§ 3405. Special powers of the corporation. In order to effectuate the purposes of this title, the corporation shall have the following additional powers, subject to this title, the civil practice law and rules, the public health law, the mental hygiene law, the social services law, the education law and any other applicable law or regulation:

1. To operate, manage, superintend and control any health facility under its jurisdiction and to repair, maintain and otherwise keep up any such health facility; and to establish and collect fees, rentals, and other charges for the sale, lease or sublease of any such health facility, subject to the terms and conditions of any contract, lease, sublease or other agreement with the county;

2. To provide health and medical services for the public directly or by agreement or lease with any person, firm or private or public corporation or association through or in the health facilities of the corporation or otherwise and to make internal policies governing admissions and health and medical services; and to establish and collect fees and other charges for the provision of such health and medical services; and to provide and maintain resident physician and intern medical services; and to sponsor and conduct research, educational and training programs;

3. To enter into contracts, leases, subleases and other agreements for the purpose of affiliating with a medical college or related educational agency or institution in conjunction with the corporation's health facilities, which agreements may provide for the management, operation and staffing of health facilities, the reconstruction, renovation or addition to health facilities; the provision of necessary facilities, utilities and services; and such other conditions or features necessary and proper for such purpose and for the public health and general welfare;

4. To determine the conditions under which a physician may be extended the privilege of practicing within a health facility under the jurisdiction of the corporation, and to promulgate reasonable internal

policies for the conduct of all persons, physicians and nurses within such facility; and

5. (a) Except as otherwise provided in any applicable law or regulation, to exercise and perform all or part of its purposes, powers, duties, functions or activities through one or more subsidiary entities owned or controlled wholly or in part by the corporation, which shall be formed pursuant to the business corporation law, the limited liability company law, or the not-for-profit corporation law, in each case subject to all the limitations provided in this article.

(b) Any such subsidiary may be authorized to act as a general or limited partner in a partnership or as a member of a limited liability company, and enter into an arrangement calling for an initial and subsequent payment by such subsidiary in consideration of an interest in revenues or other contractual rights.

(c) An entity shall be deemed a subsidiary whenever and so long as (i) more than half of any voting shares of such subsidiary are owned or held by the corporation or (ii) a majority of the directors, trustees or members of such subsidiary are designees of the corporation.

(d) The corporation may transfer to any subsidiary entity any monies, real or personal or mixed property in order to carry out the purposes of this title, subject to the rights of the holders of any bonds of the corporation.

(e) Any subsidiary which provides health care services previously provided by the county and transferred by the corporation to the subsidiary shall comply with and be subject to subdivision nine of this section and subdivisions seven through ten inclusive of section thirty-four hundred two, sections thirty-four hundred ten, thirty-four hundred sixteen, thirty-four hundred seventeen and thirty-four hundred eighteen of this title as applicable. The transfer of any monies, real or personal or mixed property to a subsidiary shall be governed by any restrictions or limitations as the county may establish in the agreement between the county and the corporation as described in subdivision two of section thirty-four hundred six of this title.

(f) Any material change in the operation of a health facility that occurs pursuant to a transfer or agreement between the corporation and any of its subsidiaries shall require the board of such corporation or

subsidiary to provide written notice of such transfer or agreement to the county executive and majority leader and minority leader of the county legislature within seven days of such transfer.

6. To contract with the county for related public health services to be determined by the county and the corporation.

7. To negotiate and make any payments in lieu of taxes with any political subdivision where the corporation holds real estate.

8. To contract with the county to provide, in whole or in part, health care services, and to operate facilities and programs which provide health care services.

9. To provide uncompensated care to persons in need of health care services without the ability to pay.

10. (a) In carrying out its health care purposes through the exercise of the special powers exercised pursuant to this section and the general powers exercised pursuant to section thirty-four hundred four of this title, the corporation is authorized to engage in arrangements, contracts, information sharing and other collaborative activities with public or private entities and individuals irrespective of the competitive consequences of these activities and notwithstanding that these activities may have the effect of displacing competition in the provision of hospital, physician, or other health care-related services. These collaborative activities may include without limitation: joint ventures; joint negotiations with physicians, hospitals and payors, whether such negotiations result in separate or combined agreements; leases; and/or agreements which involve delivery system network creation and operation, provided that, the corporation shall exercise state oversight by determining whether particular collaborations with public or private entities and individuals further the interests of the state as set forth in this subdivision and in subdivision three of section thirty-four hundred one of this title. In undertaking these collaborative activities, 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.

(b) Notwithstanding the provisions of this section, the corporation and its collaborators shall remain subject to generally applicable provisions of the public health law and regulations thereunder. In addition, the corporation shall file an annual report with the state department of health, as additional state oversight, concerning the impact of the collaborations authorized under this section on the advantages and disadvantages identified by the department of health in its request for applications for HEAL NY Phase 21, entitled "Restructuring Initiatives in Medicaid Redesign," and concerning the impact on reimbursement to the corporation's facilities by managed care organizations with respect to commercial plan members, including the extent to which rates have been negotiated that more fairly compensate the corporation's facilities for the cost of providing services to commercial enrollees, without cross-subsidy from medicaid or other governmental programs. In response to the report, the department of health shall have sixty days after the report has been filed to request, in writing, that the corporation make changes to its policies to ensure that the collaborations authorized under this section further the interests of the state.