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I N   A S S E M B L Y

February 1, 2016

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Introduced by M. of A. PEOPLES-STOKES -- read once and referred to the  
Committee on Corporations, Authorities and Commissions

AN ACT to amend the public authorities law, in relation to authorizing  
the Erie county medical center corporation to enter into agreements  
for the creation and operation of a health care delivery system  
network and certain collaborative activities of the Erie county  
medical center corporation; and to repeal certain provisions of such  
law relating thereto

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1     Section 1. Subdivision 8 of section 3626 of the public authorities  
2     law, as added by a chapter of the laws of 2015, amending the public  
3     authorities law relating to authorizing the Erie county medical center  
4     corporation to enter into agreements for the creation and operation of a  
5     health care delivery system network, as proposed in legislative bills  
6     numbers S.2647 and A.5254, is REPEALED.  
7     S 2. Subdivision 10 of section 3631 of the public authorities law, as  
8     added by a chapter of the laws of 2015, amending the public authorities  
9     law relating to authorizing the Erie county medical center corporation  
10    to enter into agreements for the creation and operation of a health care  
11    delivery system network, as proposed in legislative bills numbers S.2647  
12    and A.5254, is REPEALED and a new subdivision 10 is added to read as  
13    follows:  
14    10. AS SET FORTH IN SECTION THIRTY-SIX HUNDRED TWENTY-SIX OF THIS  
15    TITLE, THE CREATION AND OPERATION OF THE ERIE COUNTY MEDICAL CENTER  
16    CORPORATION IS IN ALL RESPECTS FOR THE BENEFIT OF THE PEOPLE OF THE  
17    STATE OF NEW YORK AND OF THE COUNTY OF ERIE AND IS A STATE, COUNTY, AND  
18    PUBLIC PURPOSE. THE EXERCISE BY SUCH CORPORATION OF THE FUNCTIONS,  
19    POWERS, AND DUTIES PROVIDED IN THIS TITLE CONSTITUTES THE PERFORMANCE OF  
20    AN ESSENTIAL PUBLIC AND GOVERNMENTAL FUNCTION. THE CORPORATION HAS  
21    ADVISED THAT IT INTENDS TO CONTINUE ENGAGING IN CERTAIN COLLABORATIVE  
22    ACTIVITIES WITH, AND LIMITED TO, THE OTHER PARTIES TO THE GREAT LAKES  
23    HEALTH, INC. RESTATED BINDING AGREEMENT OF 2012 AND THE UNIVERSITY AT  
24    BUFFALO OF THE STATE UNIVERSITY OF NEW YORK FOR THE PURPOSE OF PROMOTING

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

LBD07894-06-6

1 IMPROVED QUALITY OF AND ACCESS TO HEALTH CARE SERVICES AND IMPROVED  
2 CLINICAL OUTCOMES, CONSISTING OF: (A) DEVELOPMENT OF A NON-EXCLUSIVE  
3 JOINT HEALTH INFORMATION TECHNOLOGY PLATFORM; (B) JOINT MARKETING OF  
4 HEALTH CARE SERVICES; (C) JOINT PURCHASING OF SERVICES, SUPPLIES AND  
5 EQUIPMENT RELATED TO THE PROVISION OF HEALTH CARE SERVICES; (D) DEVELOP-  
6 MENT OF A JOINT SET OF CLINICAL QUALITY STANDARDS; (E) COORDINATION AND  
7 INTEGRATION OF CLINICAL SERVICES TO REDUCE REDUNDANCY AND INCREASE EFFI-  
8 CIENCY; (F) JOINT MANAGEMENT OF GRADUATE MEDICAL EDUCATION AND ACADEMIC  
9 AFFILIATIONS; AND (G) JOINT DISCUSSIONS WITH RURAL HOSPITALS REGARDING  
10 THE POSSIBILITY OF COORDINATING AND INTEGRATING CLINICAL SERVICES. TO  
11 PROMOTE IMPROVED QUALITY OF AND ACCESS TO HEALTH CARE SERVICES AND  
12 IMPROVED CLINICAL OUTCOMES, AND CONSISTENT WITH THE CORPORATION'S FURTH-  
13 ERANCE OF ITS HEALTH CARE PURPOSES THROUGH THE EXERCISE OF THE SPECIAL  
14 POWERS EXERCISED PURSUANT TO THIS SECTION AND THE GENERAL POWERS EXER-  
15 CISED PURSUANT TO THIS TITLE, IT IS THE POLICY OF THE STATE TO SUPPLANT  
16 COMPETITION FOR THE PURPOSE OF IMMUNIZING THE PLANNING AND IMPLEMENTA-  
17 TION OF THE ENUMERATED ACTIVITIES BY THE CORPORATION IN COLLABORATION  
18 WITH ANY ONE OF THE AFOREMENTIONED ENTITIES FROM LIABILITY UNDER THE  
19 FEDERAL AND STATE ANTITRUST LAWS, TO THE EXTENT THAT SUCH COLLABORATIVE  
20 ACTIVITIES ARE REFLECTED IN AGREEMENTS EXECUTED BY TWO OR MORE OF THE  
21 AFOREMENTIONED ENTITIES DURING SUCH TIME AS THE GREAT LAKES HEALTH, INC.  
22 RESTATED BINDING AGREEMENT OF 2012 REMAINS IN EFFECT; PROVIDED, HOWEVER,  
23 THAT NOTHING IN THIS SUBDIVISION SHALL BE CONSTRUED TO EXTEND SUCH  
24 DECLARATION OF POLICY TO ANY ACTIVITIES OTHER THAN THOSE SPECIFICALLY  
25 ENUMERATED AND DESCRIBED HEREIN, WHICH REMAIN SUBJECT TO ANY AND ALL  
26 APPLICABLE STATE AND FEDERAL ANTITRUST LAWS.

27 S 3. This act shall take effect on the same date and in the same  
28 manner as a chapter of the laws of 2015, amending the public authorities  
29 law relating to authorizing the Erie county medical center corporation  
30 to enter into agreements for the creation and operation of a health care  
31 delivery system network, as proposed in legislative bills numbers S.2647  
32 and A.5254, takes effect.