§ 3401. Legislative findings and purpose. The legislature hereby finds and declares as follows:

1. The needs of the residents of the state of New York and of the county of Nassau can best be served by a public benefit corporation having the legal, financial and managerial flexibility to take full advantage of opportunities and challenges presented by the evolving health care environment and to take whatever actions are necessary to enable the corporation's continuation as a system which provides the finest possible quality of health care consistent with costs.

2. In order to accomplish the purposes recited in this section to provide health care services and health facilities for the benefit of the residents of the state of New York and the county of Nassau, including to persons in need of health care services without the ability to pay as required by law, a public benefit corporation to be known as the Nassau Health Care Corporation shall be created to provide such services and facilities and to otherwise carry out such purposes; that the creation and operation of the Nassau health care corporation, as hereinafter provided, is in all respects for the benefit of the people of the state of New York and of the county of Nassau, and is a state, county and public purpose; and that the exercise by such corporation of the functions, powers and duties as hereinafter provided constitutes the performance of an essential public and governmental function.

3. As a free-standing public health care provider, the corporation is at a competitive disadvantage in the current and emerging health care environment, yet it cannot become part of a larger system of corporate entities while maintaining its public status. Significant investments in the public assets of the corporation and its efforts to provide high quality health care services to medically underserved populations are jeopardized by the corporation's inability to compete on its own and by potential limits on its ability to collaborate with other public and private providers, entities and individuals. The state finds that the benefits of collaboration by the corporation outweigh any adverse impact on competition. The benefits of the corporation's collaborative efforts include preserving and expanding needed health care services in its

primary service area; consolidating unneeded or duplicative health care services; enhancing the quality of, and expanding access to, health care delivered to medically underserved populations; lowering costs and improving the efficiency of the health care services it delivers; and achieving improved reimbursement from non-governmental payors. Based on the findings contained in this section, the state hereby affirmatively expresses a policy to allow the corporation to engage in collaborative activities consistent with its health care purposes, notwithstanding that those collaborations may have the effect of displacing competition in the provision of hospital, physician or other health care-related services. With respect to the collaborative activities contemplated in this section and in subdivision ten of section thirty-four hundred five of this title, the corporation and the public or private entities and individuals with which it collaborates shall be immunized from liability under the federal and state antitrust laws.