

IN SENATE

Senate introducer's signature

The senators whose names are circled below wish to join me in the sponsorship
of this proposal

s20 Adams	s17 Felder	s63 Kennedy	s25 Montgomery	s23 Savino
s15 Addabbo	s02 Flanagan	s34 Klein	s54 Nozzolio	s29 Serrano
s11 Avella	s08 Fuschillo	s28 Krueger	s55 O'Brien	s51 Seward
s40 Ball	s59 Gullivan	s24 Lanza	s58 O'Mara	s09 Skelos
s42 Bonacic	s12 Gianaris	s39 Larkin	s21 Parker	s14 Smith
s04 Boyle	s41 Gipson	s37 Latimer	s13 Peralta	s26 Squadron
s44 Breslin	s22 Golden	s01 LaValle	s30 Perkins	s16 Stavisky
s38 Carlucci	s47 Griffio	s52 Libous	s61 Ranzenhofer	s35 Stewart-
s50 DeFrancisco	s60 Grisanti	s45 Little	s48 Ritchie	Cousins
s32 Diaz	s06 Hannon	s05 Marcellino	s33 Rivera	s46 Tkaczyk
s18 Dilan	s36 Hassell-	s43 Marchione	s56 Robach	s53 Valesky
s31 Espaillat	Thompson	s07 Martins	s19 Sampson	s57 Young
s49 Farley	s27 Hoylman	s62 Maziarz	s10 Sanders	s03 Zeldin

S. _____
Senate

PROGRAM BILL # 16

IN SENATE--Introduced by Sen

--read twice and ordered printed,
and when printed to be committed
to the Committee on

----- A.
Assembly

IN ASSEMBLY--Introduced by M. of A.

with M. of A. as co-sponsors

--read once and referred to the
Committee on:

PUBHEALA

(Authorizes the commissioner of
health to establish a corporation to
organize a network of hospitals in
Brooklyn)

Pub Heal. corp; Brooklyn hospital

AN ACT

to amend the public health law, in
relation to authorizing the commis-
sioner of health to establish a
corporation to organize a network of
hospitals in Brooklyn and to amend
chapter 56 of the laws of 2013,
amending the education law and the
public health law, relating to fund-
ing to SUNY Downstate Medical Center
and directing the restructuring of
hospital, in relation to Medicaid
funds for delivery system reform

IN ASSEMBLY

Assembly introducer's signature

The Members of the Assembly whose names are circled below wish to join me in the
multi-sponsorship of this proposal:

a049 Abbate	a081 Dinowitz	a135 Johns	a133 Nojay	a140 Schimminger
a092 Abinanti	a147 DiPietro	a113 Jordan	a037 Nolan	a087 Sepulveda
a084 Arroyo	a115 Duprey	a094 Katz	a130 Oaks	a065 Silver
a035 Aubry	a004 Englebright	a074 Kavanagh	a069 O'Donnell	a027 Simanowitz
a120 Barclay	a054 Espinal	a142 Kearns	a051 Ortiz	a036 Simotas
a106 Barrett	a109 Fahy	a076 Kellner	a091 Otis	a104 Skartados
a060 Barron	a071 Farrell	a040 Kim	a132 Palmesano	a099 Skoufis
a082 Benedetto	a126 Finch	a131 Kolb	a088 Paulin	a022 Solages
a117 Blankenbush	a008 Fitzpatrick	a105 Lalor	a141 Peoples-	a114 Stec
a062 Borelli	a124 Friend	a013 Lavine	Stokes	a110 Steck
a055 Boyland	a143 Gabryszak	a050 Lentol	a058 Perry	a079 Stevenson
a026 Braunstein	a095 Galaf	a125 Lifton	a089 Pretlow	a127 Stirpe
a044 Brennan	a137 Gantt	a102 Lopez, P.	a073 Quart	a011 Sweeney
a119 Brindisi	a007 Garbarino	a123 Lupardo	a019 Ra	a112 Tedisco
a138 Bronson	a077 Gibson	a010 Lupinacci	a098 Rabbitt	a101 Tenney
a046 Brook-Krasny	a148 Giglio	a121 Magee	a012 Raia	a001 Thiele
a093 Buchwald	a080 Gjonaj	a129 Magnarelli	a006 Ramos	a061 Titone
a118 Butler	a066 Glick	a059 Maisel	a134 Reilich	a031 Titus
a103 Cahill	a023 Goldfeder	a064 Malliotakis	a078 Rivera	a146 Walter
a043 Camara	a150 Goodell	a030 Markey	a128 Roberts	a041 Weinstein
a145 Ceretto	a075 Gottfried	a090 Mayer	a056 Robinson	a020 Weisenberg
a033 Clark	a005 Graf	a108 McDonald	a068 Rodriguez	a024 Weprin
a047 Colton	a100 Gunther	a014 McDonough	a072 Rosa	a070 Wright
a032 Cook	a139 Hawley	a017 McKevitt	a067 Rosenthal	a096 Zebrowski
a144 Corwin	a083 Heastie	a107 McLaughlin	a025 Rozic	a002
a085 Crespo	a003 Hennessey	a038 Miller	a116 Russell	a053
a122 Crouch	a028 Hevesi	a052 Millman	a149 Ryan	a086
a021 Curran	a048 Hikiind	a015 Montesano	a009 Saladino	
a063 Cusick	a018 Hooper	a136 Morelle	a111 Santabarbara	
a045 Cymbrowitz	a042 Jacobs	a057 Mosley	a029 Scarborough	
a034 DenDekker	a097 Jaffee	a039 Moya	a016 Schimel	

