

**GRADUATE MEDICAL EDUCATION
POLICY**

Number:	012-001
Section:	Restrictive Covenants
Title:	Restrictive Covenants

Effective Date: 11/19/2015

Previous Review & Approval by GMEC: 11/19/2015, 3/15/2012, 1/17/2008

Responsible Office: NJMS Graduate Medical Education

Update: Every five years from effective date or as needed

Background/Purpose: A restrictive covenant, in its broadest sense, is a provision that precludes an employee from competing with the employer and/or from working for a competitor of the employer, for some period of time after the employment has been terminated. The Accreditation Council for Graduate Medical Education (ACGME) specifically prohibits the use of restrictive covenants in trainee agreements and requires the Sponsoring Institution to maintain a policy that prohibits programs from requiring a Resident/Fellow to sign a non-competition guarantee or restrictive covenant

Scope: This policy will apply to all of the postgraduate training programs at Rutgers New Jersey Medical School and ensures institutional oversight as required by the ACGME Institutional Requirements.

Definitions:

1. **Housestaff/House Officer-** refers to all interns, residents and subspecialty residents (fellows) enrolled in a Rutgers New Jersey Medical School (Rutgers NJMS) graduate medical education program. A member of the housestaff may be referred to as a house officer.
2. **Designated Institutional Official (DIO)** – refers to the individual who has the authority and responsibility for the graduate medical education programs.
3. **Program** – refers to the structured medical education experience in graduate medical education, which conforms to the Program Requirements of a particular specialty, the satisfactory completion of which may result in eligibility for board certification.
4. **Program Director** – the one physician designated to oversee and organize the activities for an educational program.
5. **Review Committee-** the Accreditation Council for Graduate Medical Education delegates authority to accredit programs/institutions to its Review Committees. The Review Committees are comprised of peer specialists in the field and resident physicians.

Reference(s):

1. ACGME Institutional Requirements, section IV.L, effective July 1, 2015.

Policy:

Rutgers NJMS specifically prohibits the creation and enforcement of any Restrictive Covenants as a condition of Housestaff participation in Graduate Medical Education Programs. Neither the Sponsoring Institution nor its ACGME-accredited programs will require Housestaff to sign a non-competition guarantee or restrictive covenant.