§ 2999-r. Other laws. 1. (a) It is the policy of the state to permit and encourage cooperative, collaborative and integrative arrangements among third-party health care payers and health care providers who might otherwise be competitors under the active supervision of the commissioner. To the extent that it is necessary to accomplish the purposes of this article, competition may be supplanted and the state may provide state action immunity under state and federal antitrust laws to payors and health care providers.

(b) The commissioner shall engage in state supervision to promote state action immunity under state and federal antitrust laws and may inspect, require, or request additional documentation and take other actions under this article to verify and make sure that this article is implemented in accordance with its intent and purpose.

2. With respect to the planning, implementation, and operation of ACOs, the commissioner, by regulation, shall specifically delineate safe harbors that exempt ACOs from the application of the following statutes:

(a) article twenty-two of the general business law relating to arrangements and agreements in restraint of trade;

(b) article one hundred thirty-one-A of the education law relating to fee-splitting arrangements; and

(c) title two-D of article two of this chapter relating to health care practitioner referrals.

3. For the purposes of this article, an ACO shall be deemed to be a hospital for purposes of sections twenty-eight hundred five-j, twenty-eight hundred five-k, twenty-eight hundred five-l and twenty-eight hundred five-m of this chapter and subdivisions three and five of section sixty-five hundred twenty-seven of the education law.

4. The commissioner is authorized to seek federal grants, approvals, and waivers to implement this article, including federal financial participation under public health coverage. The commissioner shall provide copies of applications and other documents, including drafts, submitted to the federal government seeking such federal grants, approvals, and waivers to the chairs of the senate finance committee, the assembly ways and means committee, and the senate and assembly

health committees simultaneously with their submission to the federal government.

5. The commissioner may directly, or by contract with not-for-profit organizations, provide:

(a) consumer assistance to patients served by an ACO as to matters relating to ACOs;

(b) technical and other assistance to health care providers participating in an ACO as to matters relating to the ACO;

(c) assistance to ACOs to promote their formation and improve their operation, including assistance under section twenty-eight hundred eighteen of this chapter; and

(d) information sharing and other assistance among ACOs to improve the operation of ACOs.