S T A T E O F N E W Y O R K

6394--A

Cal. No. 25

I N S E N A T E

January 8, 2016

Introduced by Sen. RANZENHOFER -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- reported favorably from said committee, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision 8 of section 3626 of the public authorities law, as added by a chapter of the laws of 2015, amending the public authorities law relating to authorizing the Erie county medical center corporation to enter into agreements for the creation and operation of a health care delivery system network, as proposed in legislative bills numbers S.2647 and A.5254, is REPEALED.

S 2. Subdivision 10 of section 3631 of the public authorities law, as added by a chapter of the laws of 2015, amending the public authorities law relating to authorizing the Erie county medical center corporation to enter into agreements for the creation and operation of a health care delivery system network, as proposed in legislative bills numbers S.2647 and A.5254, is REPEALED and a new subdivision 10 is added to read as follows:

10. AS SET FORTH IN SECTION THIRTY-SIX HUNDRED TWENTY-SIX OF THIS TITLE, THE CREATION AND OPERATION OF THE ERIE COUNTY MEDICAL CENTER CORPORATION IS IN ALL RESPECTS FOR THE BENEFIT OF THE PEOPLE OF THE STATE OF NEW YORK AND OF THE COUNTY OF ERIE AND IS A STATE, COUNTY, AND PUBLIC PURPOSE. THE EXERCISE BY SUCH CORPORATION OF THE FUNCTIONS, POWERS, AND DUTIES PROVIDED IN THIS TITLE CONSTITUTES THE PERFORMANCE OF AN ESSENTIAL PUBLIC AND GOVERNMENTAL FUNCTION. THE CORPORATION HAS

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

LBD07894-07-6

ADVISED THAT IT INTENDS TO CONTINUE ENGAGING IN CERTAIN COLLABORATIVE ACTIVITIES WITH, AND LIMITED TO, THE OTHER PARTIES TO THE GREAT LAKES HEALTH, INC. RESTATED BINDING AGREEMENT OF 2012 AND THE UNIVERSITY AT BUFFALO OF THE STATE UNIVERSITY OF NEW YORK FOR THE PURPOSE OF PROMOTING IMPROVED QUALITY OF AND ACCESS TO HEALTH CARE SERVICES AND IMPROVED CLINICAL OUTCOMES, CONSISTING OF: (A) DEVELOPMENT OF A NON-EXCLUSIVE JOINT HEALTH INFORMATION TECHNOLOGY PLATFORM; (B) JOINT MARKETING OF HEALTH CARE SERVICES; (C) JOINT PURCHASING OF SERVICES, SUPPLIES AND EQUIPMENT RELATED TO THE PROVISION OF HEALTH CARE SERVICES; (D) DEVELOPMENT OF A JOINT SET OF CLINICAL QUALITY STANDARDS; (E) COORDINATION AND INTEGRATION OF CLINICAL SERVICES TO REDUCE REDUNDANCY AND INCREASE EFFICIENCY; (F) JOINT MANAGEMENT OF GRADUATE MEDICAL EDUCATION AND ACADEMIC AFFILIATIONS; AND (G) JOINT DISCUSSIONS WITH RURAL HOSPITALS REGARDING THE POSSIBILITY OF COORDINATING AND INTEGRATING CLINICAL SERVICES. TO PROMOTE IMPROVED QUALITY OF AND ACCESS TO HEALTH CARE SERVICES AND IMPROVED CLINICAL OUTCOMES, AND CONSISTENT WITH THE CORPORATION'S FURTHERANCE OF ITS HEALTH CARE PURPOSES THROUGH THE EXERCISE OF THE SPECIAL POWERS EXERCISED PURSUANT TO THIS SECTION AND THE GENERAL POWERS EXERCISED PURSUANT TO THIS TITLE, IT IS THE POLICY OF THE STATE TO SUPPLANT COMPETITION FOR THE PURPOSE OF IMMUNIZING THE PLANNING AND IMPLEMENTATION OF THE ENUMERATED ACTIVITIES BY THE CORPORATION IN COLLABORATION WITH ANY ONE OF THE AFOREMENTIONED ENTITIES FROM LIABILITY UNDER THE FEDERAL AND STATE ANTITRUST LAWS, TO THE EXTENT THAT SUCH COLLABORATIVE ACTIVITIES ARE REFLECTED IN AGREEMENTS EXECUTED BY TWO OR MORE OF THE AFOREMENTIONED ENTITIES DURING SUCH TIME AS THE GREAT LAKES HEALTH, INC. RESTATED BINDING AGREEMENT OF 2012 REMAINS IN EFFECT; PROVIDED, HOWEVER, THAT NOTHING IN THIS SUBDIVISION SHALL BE CONSTRUED TO EXTEND SUCH DECLARATION OF POLICY TO ANY ACTIVITIES OTHER THAN THOSE SPECIFICALLY ENUMERATED AND DESCRIBED HEREIN, WHICH REMAIN SUBJECT TO ANY AND ALL APPLICABLE STATE AND FEDERAL ANTITRUST LAWS.

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