

## Part B Insider (Multispecialty) Coding Alert

### Non-Compete Can Only Keep Doctor Off Certain Streets

A court did the right thing in enforcing a non-compete agreement that York, PA neonatologist **Phillip Bayliss** signed, the **Pennsylvania Superior Court** ruled in *Wellspan Health, Wellspan Hospital and Wellspan Medical Group v. Phillip Bayliss, MD* (A36039/04).

Bayliss left **Wellspan Medical Group** to work for **Lancaster General Hospital's** Women and Babies Hospital, taking some of his staff with him. A court issued injunctions preventing Bayliss from practicing in York and Adams Counties, where Wellspan operates. But the judge refused to ban Bayliss from practicing in Lancaster, Dauphin or Cumberland Counties, where he now works.

Wellspan appealed, pointing out that Bayliss had contemplated expanding his practice with Wellspan to include some of those regions. The Superior Court upheld the lower court's ruling, noting that a non-compete to be enforceable must be "reasonably related to the protection of a legitimate business interest." Also, the court agreed with the lower court that Bayliss must protect information about his past patients at Wellspan, but not other types of information.