

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2344 Session of 2024

INTRODUCED BY BOROWSKI, TAKAC, PROBST, DONAHUE, GIRAL, SANCHEZ, MAYES, KHAN, GUENST, DELLOSO, CIRESI, WAXMAN, KRAJEWSKI, HILL-EVANS, CERRATO, KRUEGER, BOYD, DALEY, KAZEEM, O'MARA, GREEN, PIELLI, WEBSTER, T. DAVIS, MADSEN AND CURRY, MAY 28, 2024

SENATOR BROOKS, HEALTH AND HUMAN SERVICES, IN SENATE, AS AMENDED, OCTOBER 7, 2024

AN ACT

1 Amending the act of July 19, 1979 (P.L.130, No.48), entitled "An
2 act relating to health care; prescribing the powers and
3 duties of the Department of Health; establishing and
4 providing the powers and duties of the State Health
5 Coordinating Council, health systems agencies and Health Care
6 Policy Board in the Department of Health, and State Health
7 Facility Hearing Board in the Department of Justice;
8 providing for certification of need of health care providers
9 and prescribing penalties," providing for ~~health systems~~ <--
10 ~~protection~~ ATTORNEY GENERAL NOTIFICATION; imposing a fine; <--
11 and promulgating regulations.

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 Section 1. The act of July 19, 1979 (P.L.130, No.48), known
15 as the Health Care Facilities Act, is amended by adding a
16 chapter to read:

CHAPTER 8-C

HEALTH SYSTEMS PROTECTION <--

ATTORNEY GENERAL NOTIFICATION <--

20 Section 801-C. Definitions.

1 The following words and phrases when used in this chapter  
2 shall have the meanings given to them in this section unless the  
3 context clearly indicates otherwise:

4 "Acquired entity." The entity, or portion of an entity,  
5 acquired under an agreement or transaction.

6 "Acquiring entity." The ~~entity~~ PERSON, or portion of an <--  
7 entity, that acquires or takes control of an acquired entity  
8 under an agreement or transaction.

9 "Acquisition." An agreement, arrangement or activity the  
10 consummation of which results in a ~~person~~ HEALTH CARE FACILITY <--  
11 acquiring direct or indirect control of another ~~person~~ HEALTH <--  
12 CARE FACILITY. The term includes the acquisition of voting  
13 securities and noncorporate interests, including assets, capital  
14 stock or membership interests or equity interests.

15 "Against the public interest."

16 A determination that an action is against the welfare or  
17 well-being of the general public of this Commonwealth.

18 "Agreement or transaction." An agreement or transaction as  
19 described under section 803-C(a).

20 "Attorney General." The Office of Attorney General of the  
21 Commonwealth.

22 "Capital distribution." A payment made, liability incurred  
23 or other consideration given by a target firm health system to a  
24 ~~person~~ HEALTH CARE FACILITY for the purchase, acquisition, <--  
25 redemption, repurchase, payment or retirement of capital stock  
26 or other equity interest of the target firm health system or as  
27 a dividend, return of capital or other distribution in respect  
28 of the target firm health system's capital stock or other equity  
29 interest.

30 "Community health needs assessment." An assessment that

1 complies with the requirements of 26 U.S.C. § 501(r)(3)  
2 (relating to exemption from tax on corporations, certain trusts,  
3 etc.).

4 "Contracting affiliation." As follows:

5 (1) The formation of a relationship between two or more  
6 entities that permits any of the following:

7 (i) The entities to negotiate jointly with carriers  
8 or third-party administrators over rates for professional  
9 medical services.

10 (ii) One entity to negotiate on behalf of the other  
11 entity with carriers or third-party administrators over  
12 rates for professional medical services.

13 (2) The term does not include an arrangement among  
14 entities under common ownership.

15 "Health system." As defined in section 809.2.

