

NOTICE OF PROPOSED REGULATION AMENDMENT

Date: March 3, 2015

REGULATION TITLE:

College of Veterinary Medicine; Clinical Faculty and Resident
Restrictive Covenants

REGULATION NO.:

7.0042

SUMMARY:

The University of Florida, College of Veterinary Medicine operates animal hospitals and clinics that provide students and residents a valuable learning environment through a high volume and variety of cases. To ensure the continuation and quality of its educational programs and patient services, the College of Veterinary Medicine will require each new faculty member with clinical duties to sign an employment agreement that restricts him or her from providing clinical veterinary services within a radius of no more than fifty miles from the site of any primary faculty clinical assignment during the previous two years, for a period of no more than two years following the end of employment. The College of Veterinary Medicine will also require each accepted applicant for a resident position to sign a contract that includes a restrictive covenant limiting the resident from starting or joining a community-based clinical practice within a radius of fifty miles from the resident's clinical assignment site(s) for a period of two years following completion of the residency or the resident's cessation of program participation.

AUTHORITY: BOG Regulation 1.001

COMMENTS CONCERNING THE PROPOSED REGULATION SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE CONTACT PERSON IDENTIFIED BELOW. The comments must identify the regulation you are commenting on.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED REGULATION IS: Sandra L. Mitchell, Senior Administrative Assistant, 123 Tigert Hall, Post Office Box 113125, University of Florida, Gainesville, Florida 32611, 352-392-1358 office, 352-392-4387 facsimile, regulations@ufl.edu.

NAME OF PERSON WHO APPROVED THE PROPOSED REGULATION: David Guzick, Senior Vice President for Health Affairs and Joseph Glover, Provost and Senior Vice President for Academic Affairs

THE FULL TEXT OF THE PROPOSED REGULATION IS ATTACHED TO THIS NOTICE.

REGULATIONS OF THE
UNIVERSITY OF FLORIDA

7.0042 College of Veterinary Medicine; Clinical Faculty and Resident Restrictive Covenants.

(1) The University recognizes that, through a high volume and variety of cases, the University's animal hospitals and clinics directly support the important tri-partite mission of the University by providing students, interns and residents a valuable learning environment, advancing the scope and caliber of research, and providing a public service to the state's citizens. Furthermore, the University recognizes that the continuation and quality of the College of Veterinary Medicine's teaching, research, and public service missions are dependent upon the College of Veterinary Medicine's ability to maintain and further develop substantial relationships with prospective and existing clients and customers of the University's animal hospitals and clinics, including the referring veterinarians and the animal owners who reside in Gainesville, Ocala, and the rural areas around those cities.

(2) The University recognizes that a clinical faculty appointment to the faculty of the College of Veterinary Medicine involves academic, research and clinical responsibilities and that these responsibilities are interlinked. Furthermore, clinical practice competition by a faculty veterinarian within two years of termination, discharge or cessation of employment and within a fifty-mile radius of the site of the faculty veterinarian's major clinical assignment would have a negative impact on the University's College of Veterinary Medicine and its teaching and research programs, impair the operation and quality of its animal hospitals and clinics, and erode the patient population and economic base necessary to support the mission of the University's College of Veterinary Medicine.

(3) The College of Veterinary Medicine is authorized to include, as a condition of appointment to a faculty position requiring clinical practice, a restrictive covenant in the faculty contract and/or letter of appointment signed by the faculty member against whom enforcement of the restrictive covenant would be sought. Such a restrictive covenant shall limit the faculty veterinarian from providing clinical veterinary services within a radius of no more than fifty miles from the site of any primary faculty clinical assignment during the previous two years, for a period of no more than two years following termination, discharge or cessation of employment.

(4) The University recognizes that the College of Veterinary Medicine's resident clinicians perform clinical services in fulfillment of their educational training in the College of Veterinary Medicine. Furthermore, clinical practice competition by a resident clinician within two years of completion of the residency and within a fifty-mile radius of the site of the resident's clinical training rotation sites would have a negative impact on the University's College of Veterinary Medicine and its teaching and research programs, impair the operation and quality of its animal hospitals and clinics, and erode the patient population and economic base necessary to support the mission of the University's College of Veterinary Medicine.

(5) The College of Veterinary Medicine is authorized to include, as a condition of acceptance into a College of Veterinary Medicine residency program, a restrictive covenant in the employment contract and/or letter of appointment signed by the resident against whom enforcement of the restrictive covenant would be sought. Such a restrictive covenant shall limit the resident from providing clinical veterinary services within a radius of no more than fifty miles from the site of any clinical training program assignment during the previous two years, for a period of no more than two years following completion of the residency program or voluntary or involuntary cessation of employment. This restriction shall not apply to internships.

(6) Remedies for breach of a restrictive covenant shall be limited to all available remedies provided by law and equity, including but not limited to those remedies provided by Section 542.335(1), Fla. Stat.

History: New _____

Specific Authority: BOG Regulation 1.001.

Law Implemented: 542.335, Fla. Stat.