

9176

I N A S S E M B L Y

February 1, 2016

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6 numbers S.2647 and A.5254, is REPEALED.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12 and A.5254, is REPEALED and a new subdivision 10 is added to read as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.

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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.