16 "HEALTH CARE FACILITY." AS DEFINED IN SECTION 103. <--

17 "Material amount." An amount ~~equal to \$25,000,000 or more.~~ <--

18 OF THE PURCHASE PRICE PAID OR TOTAL GROSS ASSETS BEING ACQUIRED, <--

19 WHICHEVER IS HIGHER, OF:

20 (1) \$10,000,000 IN A SOLO TRANSACTION; OR

21 (2) \$35,000,000 IN THE AGGREGATE DURING ONE CALENDAR  
22 YEAR.

23 "Material change." Any of the following:

24 (1) The sale, transfer, lease or other encumbrance of a  
25 material amount of a health system's assets or operations,  
26 including real property, employment groups, emergency  
27 departments or other units.

28 (2) A merger, an acquisition or a contracting  
29 affiliation with another health system ~~or provider~~ <--  
30 organization that is valued at a material amount.

1           (3) A capital distribution or similar reduction of a  
2           health system's equity capital by a material amount or the  
3           incursion of an obligation that commits the health system to  
4           making a capital distribution or similar reduction of equity  
5           by a material amount.

6           "Merger." A consolidation of two or more organizations,  
7           including two or more organizations joining through a common  
8           parent organization, or two or more organizations forming a new  
9           organization. The term does not include a corporate  
10           reorganization.

11           "Person." As defined in 1 Pa.C.S. § 1991 (relating to  
12           definitions).

13           ~~"Provider organization." A person or organized group of~~ <--  
14           ~~persons, whether incorporated or not, which is in the business~~  
15           ~~of health care delivery or management and that represents seven~~  
16           ~~or more physicians in contracting with carriers or third party~~  
17           ~~administrators for the payment of health care services. The term~~  
18           ~~includes a physician organization, physician hospital~~  
19           ~~organization, independent practice association, provider network~~  
20           ~~or accountable care organization.~~

21           ~~Section 802-C. Transactions against public interest~~ <--

22                   NOTIFICATION. <--

23           (a) General rule.--Except as provided under subsection (b),  
24           a person may not enter into an agreement or transaction  
25           involving a material change with a health system or provider <--  
26           organization in a manner that is against the public interest.

27           ANOTHER HEALTH CARE FACILITY UNLESS THE FIRST HEALTH CARE <--  
28           FACILITY COMPLIES WITH THE NOTIFICATION REQUIREMENTS UNDER THIS  
29           CHAPTER.

30           (b) Exception.--An action prohibited under subsection (a)

1 may be permitted when, as determined by the Attorney General,  
2 there is no feasible alternative to prevent a health system's  
3 closure or a greater loss of health services.

4 Section 803-C. Filing.

5 (a) General rule.--A health system or provider organization <--  
6 CARE FACILITY shall file a notification in accordance with <--  
7 subsection (c) and shall observe the waiting period under <--  
8 subsection (b) prior to entering into an agreement or  
9 transaction that results in a material change.

10 (b) Waiting period.--A health system or provider  
11 organization shall undergo a waiting period prior to entering  
12 into an agreement or transaction, which shall:

13 (1) begin on the date of receipt by the Attorney General  
14 of:

15 (i) the notification required under subsection (c);

16 or

17 (ii) if notification is not completed, the  
18 notification to the extent completed and a statement of  
19 the reasons for noncompliance with subsection (c) from  
20 both persons; and

21 (2) end:

22 (i) ninety FORTY-FIVE days following the date of <--  
23 receipt under paragraph (1) for all agreements or  
24 transactions; or

25 (ii) on a later date as may be prescribed under <--  
26 subsection (d) or section 808-C. IF EXTENDED AS <--  
27 PRESCRIBED UNDER SUBSECTION (D).

28 (c) Notice.--The notification of the transaction or  
29 agreement required under subsection (a) shall be submitted to  
30 the Attorney General on a form and in a manner developed by the

1 Attorney General. The notification shall include all of the  
2 following, if applicable:

<--

3 (1) All organic documents, including articles of  
4 incorporation, bylaws, operating agreements and other  
5 documents related to governance and ownership of each party.

