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## Federal judge in Florida scrutinizes health contract law

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The two sides in a bitter legal battle over cancer treatment in Florida clashed during a daylong hearing in a Tallahassee federal courtroom on Friday.

At the heart of the contentious fight is a new state law sparked by a feud between one of Florida's largest cancer-care companies and physicians who used to work for the firm.

The doctors are fighting against non-compete restrictions that 21st Century Oncology placed on physicians working for the firm.

The physicians' efforts were boosted by the new law, which, among other things, negates the no-compete clauses. The oncology firm has asked U.S. District Judge Mark Walker to strike down the law.

"The only purpose the law serves is to let a few physicians out of their contracts," George Levesque, a lawyer representing 21st Century Oncology, told Walker during Friday's hearing.



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The law retroactively bans no-compete clauses for doctors who practice a medical specialty in a county where one company contracts with all the physicians who practice in that specialty.

The oncology firm sued the state shortly after Gov. Ron DeSantis signed the bill, a priority of House Speaker Jose Oliva, earlier this summer.

Walker last month turned down an emergency request to block the statute, but agreed to fast-track the lawsuit.

Florida Secretary of State Laurel Lee, the named defendant in the case, tried to get the case dismissed, but Walker ruled that parts of the lawsuit could proceed. The state appealed Walker's decision on Thursday.

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The law bans such restrictions for three years after a second company comes into the county and starts providing the care. 21st Century Oncology is the largest provider of radiation oncology services in Florida, including in Lee County, where it is the only company providing the services.

Walker heard sworn testimony throughout Friday's hearing, repeatedly saying he wanted to give attorneys ample opportunity to represent their clients, which include the cancer-treatment company, DeSantis' administration and Michael Katin, a doctor who worked for 21st Century Oncology until March and who intervened in the case.

The federal judge also tried to move the procedure along. After overruling a number of objections, Walker quipped: "I want to get done with this case faster than it took Moses to get out of Egypt."

James Orr, a doctor who has worked for 21st Century Oncology for 21 years, testified for more than two-and-a-half hours, answering questions about the company's investments and sponsored fellowships. Orr also praised the company's work environment, which includes state-of-the-art multi-million dollar equipment for treating cancer, calling it a "pathway to success."

But Katin's attorney, Luis Suarez, noted that Orr earns "more than seven figures" from his connection to 21st Century Oncology. And

Orr doesn't operate under the same no-compete clause that Katin is subject to, Suarez pointed out.

Katin's attorneys also asked economist Cory Capps about no-compete clauses, which Capps said can increase physicians' costs by up to 40 percent.