
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1358 Session of
2022

INTRODUCED BY BROOKS, J. WARD AND CAPPELLETTI, OCTOBER 17, 2022

REFERRED TO HEALTH AND HUMAN SERVICES, OCTOBER 17, 2022

AN ACT

1 Prohibiting the enforcement of a noncompete covenant entered
2 into by a health care practitioner.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Health Care
7 Practitioner Noncompete Act.

8 Section 2. Legislative intent.

9 The General Assembly finds and declares as follows:

10 (1) Patient access to health care in this Commonwealth
11 often depends on geography, transportation and availability
12 of practitioners.

13 (2) Most of rural Pennsylvania can be considered health
14 care deserts in which patients travel two or three hours for
15 their basic health care needs.

16 (3) Continuity of care is a fundamental public policy
17 goal in which patients are most adherent to their health care
18 goals and build trust with their health care practitioners.

1 (4) The global COVID-19 pandemic exacerbated an already
2 prominent shortage in health care practitioners Statewide.

3 (5) More health care practitioners are specializing
4 their education and residencies to increase their wages with
5 the goal of paying off escalating education loan debts.

6 (6) This Commonwealth cannot afford to continue losing
7 health care practitioners to surrounding states and must do
8 all that it can to attract and retain them.

9 Section 3. Definitions.

10 The following words and phrases when used in this act shall
11 have the meanings given to them in this section unless the
12 context clearly indicates otherwise:

13 "Employer." A person or group of persons employing a health
14 care practitioner at a primary health care facility or office.

15 "Health care practitioner." As defined in section 103 of the
16 act of July 19, 1979 (P.L.130, No.48), known as the Health Care
17 Facilities Act.

18 "Noncompete covenant." An agreement between an employer and
19 a health care practitioner within this Commonwealth that is
20 designed to impede the ability of the health care practitioner
21 to compete with the employer.

22 "Patient." An individual to whom a health care practitioner
23 rendered professional services in the health care practitioner's
24 scope of practice for which compensation has been received by
25 the health care practitioner, regardless of the source of the
26 compensation.

27 "Primary health care facility or office." The direct
28 facility or office location where a health care practitioner
29 renders the majority of their professional services. For the
30 purposes of this act, more than 50% of the care and services the

1 health care practitioner provides shall define a majority.

2 "Scope of practice." The activities or professional services
3 that a health care practitioner may provide to a patient based
4 on the license that the health care practitioner holds.

5 Section 4. Enforcement of noncompete covenants.

6 A noncompete covenant shall be deemed contrary to public
7 policy, void and unenforceable by the employer if the health
8 care practitioner is dismissed without cause.

9 Section 5. Patient notification.

10 Within 45 days of a health care practitioner's departure from
11 employment, with or without cause, with an employer, the
12 employer shall notify a patient:

13 (1) Of the health care practitioner's departure.

14 (2) If the health care practitioner will be rendering
15 services under the health care practitioner's scope of
16 practice or if there are changes to the health care
17 practitioner's scope of practice.

18 (3) Of the process by which the patient may:

19 (i) Choose to follow the health care practitioner.

20 (ii) Remain with the health care system, hospital or
21 private practice and be assigned a new health care
22 practitioner to render the patient's care.

23 Section 6. Applicability.

24 The following shall apply to the applicability of a
25 noncompete convent:

26 (1) This act shall apply to an agreement entered into or
27 amended on or after the effective date of this section or
28 upon the renewal of a health care practitioner's license,
29 registration or certification within this Commonwealth,
30 whichever is sooner.

1 (2) A noncompete covenant shall only apply to a primary
2 health care facility or office and may not include other
3 locations or satellite offices within the health care system,
4 hospital or private practice.

5 Section 7. Effective date.

6 This act shall take effect in 30 days.