where the employee practiced” according to Schein.

Some states bar its use in certain industries, such as medicine and law. In other states such as Connecticut and Rhode Island, laws passed in 2016 prohibit non-competes between employers and physicians.

Thomas Wassel, a partner with Cullen and Dykman in New York, asserts that without federal laws, time restrictions can vary by state. “Connecticut passed legislation that limits non-competes for physicians to one year and limits the geographic scope to 15 miles from the primary practice area,” he says. Two years is common in other states. If the non-compete has to do with a buy-out or merger, it can result in additional restrictions. “Practice buy-out or merger restrictions are enforceable in Texas and often run up to 5 years,” Schein points out. According to Wassel, medical practices in New York want “…to recoup their training and any other costs, such as professional memberships associated with their employee.” Meanwhile, Illinois courts look at “…the investment they (medical practices) have made in forming near-permanent relationships with their patients,” so courts may need to examine whether the practice markets regionally and other efforts to recruit and retain patients.

Robert W. Horton, Esquire of Bass Berry & Sims states, “For a non-compete to be enforceable, it must be considered “reasonable” and “reasonable” non-competes address issues related to geography (i.e. where someone can practice), scope (the work an employee performs in his/her new position),
Protectable interest differs from state to state. States try to balance an employer’s protectable interest without appearing to support a restraint of trade (any action that interferes with free competition in a market). The non-compete is a bonding part of a contract, and a physician should fully understand his contract before he enters into it. Signing an agreement without understanding all of the ramifications can cause a person to lose money or professional opportunities.

In New York and Texas, a non-compete needs to offer something called “consideration” in order to be valid; this is when something of value is offered that can be objectively measured, such as a signing bonus. Wassel says, “Employers have to offer value for it. Doctors can fight if there is a no consideration. The mere fact of hiring the doctor can be adequate consideration, if properly documented.” Physicians can also challenge if the non-compete contains anything beyond “reasonable restrictions” to geography, scope and time. Courts may narrow non-competes though it does not mean that a judge will throw it out. Even if a judge agrees to narrow the time frame from two years to one year, a physician is still hampered by a one-year restriction.

For example, in April 2018, 92 doctors of Mecklenburg Medical Group (MMG) sued Atrium Health seeking release from restrictive work covenants and the right to form a standalone practice. Filed in Mecklenburg County Superior Court, the complaint, alleges the health system engaged in anti-competitive practices including non-compete agreements and compelling doctors to refer patients to Atrium facilities if they needed additional care.

At the time of writing, Atrium has agreed to release the physicians from the non-compete agreement and had informed them that their last day would be Aug. 31st. MMG attorneys are reviewing the agreement and how it affects the pending lawsuit.

Even if a physician does prevail in court, there are often substantial costs. Lawsuits are “very expensive initially because (your former employer) can get an injunction,” says Adi Amit, a partner with the law firm Lubell Rosen in Florida. An injunction is a judicial order that restrains a person from beginning or continuing an action that threatens or invades the legal right of another (in this case, a physician working for a new employer). “Legal fees, even for a brief round of injunction hearings, can run at least $10,000 for each side,” cautions Schein.

Attorneys from a variety of states agree that the judge that hears the case influences the outcome. Amit says that in Florida, some judges are “pro-employee and some are pro-employer.” As there are no bright line rules, these agreements are so dangerous to sign.” In Texas, for example, non-compete agreements for physicians must contain a buy-out provision. This means the physician can buy-out his/her non-compete agreement for an agreed upon price.

Non-compete agreements are enforceable in every state but California. Also, the Colorado legislature amended its law on non-compete clauses to allow doctors to continue treating patients with rare diseases after they part with an employer. The bill became law in April 2018.

A physician’s specialty is an important fact of the case in some states. Amit says, “There is the issue of public safety.” Specializing in Zika research and treatment may influence the perception of a contract’s “reasonableness” in South Florida.
The American Medical Association’s (AMA) guidance states doctors “should not enter into covenants that: (a) Unreasonably restrict the right of a physician to practice medicine for a specified period of time or in a specified geographic area on termination of a contractual relationship; and, (b) Do not make reasonable accommodation for patients’ choice of physician.” In fact, the AMA Code of Medical Ethics recommends that physicians avoid restrictive covenants whenever possible. Among its concerns are that they can limit access to care and disrupt care continuity.

Without a clear agreement and strong legal counsel, doctors could suffer significant financial losses as the result of a successful lawsuit.

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UT Southwestern Medical Center
Dallas, Texas

Come join our team at UT Southwestern Department of Ophthalmology in Dallas and use your skills to help us deliver exceptional eye care and high-quality treatment to patients whose vision is threatened by eye disease, systemic disease or injury. With over 20 physicians on staff, we offer state-of-the-art patient care in all subspecialty areas of Ophthalmology. As a high-volume clinic, we treat thousands of patients each year from all over the world.

UT Southwestern is one of the premier academic medical centers in the world. We earned High Performing recognition for ophthalmology by U.S. News and World Report for 2018-19, placing us among the country’s leading hospitals for eye disease treatment and care. For the second consecutive year, UT Southwestern was ranked No. 1 Best Hospital in Dallas-Fort Worth and the No. 2 Best Hospital in Texas. UT Southwestern is a dynamic institution in which to advance your career.