6 (2) All complete transaction documents with attachments,  
7 including collateral or ancillary agreements involving  
8 officers, directors or employees.

9 (3) All documents signed by the principals, or their  
10 agents, that are necessary to determine the proposed  
11 transaction's effect, if any, on related or subsidiary  
12 business entities, whether nonprofit or for profit.

13 (4) Any of the following that comprise part or all of  
14 the transaction:

15 (i) Asset contribution agreements.

16 (ii) Operating agreements.

17 (iii) Management contracts.

18 (5) All information necessary to evaluate the effects of  
19 the transaction on each component of an integrated delivery  
20 system if that transaction involves a hospital, including any  
21 changes in contracts between the integrated delivery system  
22 entities and related physician groups.

23 (6) All financial documents of the transaction parties  
24 and related entities, if applicable, including audited  
25 financial statements, ownership records, business projection  
26 data, current capital asset valuation data and any records  
27 upon which future earnings, existing asset values and fair  
28 market value analysis can be based.

29 (7) All fairness opinions and independent valuation  
30 reports of the assets and liabilities of the parties,

1 ~~prepared on the parties' behalf.~~

2 ~~(8) A list of all donor restricted assets, together with~~  
3 ~~origination documents and current fund balances.~~

4 ~~(9) All relevant contracts that may affect value,~~  
5 ~~including business contracts and employee contracts, such as~~  
6 ~~buy out provisions, profit sharing agreements and severance~~  
7 ~~packages.~~

8 ~~(10) All information and representations disclosing~~  
9 ~~related party transactions that are necessary to assess~~  
10 ~~whether the transaction is at arm's length or involves self-~~  
11 ~~dealing.~~

12 ~~(11) All documents relating to noncash elements of the~~  
13 ~~transaction, including pertinent valuations of security for~~  
14 ~~loans and stock restrictions.~~

15 ~~(12) All tax related information, including the~~  
16 ~~existence of tax free debt subject to redemption and~~  
17 ~~disqualified person transactions yielding tax liability.~~

18 ~~(13) A list of ongoing litigation, including full court~~  
19 ~~captions, involving the transaction parties or their related~~  
20 ~~entities, that may affect the interests of the parties.~~

21 ~~(14) All information in the possession of the~~  
22 ~~transacting parties relative to the perspective of the health~~  
23 ~~system's patient base and communities served, or their~~  
24 ~~representatives.~~

25 ~~(15) All information, including internal and external~~  
26 ~~reports and studies, bearing on the effect of the proposed~~  
27 ~~transaction on the availability or accessibility of health~~  
28 ~~care in the affected community.~~

29 ~~(16) A complete list of all insurance plans under~~  
30 ~~contract and their expiration dates.~~

1 ~~(17) Organizational charts of the parties to the~~  
2 ~~transaction, as they exist both pre consummation and post~~  
3 ~~consummation of the transaction, detailing the relationship~~  
4 ~~between the principal parties, including any subsidiary.~~

5 ~~(18) All additional documents that the Attorney General~~  
6 ~~deems necessary for review purposes.~~

7 ~~(d) Additional information and waiting period extensions.~~

8 ~~(1) The Attorney General may, prior to the expiration of~~  
9 ~~the waiting period under subsection (b), INFORMATION REQUIRED <--~~  
10 ~~UNDER 15 U.S.C. § 18A (RELATING TO PREMERGER NOTIFICATION AND~~  
11 ~~WAITING PERIOD) AND REGULATIONS PROMULGATED UNDER THE LAW.~~

12 ~~(C) ADDITIONAL INFORMATION.--THE ATTORNEY GENERAL MAY~~  
13 ~~require the submission of additional information or~~  
14 ~~documentary material, including a community health needs~~  
15 ~~assessment, from a person HEALTH CARE FACILITY required to <--~~  
16 ~~file notification under subsection (e) (B), or from any <--~~  
17 ~~officer, director, partner, agent or employee of the person <--~~  
18 ~~HEALTH CARE FACILITY. <--~~

