
The Opinion revisions retained guidelines providing that restrictive covenants are unethical if excessive in geographic scope or duration, or if they fail to make reasonable accommodation of patients’ choice of physicians, but clarified the terms restrictive covenant and covenant-not-to-compete. Additionally, the revisions noted that such agreements must not compromise the welfare of patients and that parties should establish equitable terms of severance, in part to facilitate patient choice of physicians. There was much resistance to the proposed amendments to Opinion E-9.02 and the report was referred back to CEJA for further consideration.

After discussion by CEJA, as well as input from interested constituencies, including representatives from the Advisory Committee on Group Practice Physicians, the Council has decided to withdraw the report. Withdrawal of CEJA Report 5-A-06 does not mean that CEJA will not reconsider Opinion E-9.02 in the future, only that the Opinion will remain unchanged at this time.

The Council would like to thank all those providing testimony at the 2006 Annual Meeting, and the constituencies that provided additional comments as CEJA was deliberating on a course of action.