

STATE OF NEW YORK

11681

IN ASSEMBLY

September 2, 2026

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Santabarbara) -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to enacting the "Essential Health Care Access Protection act"

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Short title. This act shall be known and may be cited as
2 the "Essential Health Care Access Protection act".

3 § 2. The public health law is amended by adding a new section 2803-cc
4 to read as follows:

5 § 2803-cc. Restrictive covenants affecting essential health care
6 services. 1. For purposes of this section, the following terms shall
7 have the following meanings:

8 (a) "Health care professional" shall mean a physician or other health
9 care professional licensed, certified or registered pursuant to title
10 eight of the education law.

11 (b) "Restrictive covenant" shall mean any covenant, agreement or
12 provision that restricts a health care professional, following the
13 termination of employment or another professional relationship, from
14 practicing, accepting employment or providing professional services to
15 another health care provider.

16 2. Notwithstanding any inconsistent provision of law, no court of this
17 state shall grant injunctive or other equitable relief enforcing a
18 restrictive covenant against a health care professional where the court
19 determines that such enforcement would:

20 (a) materially impair access to essential health care services within
21 the affected community;

22 (b) cause or materially contribute to the elimination or substantial
23 reduction of an essential clinical service provided by a general hospi-
24 tal;

25 (c) materially impair the ability of a general hospital to provide
26 emergency, critical care, cardiac, pulmonary or other essential health
27 care services; or

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 (d) otherwise create a substantial risk to the continuity or avail-
2 ability of essential hospital services within the affected community.

3 3. In making a determination pursuant to subdivision two of this
4 section, the court shall consider:

5 (a) the number of patients reasonably expected to be affected;

6 (b) the availability and proximity of comparable health care services;

7 (c) the number, specialty and role of the affected health care profes-
8 sionals;

9 (d) the effect upon emergency, critical care and other hospital
10 services;

11 (e) whether enforcement would substantially reduce the ability of a
12 general hospital to maintain an essential clinical service;

13 (f) the impact upon continuity of care for existing patients; and

14 (g) any other factor the court determines relevant to protecting
15 access to essential health care services.

16 4. Nothing in this section shall be construed to invalidate or other-
17 wise impair any contractual provision concerning confidentiality, trade
18 secrets, proprietary information, nonsolicitation of employees, or any
19 other contractual obligation unrelated to restricting the provision of
20 health care services.

21 5. The commissioner may, upon request of an affected general hospital
22 or health care professional, provide information or an assessment to a
23 court concerning the potential effect of enforcement upon access to
24 essential health care services.

25 § 3. Severability. If any clause, sentence, paragraph, section or part
26 of this act shall be adjudged by any court of competent jurisdiction to
27 be invalid and after exhaustion of all further judicial review, the
28 judgment shall not affect, impair or invalidate the remainder thereof,
29 but shall be confined in its operation to the clause, sentence, para-
30 graph, section or part of this act directly involved in the controversy
31 in which the judgment shall have been rendered.

32 § 4. This act shall take effect immediately and shall apply to any
33 application for injunctive or other equitable relief made or pending on
34 or after the effective date of this act.