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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 521 Session of  
2023

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INTRODUCED BY BROOKS, CAPPELLETTI AND KANE, MARCH 15, 2023

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REFERRED TO HEALTH AND HUMAN SERVICES, MARCH 15, 2023

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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. Applicability.

6 This act shall apply as follows:

7 (1) A noncompete covenant shall be deemed contrary to  
8 public policy, void and unenforceable by the employer if the  
9 health care practitioner is dismissed.

10 (2) This act shall apply to a noncompete covenant  
11 entered into or amended on or after the effective date of  
12 this section or upon the renewal of a health care  
13 practitioner's license, registration or certification within  
14 this Commonwealth, whichever is sooner.

15 (3) A noncompete covenant shall only apply to the  
16 primary health care facility or office and shall not include  
17 other locations or satellite offices within the health care  
18 system, hospital, or private practice.

19 Section 5. Notification.

20 (a) Patient notification.--A patient shall be notified as  
21 follows:

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

23 (2) Where the health care practitioner will be rendering  
24 services under the health care practitioner's scope of  
25 practice or if there are changes to the health care  
26 practitioner's scope of practice.

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

28 (i) choose to follow the health care practitioner;

29 or

30 (ii) remain with the health care system, hospital or

1 private practice and therefore be assigned a new health  
2 care practitioner to render the patient's care.

3 (b) Employer responsibility.--The employer is responsible  
4 for notifying the patient within 90 days of the health care  
5 practitioner's departure.

6 Section 6. Effective date.

7 This act shall take effect in 30 days.