STATE OF NEW YORK

5880--B

2017-2018 Regular Sessions

IN SENATE

May 4, 2017

Introduced by Sen. MURPHY -- read twice and ordered printed, and when printed to be committed to the Committee on Corporations, Authorities and Commissions -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee and committed to the Committee on Rules -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public authorities law, in relation to authorizing the Westchester health care corporation to enter into agreements for the creation and operation of a health care delivery system network

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

Section 1. Section 3306 of the public authorities law is amended by adding a new subdivision 8 to read as follows:

8. As set forth in section thirty-three hundred one of this title, the creation and operation of the Westchester County Health Care Corporation is for the benefit of the residents of the state of New York and the county of Westchester, including persons in need of health care services without the ability to pay, and is a state, county, and public purpose. The corporation has advised that it intends to engage in certain collaborative activities with and limited to, health care providers in the eight lower Hudson valley counties of Westchester, Rockland, Dutchess, Orange, Ulster, Putnam, Sullivan, and Delaware, as set forth in section thirty-three hundred one of this title, for the purpose of promoting, and only to the extent necessary to promote, 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) development of a joint set of clinical quality standards; (c) coordination and integration of clinical service to reduce redundancy and increase efficiency; (d) joint discussions with rural hospitals regarding the possibility of coordinating and integrat-

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

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ing clinical services; and (e) joint purchasing of services, supplies and equipment related to the provisions of health care 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; 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 in this subdivision, which remain subject to any and all applicable state and federal antitrust laws; and provided further that such declaration of policy shall not apply to any activities that improperly restrict competitive labor markets in violation of all applicable state and federal antitrust laws.

§ 2. This act shall take effect immediately.