

CERTIFICATE OF PUBLIC ADVANTAGE (COPA) Summaries of Applications

Public Health Law (PHL) Article 29-F sets forth the State's policy of encouraging appropriate collaborative arrangements among health care providers who might otherwise be competitors. The statute requires the New York State Department of Health (Department) to establish a regulatory structure allowing it to engage in appropriate state supervision as necessary to promote state action immunity under state and federal antitrust laws.

Pursuant to Article 29-F, the Department has issued regulations, 10 NYCRR Subpart 83-2, establishing a process for providers to apply for a Certificate of Public Advantage (COPA) for their collaborative arrangements such as mergers and clinical integration agreements. The Department will consult with the Office of the Attorney General and, if appropriate, the Office of Mental Health, the Office of Alcoholism and Substance Abuse Services and/or the Office for People With Developmental Disabilities, and will consult with and receive a recommendation from the Public Health and Health Planning Council (PHHPC) before granting a COPA.

A COPA is a document issued by the Department signifying the approval of a Cooperative Agreement or planning process, subject to certain conditions being satisfied. Parties that have received a COPA are provided state action immunity under federal antitrust laws and immunity from private claims under state antitrust laws and may negotiate, enter into, and conduct business pursuant to, a Cooperative Agreement or a planning process covered by a duly issued COPA. See PHL Article 29-F and 10 NYCRR Subpart 83-2.2.

For purposes of COPA applications submitted by Performing Provider Systems (PPSs) in conjunction with Project Plan applications submitted under the Delivery Reform System Incentive Payment (DSRIP) Program, the DSRIP Project Plan application shall serve as the Cooperative Agreement, as supplemented by additional information included in response to other sections of the application or otherwise requested by the Department, such that the Department is able to identify the projects and activities for which a COPA is sought and the PPS partners involved therewith. Frequently Asked Questions (FAQs) have been issued to provide guidance to PPSs that intend to submit an application for a COPA in conjunction with a DSRIP Project Plan application. The FAQs are available at https://www.health.ny.gov/health_care/medicaid/redesign/copa.

As set forth in 10 NYCRR § 83-2.3(b), a summary of each COPA application received will be available on the Department's website. The following are summaries of applications received by the Department to date. This document will be available at https://www.health.ny.gov/health_care/medicaid/redesign/copa. Instructions for submitting public comment can be found on that page.

- **Staten Island Performing Provider System (Reference: COPA-SIPPS)**

Date of Posting: April 2, 2015
Comments Due: April 22, 2015

A COPA application has been submitted on behalf of the Staten Island Performing Provider System, LLC (Staten Island PPS) by its co-leads, Staten Island University Hospital (SIUH) and Richmond University Medical Center (RUMC), in conjunction with a Project Plan application submitted under the DSRIP Program.

The COPA application indicates that the goals and objectives of the PPS relating to its participation in the DSRIP Program, along with the nature and scope of activities and cooperation likely to be included to achieve those goals and objectives, are described in its PPS DSRIP Application, which is available at http://www.health.ny.gov/health_care/medicaid/redesign/dsrip/pps_applications.

- **Advocate Community Providers Performing Provider System (Reference: COPA-ACPPPS)**

Date of Posting: April 2, 2015
Comments Due: April 22, 2015

A COPA application has been submitted on behalf of the Advocate Community Providers PPS by its lead, AW Medical, in conjunction with a Project Plan application submitted under the DSRIP Program.

The COPA application indicates that the goals and objectives of the PPS relating to its participation in the DSRIP Program, along with the nature and scope of activities and cooperation likely to be included to achieve those goals and objectives, are described in its PPS DSRIP Application, which is available at http://www.health.ny.gov/health_care/medicaid/redesign/dsrip/pps_applications.

- **Adirondack Health Institute Performing Provider System (Reference: COPA-AHIPPS)**

Date of Posting: April 2, 2015
Comments Due: April 22, 2015

A COPA application has been submitted on behalf of the Adirondack Health Institute PPS by its lead, Adirondack Health Institute, Inc., in conjunction with a Project Plan application submitted under the DSRIP Program.

The COPA application indicates that the nature and scope of the PPS activities, including goals and objectives, are described in the PPS DSRIP Application, which is available at http://www.health.ny.gov/health_care/medicaid/redesign/dsrip/pps_applications.