

STATE OF NEW YORK

1584

2019-2020 Regular Sessions

IN ASSEMBLY

January 15, 2019

Introduced by M. of A. ABINANTI, GALEF, PRETLOW, PAULIN, OTIS, JAFFEE, BRABENEC, BYRNE, BUCHWALD, TAYLOR, BARRON -- Multi-Sponsored by -- M. of A. SIMON -- 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 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:

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

3 8. As set forth in section thirty-three hundred one of this title, the
4 creation and operation of the Westchester County Health Care Corporation
5 is for the benefit of the residents of the state of New York and the
6 county of Westchester, including persons in need of health care services
7 without the ability to pay, and is a state, county, and public purpose.
8 The corporation has advised that it intends to engage in certain colla-
9 borative activities with and limited to, health care providers in the
10 eight lower Hudson valley counties of Westchester, Rockland, Dutchess,
11 Orange, Ulster, Putnam, Sullivan, and Delaware, as set forth in section
12 thirty-three hundred one of this title, for the purpose of promoting,
13 and only to the extent necessary to promote, improved quality of and
14 access to health care services and improved clinical outcomes, consist-
15 ing of: (a) development of a non-exclusive joint health information
16 technology platform; (b) development of a joint set of clinical quality
17 standards; (c) coordination and integration of clinical service to
18 reduce redundancy and increase efficiency; (d) joint discussions with
19 rural hospitals regarding the possibility of coordinating and integrat-
20 ing clinical services; and (e) joint purchasing of services, supplies
21 and equipment related to the provisions of health care services. To
22 promote improved quality of and access to health care services and

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

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1 improved clinical outcomes, and consistent with the corporation's furth-
2 erance of its health care purposes through the exercise of the special
3 powers exercised pursuant to this section and the general powers exer-
4 cised pursuant to this title, it is the policy of the state to supplant
5 competition for the purpose of immunizing the planning and implementa-
6 tion of the enumerated activities by the corporation in collaboration
7 with any one of the aforementioned entities from liability under the
8 federal and state antitrust laws; provided, however, that nothing in
9 this subdivision shall be construed to extend such declaration of policy
10 to any activities other than those specifically enumerated and described
11 in this subdivision, which remain subject to any and all applicable
12 state and federal antitrust laws; and provided further that such decla-
13 ration of policy shall not apply to any activities that improperly
14 restrict competitive labor markets in violation of all applicable state
15 and federal antitrust laws.

16 § 2. This act shall take effect immediately.