1) Single House Bill (introduced and printed separately in either or both
houses). Uni-Bill (introduced simultaneously in both houses and printed as one
bill. Senate and Assembly introducer sign the same copy of the bill).

2) Circle names of co-sponsors and return to introduction clerk with 2 signed
copies of bill and 4 copies of memorandum in support (single house); or 4 signed
copies of bill and 8 copies of memorandum in support (uni-bill).

incentive payments and Medicaid
Redesign Team initiatives

The People of the State of New
York, represented in Senate and
Assembly, do enact as follows:

1 Section 1. The public health law is amended by adding a new section
2 2824 to read as follows:

3 § 2824. Corporation; Brooklyn hospital network. 1. Notwithstanding
4 any provision of law to the contrary, the commissioner is hereby author-
5 ized to establish a corporation, which shall have the authority neces-
6 sary to organize a network of hospitals located in Brooklyn, including
7 the university hospital of Brooklyn ("downstate hospital") and all
8 private hospitals that elect to participate, for the following purposes:

9 (a) improving the overall health of the covered population served;

10 (b) promoting the efficient delivery of health care services;

11 (c) negotiating contracts with third party payers;

12 (d) assuring opportunities for training medical professionals;

13 (e) receiving funds from any source and disbursing funds as appropri-
14 ate;

15 (f) establishing a process to solicit public input to help inform the
16 activities under this section;

17 (g) conducting such other activities that may be necessary and appro-
18 priate to serve the objectives of this section.

19 Such corporation shall not be authorized to engage in the direct
20 provision of services.

21 Such corporation shall be established pursuant to the not-for-profit
22 corporation law and shall be organized and operated exclusively for the
23 purposes set forth in this section and, notwithstanding any other
24 provision of law, shall have all of the powers necessary to serve such
25 purposes. It is hereby declared that in carrying out such purposes and
26 powers such corporation will be performing an essential governmental
27 function.

1 2. Notwithstanding any other provision of law to the contrary, the
2 commissioner shall issue to participating hospitals operating certifi-
3 icates that shall list the corporation as a co-operator of each of the
4 health facilities of such hospitals. Such corporation shall be author-
5 ized to enter into agreements with participating hospitals under which
6 the corporation, acting as a co-operator of each such participating
7 hospital, shall have such powers as are consistent with the public
8 purpose as set forth in this section, and shall be deemed to be acting
9 as a public hospital.

10 3. (a) Nothing in this section shall be deemed to subject the state or
11 any of its agencies, the corporation, or any officer, member or employee
12 thereof to liability for any act or omission by any participating hospi-
13 tal.

14 (b) Nothing in this section shall be deemed to impose any liabilities,
15 obligations, or responsibilities of any participating hospital upon the
16 state or any of its agencies, the corporation, or any officer, member or
17 employee thereof except as expressly set forth in this section.

18 4. In order to promote improved quality of, and access to, health care
19 services and promote improved clinical outcomes in Brooklyn, it is the
20 policy of the state to encourage cooperative, collaborative and integra-
21 tive arrangements among payors of health care services and health care
22 services providers who might otherwise be competitors, under the active
23 supervision of the corporation. It is the intent of the state to
24 supplant competition with such arrangements and regulation only to the
25 extent necessary to accomplish the purposes of this section and to
26 provide state action immunity under the state and federal antitrust laws
27 to the participating hospitals.

