

LOCAL

Doctors who left Mission clinic for Pardee ‘threatened’ with non-compete legal action



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ASHEVILLE - Two doctors are suing a Mission Health clinic over non-compete agreements after they decided to take jobs in UNC Health Care's Pardee system and were “threatened” with legal action, according to a lawsuit filed in the U.S. District Court of Western North Carolina.

Marian Taylor of Haywood County and Lillia LaPlace of Macon County are plaintiffs in a case filed Nov. 22 against Mission Health Community Multispeciality Providers LLC, which has a location at Mission Hospital and whose main mailing address is an HCA Healthcare office in Brentwood, Tennessee.

Both doctors have practices in cardiology.

According to the lawsuit, Taylor and LaPlace recently accepted positions with the Pardee Memorial Hospital Foundation, which has a location in Hendersonville, and are supposed to start work there in January.

LaPlace and Taylor gave their 90-day notice of resignation to the clinic on Oct. 11, the lawsuit states, and then sent certified letters from their legal counsel Oct. 20 regarding their resignations.

But both were met with claims from the Mission clinic that they were under non-compete agreements that prohibited them “from having any affiliation with a Mission Clinic competitor in 18 counties other than as a consumer of health care services. That is, only as a patient,” the lawsuit states.

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Mission Health serves 18 counties in the WNC area.

Non-compete agreements are “employment contracts that prohibit employees from taking similar jobs or creating their own compelling businesses within a specific geographic area and/or time frame after they leave their current job,” according to a North Carolina Justice Center definition.

“She cannot push a broom for any competitor, act as a buyer or seller of anything for any competitor, cannot have a food truck in the parking lot of any competitor,” the lawsuit states of Taylor’s contract. “She cannot do anything affiliated in any way with a Mission clinic competitor, whether or not it has anything at all to do with her work as a cardiologist for Mission clinic, except receive medical care from a competitor.”

LaPlace's circumstances are somewhat different.

Years ago she had a contract with Mission Medical Associates, not Mission Health Community Multispeciality Providers.

However, that organization in early 2019 was purchased by HCA along with other Mission Health assets for about \$1.5 billion.

When that happened, according to the lawsuit, LaPlace’s employment with Mission Medical Associates was terminated and her employment with Mission Health Community Multispeciality began.

Both doctors had non-compete clauses in their contracts, the lawsuit stated. Taylor’s began in June 2019 and her initial term expired early August 2022.

LaPlace’s contract started in February 2019 and, according to the lawsuit, only lasted two years after she stopped working at Mission Medical Associates.

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The lawsuit alleges separate issues with the contracts and why the HCA Healthcare-associated clinic is threatening to sue the doctors for signing on to work with a competitor.

Taylor's contract "automatically renewed" in August. But the Mission clinic "did not provide to Taylor any consideration in exchange for the Taylor Non-Compete or for any restrictive covenant," the lawsuit states. "In fact, upon renewal of the Taylor Agreement, Mission clinic did not so much as mention to Taylor anything about the Taylor Non-Compete."

The same thing happened with the LaPlace contract, which automatically renewed mid-December 2019 and will do so again in December.

"LaPlace does not have any intention of accepting from Mission clinic any consideration in exchange for any restrictive covenant," the lawsuit states.

The lawsuit claims Taylor and LaPlace's non-compete contracts "(do) not, as a matter of law, prohibit (them) from engaging in (their) future employment," with Pardee.

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"This court should enter a judgment declaring that each of the Taylor non-compete and the LaPlace non-compete is invalid and unenforceable and do not prohibit Taylor or LaPlace from being employed at her future employment," the lawsuit concludes.

An attorney for the doctors did not immediately return a request for comment.

No lawyer for the defendants in this case, Mission Health Community Multispecialty, had been assigned as of Nov. 28. A spokesperson for HCA Healthcare and Mission Health did not immediately respond.

Taylor and LaPlace are two of many doctors and other healthcare providers to separate from Mission after HCA's 2019 purchase, according to previous reporting from the Citizen Times. At least one of them, Dr. Gerald Wayne Travis of Carolina Mountain Psychiatry, claims the hospital system did not pay him everything they owed by the time he left, as the Citizen Times previously reported.

Issues of competition also are at the heart of several antitrust lawsuit HCA Healthcare and Mission Health have been facing for more than a year. Plaintiffs including WNC residents

and several local governments allege the 2019 HCA purchase created an increasingly monopolistic environment in which the diversity of health care costs and insurance plans had been jeopardized.

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