Our Open positions include the following:

Open Ophthalmic Faculty Positions:

• Neuro-Ophthalmologist
• Pediatric Ophthalmologist
• Uveitis Specialist
• Vitreo Retina Surgeon
• Comprehensive Ophthalmologists – Fort Worth and Dallas Locations
• Ocular Oncologist
• Research - Principle Investigator – Vision and Eye Disease

Open Ophthalmic Classified Positions:

• Refractive Technician
• Credentialing Specialist/Assistant
• Surgery Scheduler
• Reimbursement Supervisor

Response Information

Please send your resume to nancy.mcculloch@UTSouthwestern.edu or apply online at jobs.UTSouthwestern.edu today. See our website for specific requirements for each position. We offer a supportive, culturally diverse environment, competitive salaries and state of Texas benefits that begin the first day of employment.

UT Southwestern is an Affirmative Action/Equal Opportunity Employer. Women, minorities, veterans and individuals with disabilities are encouraged to apply.
Ochsner Health System in New Orleans, Louisiana, is searching for a **BOARD CERTIFIED FELLOWSHIP TRAINED VITREORETINAL SUBSPECIALIST** to join its established practice.

The Department of Ophthalmology serves as a referral center for the region. This clinic surgical-based position includes teaching responsibilities in the Department of Ophthalmology. Through our training program affiliation, this position also includes a faculty appointment at The University of Queensland Medical School in Brisbane, Australia. Clinical research is encouraged. Salary is highly competitive and commensurate with experience.

Our medical school, the Ochsner Clinical School, in partnership with the University of Queensland in Australia, enrolls 130 medical students each year. We are also one of the largest non-university based physician training centers in the U.S. and the largest teaching hospital in Louisiana. Ochsner is proud to be recognized among the top hospitals in the nation.

Driven by a mission to Serve, Heal, Lead, Educate and Innovate, coordinated clinical and hospital patient care is provided across the region by Ochsner’s 30 owned, managed and affiliated hospitals and more than 80 health centers and urgent care centers. Ochsner is the only Louisiana hospital recognized by U.S. News & World Report as a “Best Hospital” across four specialty categories caring for patients from all 50 states and more than 60 countries worldwide each year. Ochsner employs more than 18,000 employees and over 1,200 physicians in over 90 medical specialties and subspecialties, and conducts more than 700 clinical research studies. Ochsner Health System is proud to be a tobacco-free environment. For more information, please visit ochsner.org and follow us on Twitter and Facebook.


**Sorry, no J-1 visa opportunities**

*Ochsner is an equal opportunity employer and all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, national origin, sexual orientation, disability status, protected veteran status, or any other characteristic protected by law.*
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We face the challenge of Health Care believing that with you and our commitment to patient care we will build something worth seeing!

Sanford Health is currently recruiting for BC/BE Ophthalmologists to join staff in the Sanford Eye Services department in Fargo, ND. Fellowship Trained in Pediatrics or Retina preferred.

Sanford Health is one of the largest, not-for-profit health care systems in the nation with 44 hospitals and nearly 300 clinics in nine states and nine countries. Sanford Health serves the Upper Midwest, with nearly 1,400 physicians in 81 specialty areas of medicine.

PRACTICE DETAILS

- Current practice includes two ophthalmologists, six optometrists, opticians and two onsite retail optical stores
- Eye technicians support the clinical practice and our opticians support the retail optical center
- Build your practice with outreach opportunities within Sanford's network of regional clinics
- The Pediatric Department in Fargo includes more than 68 board-certified pediatricians and pediatric subspecialists
- Sanford Children’s Hospital is a 72-bed hospital within the Sanford Fargo Medical Center and includes a 40-bed Level III NICU and a 32-bed Pediatric & PICU
- Brand new $494 million state-of-the-art hospital opened in July 2017 and includes 384 beds, 1 million square feet and 28 operating rooms.
- Level I Adult Trauma Center

Sanford Health offers a guaranteed salary for the first two years, comprehensive benefits, paid malpractice insurance, relocation allowance, and much more.

At Sanford Health, we are dedicated to the work of health and healing. Every day, we show that commitment by delivering the highest quality of care to the communities we serve. We are leaders in health care and strive to provide patients across the region with convenient access to expert medical care, leading-edge technologies and world-class facilities.

TO LEARN MORE, PLEASE CONTACT: BOOTH #2473

Patty Absey
Manager-Physician Recruitment
(701) 234-6539 • patricia.absey@sanfordhealth.org

practice.sanfordhealth.org
Ochsner Health System is seeking a **BC/BE STRABISMUS FELLOWSHIP TRAINED PEDIATRIC OPHTHALMOLOGIST** to join our expanding practice. This is an excellent opportunity to join a department that offers an opportunity to treat both adults and children. The position is based in New Orleans and will help cover our ROP service. Through our training program affiliations, this position also includes The University of Queensland Medical School in Brisbane, Australia. Clinical research is encouraged.

- 31 Ophthalmologists and Optometrists in the system
- Treatment options for advanced eye disease and corrective surgery
- Regional leader in Ophthalmic Care and Education

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New Orleans is one of the most exciting and vibrant cities in America. Amenities include multiple universities, academic centers, professional sports teams, world-class dining, cultural interests, renowned live entertainment and music.

Interested Physicians should apply to:


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