



The Hospital + Healthsystem
Association of Pennsylvania

Leading for Better Health

October 17, 2022

The Honorable Michele Brooks
Chair, Health & Human Services Committee
Pennsylvania Senate
Senate Box 203050
Harrisburg, PA 17120-3050

The Honorable Art Haywood
Minority Chair, Health & Human Services Committee
Pennsylvania Senate
Senate Box 203004
Harrisburg, PA 17120-3004

Dear Chairwoman Brooks and Chairman Haywood,

On behalf of more than 235 members statewide, The Hospital and Healthsystem Association of Pennsylvania (HAP) writes to oppose Senate Bill 1358, introduced today and scheduled for committee vote tomorrow.

We appreciate the patient-focused intent of this legislation—to assure continuity of care—and are also deeply committed to that concept. As proposed, however, the non-compete provisions may not be appropriate and the notification mechanism may not be workable.

The bill provides that non-compete agreements become unenforceable if the health care practitioner is dismissed without cause. Courts already review non-compete agreements for reasonableness and skeptically construe language that restricts the rights of employees. Moreover, the language does not account for situations in which an employee may have intentionally engaged in conduct that caused his/her termination or scenarios where an employee may have been terminated “without cause” as an accommodation to the employee. We are concerned that the lack of time to vet this language may result in unintended consequences.

Likewise, the notification provision does not reflect the complexity of the health care space. Just as with any employer, people leave their positions for myriad personal and professional reasons. Some providers who leave employment do not share their future plans or contact information with their previous employers. Even if remaining in practice, it may not be suitable for practitioners to treat past patients for any number of reasons. Also, as you know, there are complex requirements safeguarding health information. For example, could sending a letter to a home address with a specific provider’s name and area of practice cause patient harm? We do not know because we have not had time to think through and evaluate this or other scenarios.

We urge you to vote against this measure, in part, because it could cause unintended consequences to the health care delivery system and mandate administrative burden without achieving the positive intent of the proposal.

Best,

Heather Tyler
Vice President, State Legislative Advocacy

CC: Members of the Senate Health & Human Services Committee