19 ~~(2) The Attorney General may, in its discretion, extend <--~~  
20 ~~the waiting period under subsection (b) for an additional 30-~~  
21 ~~days for a transaction after the date on which the Attorney~~  
22 ~~General receives either of the following from a person to~~  
23 ~~whom a request is made under paragraph (1):~~

24 ~~(i) all of the additional information and~~  
25 ~~documentary material requested; or~~

26 ~~(ii) if the request is not fully complied with, the~~  
27 ~~information and documentary material submitted and a~~  
28 ~~statement of the reasons for the noncompliance.~~

29 ~~(3) A further extension of the waiting period required~~  
30 ~~under subsection (b) must be granted by a court in accordance~~



1 ~~with section 806 C(2).~~

2 ~~(e) (D) Right-to-Know Law.--A document provided to the~~ <--  
3 ~~Attorney General under this chapter shall be exempt from public~~  
4 ~~access under the act of February 14, 2008 (P.L.6, No.3), known~~  
5 ~~as the Right-to-Know Law.~~

6 ~~(E) CONFIDENTIALITY OF AND RESTRICTIONS ON USE OF~~ <--  
7 ~~MATERIALS.--THE ATTORNEY GENERAL MAY NOT USE, AS GROUNDS FOR~~  
8 ~~PROSECUTIONS OR CIVIL ACTIONS UNRELATED TO THE TRANSACTION,~~  
9 ~~MATERIALS PROVIDED TO OR DISCLOSED UNDER THIS ACT TO THE~~  
10 ~~ATTORNEY GENERAL.~~

11 Section 804-C. Public hearings and notice.

12 ~~(a) General rule.--Prior to the expiration of the respective~~ <--  
13 ~~waiting period under section 803 C(b), along with any extension~~  
14 ~~granted under section 803 C(d), PRIOR TO THE EXPIRATION OF THE~~ <--  
15 ~~RESPECTIVE WAITING PERIOD UNDER FEDERAL LAW, ALONG WITH ANY~~  
16 ~~EXTENSION GRANTED UNDER FEDERAL LAW, the Attorney General shall~~ <--  
17 ~~MAY conduct one or more public hearings on the proposed~~ <--  
18 ~~agreement or transaction.~~

19 ~~(b) Format.--A public hearing required under subsection (a)~~ <--  
20 ~~shall be live-streamed on the Attorney General's publicly~~  
21 ~~accessible Internet website. A video recording of the public~~  
22 ~~hearing shall be posted on the Attorney General's publicly~~  
23 ~~accessible Internet website.~~

24 ~~(c) Specific entities.--If any agreement or transaction~~  
25 ~~involves acquiring a provider organization or a hospital or~~ <--  
26 ~~hospital system HEALTH CARE FACILITY, the Attorney General shall~~ <--  
27 ~~MAY hold a public hearing in any county in which the acquired~~ <--  
28 ~~entity is located to hear comments from interested parties.~~  
29 ~~Interested parties shall include legal aid and health advocacy~~  
30 ~~organizations within a county in which the acquired entity is~~

1 located. The Attorney General may request testimony at a hearing  
2 from State agencies subject to section 807-C(c).

3 ~~(d) Notice.--At least 14 days before the date of the public~~ <--  
4 ~~hearing, the~~ THE Attorney General shall provide written notice <--  
5 of the date, time and place of the public hearing:

6 (1) on the Attorney General's publicly accessible  
7 Internet website;

8 (2) through social and broadcast media;

9 (3) through publication in one or more newspapers of  
10 general circulation in the affected community; and

11 (4) to the governing body of each county in which the  
12 acquired entity is located.

13 (e) Substantive changes to proposal.--If a substantive  
14 change in the agreement or transaction is submitted to the  
15 Attorney General after the initial public hearing, the Attorney  
16 General may conduct an additional public hearing to hear  
17 comments from interested parties with respect to the change.

