

[N.Y. Pub. Health Law §§ 2999-aa & 2999-bb.]

§§ 2999-AA. Antitrust provisions, state oversight: Improved Integration of Health Care and Financing

1. In order to promote improved quality and efficiency of, and access to, health care services and to promote improved clinical outcomes to the residents of New York, it shall be the policy of the state to encourage, where appropriate, cooperative, collaborative and integrative arrangements including but not limited to, mergers and acquisitions among health care providers or among others who might otherwise be competitors, under the active supervision of the commissioner. To the extent such arrangements, or the planning and negotiations that precede them, might be anti-competitive within the meaning and intent of the state and federal antitrust laws, the intent of the state is to supplant competition with such arrangements under the active supervision and related administrative actions of the commissioner as necessary to accomplish the purposes of this article, and to provide state action immunity under the state and federal antitrust laws with respect to activities undertaken by health care providers and others pursuant to this article, where the benefits of such active supervision, arrangements and actions of the commissioner outweigh any disadvantages likely to result from a reduction of competition. The commissioner shall not approve an arrangement for which state action immunity is sought under this article without first consulting with, and receiving a recommendation from, the public health and health planning council. No arrangement under this article shall be approved after December thirty-first, two thousand twenty.

2. The commissioner or his or her duly authorized representative may engage in appropriate state supervision necessary to promote state action immunity under the state and federal antitrust laws.

§§ 2999-BB. Department authority: Improved Integration of Health Care and Financing

The department shall promulgate regulations to implement this article. Such regulations shall provide standards for determining which proposed collaborations, integrations, mergers or acquisitions shall be covered by this article and the manner by which the interests set forth in the legislative findings shall be advanced through regulatory oversight. The department shall further be authorized to impose fees as appropriate to facilitate the implementation of this article. This article is not intended to limit the authority of the attorney general of the state of New York.