AN ACT CONCERNING THE RECRUITMENT AND RETENTION OF HEALTH CARE PROVIDERS IN THE STATE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 19a-7d of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2021):

(a) Not later than January 1, 2022, the Commissioner of Public Health shall establish, within available appropriations, a program to provide three-year grants to community-based providers of primary care services in order to expand access to health care for the uninsured. The grants may be awarded to community-based providers of primary care for (1) funding for direct services, (2) recruitment and retention of primary care clinicians and registered nurses through subsidizing of salaries or through a loan repayment program, and (3) capital expenditures. The community-based providers of primary care under the direct service program shall provide, or arrange access to, primary and preventive services, referrals to specialty services, including rehabilitative and mental health services, inpatient care, prescription drugs, basic diagnostic laboratory services, health education and
outreach to alert people to the availability of services. Primary care clinicians and registered nurses participating in the state loan repayment program or receiving subsidies shall provide services to the uninsured based on a sliding fee schedule, provide free care if necessary, accept Medicare assignment and participate as Medicaid providers, or provide nursing services in school-based health centers and expanded school health sites, as such terms are defined in section 19a-6r. The commissioner may adopt regulations, in accordance with the provisions of chapter 54, to establish eligibility criteria, services to be provided by participants, the sliding fee schedule, reporting requirements and the loan repayment program. For the purposes of this section, "primary care clinicians" includes family practice physicians, general practice osteopaths, obstetricians and gynecologists, internal medicine physicians, pediatricians, dentists, certified nurse midwives, advanced practice registered nurses, registered nurses, alcohol and drug counselors, pharmacists, mental health care providers, physician assistants and dental hygienists.

(b) Funds appropriated for the state loan repayment program shall not lapse until fifteen months following the end of the fiscal year for which such funds were appropriated.

Sec. 2. Section 20-14p of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2021):

(a) For purposes of this section: (1) "Covenant not to compete" means any provision of an employment or other contract or agreement that creates or establishes a professional relationship with a physician and restricts the right of a physician to practice medicine in any geographic area of the state for any period of time after the termination or cessation of such partnership, employment or other professional relationship; (2) "physician" means an individual licensed to practice medicine under this chapter; and (3) "primary site where such physician practices" means (A) the office, facility or location where a majority of the revenue derived from such physician's services is generated, or (B) any other office, facility or location where such physician practices and mutually
agreed to by the parties and identified in the covenant not to compete.

(b) (1) A covenant not to compete that is entered into, amended, extended or renewed prior to July 1, 2021, is valid and enforceable only if it is: (A) Necessary to protect a legitimate business interest; (B) reasonably limited in time, geographic scope and practice restrictions as necessary to protect such business interest; and (C) otherwise consistent with the law and public policy. The party seeking to enforce a covenant not to compete shall have the burden of proof in any proceeding.

(2) A covenant not to compete that is entered into, amended, extended or renewed on or after July 1, 2016, shall not: (A) Restrict the physician's competitive activities (i) for a period of more than one year, and (ii) in a geographic region of more than fifteen miles from the primary site where such physician practices; or (B) be enforceable against a physician if (i) such employment contract or agreement was not made in anticipation of, or as part of, a partnership or ownership agreement and such contract or agreement expires and is not renewed, unless, prior to such expiration, the employer makes a bona fide offer to renew the contract on the same or similar terms and conditions, or (ii) the employment or contractual relationship is terminated by the employer, unless such employment or contractual relationship is terminated for cause.

(3) Each covenant not to compete entered into, amended or renewed on and after July 1, 2016, until June 30, 2021, shall be separately and individually signed by the physician.

(4) On and after July 1, 2021, no employment, partnership or ownership contract or agreement entered into, amended or renewed shall contain a covenant not to compete and each covenant not to compete entered into, amended or renewed on and after said date shall be void and unenforceable. Any physician who is aggrieved by a violation of this subdivision may bring a civil action in the Superior Court to recover damages, together with court costs and reasonable attorney's fees, and for such injunctive and equitable relief as the court
deems appropriate.

(c) The remaining provisions of any contract or agreement that includes a covenant not to compete that is rendered void and unenforceable, in whole or in part, under the provisions of this section shall remain in full force and effect, including provisions that require the payment of damages resulting from any injury suffered by reason of termination of such contract or agreement.

Sec. 3. (Effective from passage) (a) As used in this section, "federally-qualified health center" has the same meaning as provided in Section 1905(l)(2)(B) of the Social Security Act, 42 USC 1396d(l)(2)(B), as amended from time to time.

(b) Not later than January 1, 2022, the Department of Public Health shall establish a five-year pilot program for the recruitment and retention by federally-qualified health centers in the state of mental health care providers, including, but not limited to, psychiatrists licensed pursuant to chapter 370 of the general statutes, psychologists licensed pursuant to chapter 383 of the general statutes and advanced practice registered nurses licensed pursuant to chapter 378 of the general statutes who are board certified as a psychiatric mental health provider by the American Nurses Credentialing Center. The Commissioner of Public Health shall (1) prescribe the form and manner in which a federally-qualified health center may apply to the department to participate in the pilot program, (2) establish the criteria to be used by the department in selecting federally-qualified health centers to participate in the pilot program, which shall include, but need not be limited to, prioritizing the placement of mental health care providers in areas of the state where (A) there is the greatest need for such providers, (B) there are economically distressed municipalities, and (C) residents do not have access to mental health care within close proximity to their homes, and (3) explore the means of funding the pilot program through public-private partnerships, grant programs, federal funds and state funds.
(c) Not later than January 1, 2023, and annually thereafter until January 1, 2027, the Commissioner of Public Health shall submit a report, in accordance with the provisions of section 11-4a of the general statutes, containing an evaluation of the operation and effectiveness of the pilot program to the joint standing committee of the General Assembly having cognizance of matters relating to public health.

Sec. 4. (NEW) (Effective July 1, 2021) (a) For the fiscal year ending June 30, 2021, and each fiscal year thereafter, the Office of Higher Education shall, within available appropriations, administer a mental health care provider loan reimbursement grant program for persons who meet the eligibility requirements described in subsection (b) of this section.

(b) The program shall provide student loan reimbursement grants to any person who (1) is a psychiatrist licensed pursuant to chapter 370 of the general statutes, a psychologist licensed pursuant to chapter 383 of the general statutes or an advanced practice registered nurse licensed pursuant to chapter 378 of the general statutes who is board certified as a psychiatric mental health provider by the American Nurses Credentialing Center, and (2) is employed as a mental health care provider by a federally-qualified health center in the state for not less than two years.

(c) Any person who satisfies the eligibility requirements prescribed in subsection (b) of this section may receive an annual grant for reimbursement of federal or state educational loans (1) in an amount not to exceed twenty-five thousand dollars in any year, and (2) for a period not to exceed two years. Such person shall only be reimbursed for loan payments made while such person is employed by a federally-qualified health center.

(d) Persons may apply to the Office of Higher Education for grants under this section at such time and in such manner as the executive director of the Office of Higher Education prescribes.

(e) Any unexpended funds appropriated for purposes of this section shall not lapse at the end of the fiscal year but shall be available for
expenditure during the next fiscal year.

(f) The Office of Higher Education may accept gifts, grants and donations, from any source, public or private, for the mental health care provider loan reimbursement grant program.

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**Statement of Purpose:**
To recruit and retain health care professionals in the state.

*Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.*