18 Section 805-C. Determination and restraining prohibited  
19 transactions.

20 ~~(a) Determination.--No later than the final date of~~ <--  
21 ~~expiration of the respective waiting period under section 803-~~  
22 ~~C(b), along with any extension granted under section 803 C(d),~~  
23 ~~the~~ THE Attorney General shall determine whether the proposed <--  
24 agreement or transaction is likely to create a material change  
25 that is against the public interest, after reviewing and <--  
26 evaluating the following:

27 ~~(1) the market share of a transacting party or the~~  
28 ~~change in market concentration or competition resulting from~~  
29 ~~the transaction;~~

30 ~~(2) the prices charged, or any likely changes in prices~~

1 ~~following the transaction, by either of the transacting~~  
2 ~~parties to individuals, employers or insurers for services,~~  
3 ~~including relative prices compared to other providers for the~~  
4 ~~same services in the same geographic area;~~

5 ~~(3) the quality of the services provided, or any likely~~  
6 ~~changes in the quality of services provided following the~~  
7 ~~transaction, by a health care provider party to the~~  
8 ~~transaction, including, but not limited to, patient~~  
9 ~~experience, performance on provider quality measures and~~  
10 ~~outcome measures, history of citations, inspection results~~  
11 ~~and enforcement actions taken by oversight entities;~~

12 ~~(4) the availability and accessibility of services or~~  
13 ~~any changes to the availability and accessibility of services~~  
14 ~~provided by either transacting party within its primary~~  
15 ~~service areas and dispersed service areas;~~

16 ~~(5) the impact of the material change transaction on~~  
17 ~~competing options for the delivery of health care services~~  
18 ~~within its primary service areas and dispersed service areas,~~  
19 ~~including, if applicable, the impact on existing service~~  
20 ~~providers of a large provider's expansion, corporate~~  
21 ~~affiliation, merger or acquisition, to enter a primary or~~  
22 ~~dispersed service area in which it did not previously~~  
23 ~~operate;~~

24 ~~(6) the role of the transacting parties in serving~~  
25 ~~vulnerable, underserved, government payer patient populations~~  
26 ~~or low income patient populations, rural communities, racial~~  
27 ~~and ethnic minorities, individuals with behavioral, substance~~  
28 ~~use disorder or mental health conditions and individuals with~~  
29 ~~other disabilities within the provider's primary service~~  
30 ~~areas and dispersed service areas and any likely impact to~~

1 ~~these populations;~~

2 ~~(7) the role of the transacting parties in providing low~~  
3 ~~margin or negative margin services within its primary service~~  
4 ~~areas and dispersed service areas and any likely impact to~~  
5 ~~these services;~~

6 ~~(8) consumer concerns, including, but not limited to,~~  
7 ~~complaints or other allegations that a large provider or~~  
8 ~~proposed owner has engaged in any unfair method of~~  
9 ~~competition or any unfair or deceptive act or practice as~~  
10 ~~defined in the act of December 17, 1968 (P.L.1224, No.387),~~  
11 ~~known as the Unfair Trade Practices and Consumer Protection~~  
12 ~~Law, and any likely increase in unfair methods of competition~~  
13 ~~or unfair or deceptive acts or practices in or affecting~~  
14 ~~health care commerce;~~

15 ~~(9) the methods used by either transacting party to~~  
16 ~~attract and retain patient volume, recruit, hire or retain~~  
17 ~~health care practitioners or acquire health care facilities;~~

18 ~~(10) the impact on wages paid by, or the number of~~  
19 ~~employees employed by, a health care entity involved in a~~  
20 ~~transaction;~~

21 ~~(11) the impact on wages, collective bargaining units~~  
22 ~~and collective bargaining agreements of existing or future~~  
23 ~~workers employed by a health care entity involved in a~~  
24 ~~transaction;~~

25 ~~(12) either transacting party's prior history or~~  
26 ~~relevant outcomes related to any of the factors under~~  
27 ~~paragraphs (1), (2), (3), (4), (5), (6), (7), (8), (9), (10)~~  
28 ~~and (11), including provider closure, reduction in workforce~~  
29 ~~or change in price, quality or availability of care following~~  
30 ~~a prior material change, in addition to any violations of~~