1 § 2. Subdivision 20 of section 2807 of the public health law, as added
2 by section 9 of part Q of chapter 56 of the laws of 2013, is amended to
3 read as follows:

4 20. Notwithstanding any contrary provision of law and subject to the
5 receipt of all necessary federal approvals and the availability of
6 federal financial participation, the commissioner is authorized to enter
7 into agreements with the corporation established pursuant to section
8 twenty-eight hundred twenty-four of this article, SUNY downstate medical
9 center, other public general hospitals, and/or with the sponsoring local
10 governments of such other public general hospitals, under which such
11 corporation, facilities and/or such local government shall, by intergov-
12 ernmental transfer, fund the non-federal share of Medicaid funds made
13 available for Delivery System Reform Incentive [Payments ("DSRIPS")]
14 Program ("DSRIP") payments to such facilities. Such non-federal share
15 payments shall be deemed voluntary and, further, such payments shall be
16 excluded from computations made pursuant to section one of part C of
17 chapter fifty-eight of the laws of two thousand five, as amended. In
18 addition, the corporation, facilities, and/or the sponsoring local
19 governments of such facilities or the state may, by written notification
20 to the other parties to the agreement, cancel such agreement at any time
21 prior to the payment of the DSRIP funds.

22 § 3. Subdivision 21 of section 2807 of the public health law, as added
23 by section 10 of part Q of chapter 56 of the laws of 2013, is amended to
24 read as follows:

25 21. Notwithstanding any contrary provision of law and subject to the
26 receipt of all necessary federal approvals and the availability of
27 federal financial participation, the commissioner is authorized to enter
28 into agreements with the corporation established pursuant to section

1 twenty-eight hundred twenty-four of this article, SUNY downstate medical
2 center, other public general hospitals, and/or with the sponsoring local
3 governments of such other public general hospitals, under which such
4 corporation, facilities and/or such local government shall, by intergov-
5 ernmental transfer, fund the non-federal share of Medicaid funds made
6 available for implementation of Medicaid Redesign Team initiatives. Such
7 non-federal share payments shall be deemed voluntary and, further, such
8 payments shall be excluded from computations made pursuant to section
9 one of part C of chapter fifty-eight of the laws of two thousand five,
10 as amended. In addition, the corporation, facilities, and/or the spon-
11 soring local governments of such facilities or the state may, by written
12 notification to the other parties to the agreement, cancel such agree-
13 ment at any time prior to the payment of the Medicaid Redesign Team
14 initiatives funds.

15 § 4. The opening paragraph of section 6 of part Q of chapter 56 of the
16 laws of 2013, amending the education law and the public health law,
17 relating to funding to SUNY Downstate Medical Center and directing the
18 restructuring of hospital, is amended to read as follows:

19 Notwithstanding any inconsistent provision of sections 112 and 163 of
20 the state finance law, section 355 of the education law, or section 142
21 of the economic development law, or any other law, [in academic fiscal
22 year 2013-14] the chancellor, for the purpose of implementing a sustain-
23 ability plan for Downstate Hospital is hereby authorized to enter into a
24 contract or contracts under this section without a competitive bid or
25 request for proposal process and provided further that such contract or
26 contracts shall not be subject to the requirements set forth in subdivi-
27 sions 2 and 3 of section 112 of the state finance law, provided, howev-
28 er, that:

1 § 5. This act shall take effect immediately and shall expire and be
2 deemed repealed, and the corporation established under this subdivision
3 shall be dissolved, at such time when the commissioner of health deter-
4 mines that the objectives of this section are satisfied, but in no event
5 later than six years from the date on which this act shall have become a
6 law; and at the time of such determination, the commissioner of health
7 shall issue to participating hospitals operating certificates that no
8 longer list the corporation as a co-operator of each of the health
9 facilities of such hospitals; and at the time of such determination, the
10 commissioner of health shall notify the legislative bill drafting
11 commission in order that the commission may maintain an accurate and
12 timely effective data base of the official text of the laws of the state
13 of New York in furtherance of effecting the provisions of section 44 of
14 the legislative law and section 70-b of the public officers law.