**§ 2904. State hospital review and planning council.** (c) The governor shall approve each health systems agency with a defined geographical boundary, which shall consist of areas entirely within New York state except in those areas where a bi-state planning agreement exists. Such an agreement, subject to regulations promulgated by the commissioner of health, shall include but need not be limited to the following provisions: standards for equitable representation of board membership from each state; boundaries that are consistent with medical trade patterns; provisions for financial support from each state; and comparable policies and procedures to be implemented by the bi-state health systems agency in evaluating the availability and need for hospital or other health care facilities or services and governing the collection of data and statistics for health planning. Any such bi-state agreement shall be signed by the governor of each state or their designee or the state's commissioner or secretary of health or their designee. The governor shall also adopt standards for the approval of all health systems agencies. The standards shall also include the applicable requirements of any other state or federal law. The charter or by-laws of every health systems agency must meet such standards. Failure to meet the standards or failure thereafter to maintain such standards shall result in the automatic withdrawal of the approval given to the health systems agency.

(d) To the maximum extent feasible, the boundaries of the health service areas established by the governor shall be appropriately coordinated with the boundaries of professional standards review organizations, existing regional planning areas, and state planning and administrative areas.

(g) Any health systems agency, with respect to any of the matters with which it may deal may hold such public hearings as it may deem appropriate and may require the submission of such information and documents as it may deem appropriate.

(h) The members of any health systems agency shall receive no compensation for their services but shall be reimbursed for expenses actually and necessarily incurred in the performance of their duties.

(i) No civil action shall be brought in any court against any member, officer or employee of the state council or of any health systems agency for any act done, failure to act, or statement or opinion made, while

discharging his duties as a member, officer or employee of the state council or agency, without leave from a justice of the supreme court, first had and obtained. In any event such member, officer or employee shall not be liable for damages in any such action if he shall have acted in good faith, with reasonable care and upon probable cause.

* (j) The council may employ either directly or by contractual arrangement such personnel necessary for the performance of its functions and to assist it in rendering independent judgment.

* NB Expired January 1, 1986