1 ~~relevant Federal law or regulations pertaining to healthcare,~~  
2 ~~competition, workforce or labor; and~~  
3 ~~(13) any other factors that the Attorney General~~  
4 ~~determines to be in the public interest.~~

5 (b) Action.--If the Attorney General determines that the  
6 proposed agreement or transaction is against the public interest  
7 under subsection (a), the Attorney General may commence an  
8 action in a court of competent jurisdiction to enjoin the  
9 agreement or transaction.

10 (c) Licensing.--A State license of a health care facility  
11 shall not be revoked, denied, impeded or cited for noncompliance  
12 due solely to a filing or review under this chapter.

13 Section 806-C. Compliance and power of court.

14 A ~~person~~ HEALTH CARE FACILITY, or any officer, director, <--  
15 partner, agent or employee of the ~~person~~ HEALTH CARE FACILITY, <--  
16 that substantially fails to comply with the notification  
17 requirement under ~~section 803 C(a)~~ THIS CHAPTER or any request <--  
18 for the submission of additional information or documentary  
19 material under ~~section 803 C(d)~~ THIS CHAPTER within the <--  
20 respective waiting period, along with any extension granted <--  
21 under ~~section 803 C(d)~~, the court may, in its discretion, do any  
22 or all of the following:

23 (1) Order compliance.

24 (2) Extend the waiting period until there has been  
25 substantial compliance.

26 (3) Grant other equitable relief as the court determines  
27 necessary or appropriate.

28 Section 807-C. Powers and duties of Attorney General.

29 (a) Rules and regulations.--The Attorney General, in  
30 consultation with the department, shall promulgate rules and

1 regulations as may be necessary to carry out and enforce the  
2 provisions of this chapter. The Attorney General and the  
3 department shall ensure that the rules and regulations of the  
4 Office of Attorney General and the department are not in  
5 conflict.

6 ~~(b) Contracts.~~

<--

7 ~~(1) The Attorney General may do the following:~~

8 ~~(i) Contract with, share information with and~~  
9 ~~consult and receive advice from any Federal agency or~~  
10 ~~Commonwealth agency as the Attorney General deems~~  
11 ~~appropriate to implement this chapter.~~

12 ~~(ii) At the Attorney General's sole discretion,~~  
13 ~~contract with experts or consultants to assist in~~  
14 ~~reviewing the proposed agreement or transaction.~~

15 ~~(2) The cost of a contract entered into under paragraph~~  
16 ~~(1) must be an amount that is reasonable and necessary to~~  
17 ~~conduct the review and evaluation. A contract shall be on a~~  
18 ~~noncompetitive bid basis.~~

19 ~~(3) The Attorney General shall be entitled to~~  
20 ~~reimbursement from the transaction parties seeking consent~~  
21 ~~for the agreement or transaction for 50% of all actual,~~  
22 ~~reasonable and direct costs incurred in reviewing, evaluating~~  
23 ~~and making a determination under section 805 C(a), including~~  
24 ~~administrative costs. The transaction parties shall pay the~~  
25 ~~Attorney General within 30 days of the request from the~~  
26 ~~Attorney General. The Attorney General may provide additional~~  
27 ~~time for the transaction parties to pay their share of the~~  
28 ~~costs, not to exceed 90 additional days. If the transaction~~  
29 ~~involves a merger or acquisition, the following shall apply:~~

30 ~~(i) Neither the Attorney General nor the acquiring~~

~~entity may seek reimbursement from the acquired entity for any costs under this paragraph and the acquiring entity shall be responsible for the full 50% of the costs. As part of any settlement, court decree or other agreement, the acquiring entity must agree that it will not recoup any of its share of the costs from the acquired entity.~~

