



General Assembly

January Session, 2021

Raised Bill No. 1087

LCO No. 5937



Referred to Committee on PUBLIC HEALTH

Introduced by:
(PH)

***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:

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 Section 19a-7d of the general statutes is repealed and the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

3 (a) [The] Not later than January 1, 2022, the Commissioner of Public
4 Health [may] shall establish, within available appropriations, a program
5 to provide three-year grants to community-based providers of primary
6 care services in order to expand access to health care for the uninsured.
7 The grants may be awarded to community-based providers of primary
8 care for (1) funding for direct services, (2) recruitment and retention of
9 primary care clinicians and registered nurses through subsidizing of
10 salaries or through a loan repayment program, and (3) capital
11 expenditures. The community-based providers of primary care under
12 the direct service program shall provide, or arrange access to, primary
13 and preventive services, referrals to specialty services, including
14 rehabilitative and mental health services, inpatient care, prescription
15 drugs, basic diagnostic laboratory services, health education and

16 outreach to alert people to the availability of services. Primary care
17 clinicians and registered nurses participating in the state loan
18 repayment program or receiving subsidies shall provide services to the
19 uninsured based on a sliding fee schedule, provide free care if necessary,
20 accept Medicare assignment and participate as Medicaid providers, or
21 provide nursing services in school-based health centers and expanded
22 school health sites, as such terms are defined in section 19a-6r. The
23 commissioner may adopt regulations, in accordance with the provisions
24 of chapter 54, to establish eligibility criteria, services to be provided by
25 participants, the sliding fee schedule, reporting requirements and the
26 loan repayment program. For the purposes of this section, "primary care
27 clinicians" includes family practice physicians, general practice
28 osteopaths, obstetricians and gynecologists, internal medicine
29 physicians, pediatricians, dentists, certified nurse midwives, advanced
30 practice registered nurses, registered nurses, alcohol and drug
31 counselors, pharmacists, mental health care providers, physician
32 assistants and dental hygienists.

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

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

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

49 agreed to by the parties and identified in the covenant not to compete.

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

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

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

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

81 deems appropriate.

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

88 Sec. 3. (*Effective from passage*) (a) As used in this section, "federally-
89 qualified health center" has the same meaning as provided in Section
90 1905(l)(2)(B) of the Social Security Act, 42 USC 1396d(l)(2)(B), as
91 amended from time to time.

92 (b) Not later than January 1, 2022, the Department of Public Health
93 shall establish a five-year pilot program for the recruitment and
94 retention by federally-qualified health centers in the state of mental
95 health care providers, including, but not limited to, psychiatrists
96 licensed pursuant to chapter 370 of the general statutes, psychologists
97 licensed pursuant to chapter 383 of the general statutes and advanced
98 practice registered nurses licensed pursuant to chapter 378 of the
99 general statutes who are board certified as a psychiatric mental health
100 provider by the American Nurses Credentialing Center. The
101 Commissioner of Public Health shall (1) prescribe the form and manner
102 in which a federally-qualified health center may apply to the
103 department to participate in the pilot program, (2) establish the criteria
104 to be used by the department in selecting federally-qualified health
105 centers to participate in the pilot program, which shall include, but need
106 not be limited to, prioritizing the placement of mental health care
107 providers in areas of the state where (A) there is the greatest need for
108 such providers, (B) there are economically distressed municipalities,
109 and (C) residents do not have access to mental health care within close
110 proximity to their homes, and (3) explore the means of funding the pilot
111 program through public-private partnerships, grant programs, federal
112 funds and state funds.

113 (c) Not later than January 1, 2023, and annually thereafter until
114 January 1, 2027, the Commissioner of Public Health shall submit a
115 report, in accordance with the provisions of section 11-4a of the general
116 statutes, containing an evaluation of the operation and effectiveness of
117 the pilot program to the joint standing committee of the General
118 Assembly having cognizance of matters relating to public health.

119 Sec. 4. (NEW) (*Effective July 1, 2021*) (a) For the fiscal year ending June
120 30, 2021, and each fiscal year thereafter, the Office of Higher Education
121 shall, within available appropriations, administer a mental health care
122 provider loan reimbursement grant program for persons who meet the
123 eligibility requirements described in subsection (b) of this section.

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

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

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

143 (e) Any unexpended funds appropriated for purposes of this section
144 shall not lapse at the end of the fiscal year but shall be available for

145 expenditure during the next fiscal year.

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2021</i>	19a-7d
Sec. 2	<i>July 1, 2021</i>	20-14p
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>July 1, 2021</i>	New section

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.]