~~(ii) An acquiring entity may petition a court of competent jurisdiction for a waiver of any or all of its share of the costs due to financial hardship or other factors that the court determines for good cause shown. The court shall determine whether the acquiring entity intentionally and knowingly mismanaged its funds for the purpose of becoming financially distressed to obtain approval under this subparagraph. If the court finds that the acquiring entity intentionally and knowingly mismanaged its funds for the purpose of becoming financially distressed to obtain approval under this subparagraph, the court may not grant the waiver petition.~~

~~(e) (B) Agency cooperation.--~~ <--

~~(1) The Department of Aging, the department, the Department of Human Services and the Insurance Department shall assist the Attorney General in reviewing the proposed agreement and transaction, if requested, and shall promptly comply with any request for testimony or information.~~

~~(2) The Attorney General shall comply with any request for information from MAY SHARE INFORMATION WITH the Insurance Department as may be PERMISSIBLY necessary and appropriate for the Insurance Department to concurrently review a~~ <-- <-- <--

1 proposed transaction under Article XIV of the act of May 17,  
2 1921 (P.L.682, No.284), known as The Insurance Company Law of  
3 1921. Documents provided by the Attorney General to the  
4 Insurance Department under this paragraph shall be treated as  
5 confidential and are ~~exempt from public access~~ NOT PUBLIC <--  
6 RECORDS SUBJECT TO COPYING AND DUPLICATION under the act of  
7 February 14, 2008 (P.L.6, No.3), known as the Right-to-Know  
8 Law.

9 SECTION 808-C. NONAPPLICABILITY. <--

10 THIS CHAPTER DOES NOT APPLY TO A PHYSICIAN OR PSYCHIATRIC  
11 PRACTICE, WHETHER A SOLE PROPRIETORSHIP, PARTNERSHIP, FOUNDATION  
12 OR CORPORATE ENTITY OF ANY KIND.

13 SECTION 809-C. EXPIRATION.

14 THIS ACT SHALL EXPIRE FOUR YEARS AFTER THE EFFECTIVE DATE OF  
15 THIS SECTION.

16 SECTION 810-C. STUDY AND REPORT BY HEALTH CARE COST CONTAINMENT  
17 COUNCIL.

18 WITHIN THREE YEARS OF THE EFFECTIVE DATE OF THIS SECTION, THE  
19 HEALTH CARE COST CONTAINMENT COUNCIL, AS AUTHORIZED UNDER 35  
20 PA.C.S. § 3309 (RELATING TO SPECIAL STUDIES AND REPORTS), SHALL  
21 PERFORM A STUDY ON THE EFFECTS OF THIS ACT AND SHALL REPORT ITS  
22 FINDINGS TO THE CHAIRPERSON AND MINORITY CHAIRPERSON OF THE  
23 HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE AND THE  
24 CHAIRPERSON AND MINORITY CHAIRPERSON OF THE HEALTH COMMITTEE OF  
25 THE HOUSE OF REPRESENTATIVES.

26 ~~Section 808-C~~ 811-C. Construction. <--

27 This chapter shall not be construed to:

28 (1) narrow, abrogate or otherwise alter the authority of  
29 the Attorney General to maintain competitive markets and  
30 prosecute or enforce violations of antitrust and unfair trade



1 practices laws; or

2 (2) prohibit any Federal agency, Commonwealth agency or  
3 other state agency from regulating an agreement or  
4 transaction or joining as party in an action seeking to  
5 enjoin an agreement or transaction, including the Insurance  
6 Department's jurisdiction to review an exposed transaction  
7 under Article XIV of the act of May 17, 1921 (P.L.682,  
8 No.284), known as The Insurance Company Law of 1921.

9 Section ~~809-C~~ 812-C. Severability. <--

10 The provisions of this chapter are severable. If any  
11 provision of this chapter or its application to any person <--  
12 HEALTH CARE FACILITY or circumstance is held invalid, the <--  
13 invalidity shall not affect other provisions or applications of  
14 this chapter which can be given effect without the invalid  
15 provision or application.

16 Section 2. This act shall take effect in 180 days.