

(Please Use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
~~City~~ of Lewis
~~Town~~
~~Village~~
Local Law No. 2 of the year 19 85

A local law WITH REFERENCE TO PHYSICIANS AND THE SAFETY, HEALTH
(Insert title)
AND WELL BEING OF THE RESIDENTS OF THE COUNTY OF LEWIS. -

Be it enacted by the Board of Legislators of the
(Name of Legislative Body)

County
~~City~~ of Lewis as follows:
~~Town~~
~~Village~~

(See Attached Sheets)

(If additional space is needed, please attach sheets of the same size as this and number each)

NO. 2 - 1985
LOCAL LAW ~~INTRODUCTORY XXXX 11-1985~~
COUNTY OF LEWIS

Introduced by Legislator Merz, Chairman of the Hospital Committee.

A LOCAL LAW WITH REFERENCE TO PHYSICIANS AND THE SAFETY, HEALTH AND WELL-BEING OF THE RESIDENTS OF THE COUNTY OF LEWIS.

Be it enacted by the Board of Legislators of the County of Lewis as follows:

Section 1. The following legislative findings are made:

This county legislature hereby finds that while there is no general law which authorizes any given county to contract with licensed physicians for the provision of general and specialized medical and surgical services to its residents, a county may adopt local laws relating to the safety, health and well-being of its residents pursuant to Municipal Home Rule Law 10 (1.) (ii) (a.) (12) and Article IX of New York State Constitution. Lewis County is a small and rural county and for many years its population has remained fairly static. Because of the rural nature of our county and the undue and unusual economic pressures that may, can or will or have arisen in connection therewith as exemplified in the day to day practice of certain licensed physicians, it can, from time to time be difficult, if not impossible, to keep and retain some of the licensed physicians already within the county for the care of our residents. At the time of the enactment of this local law there exists a financial crisis, not only state-wide, but within Lewis County, in connection with extremely high and onerous premiums for medical malpractice insurance as referenced to certain medical specialties and/or practices, which threatens to curtail the rendition of certain very necessary medical services by one or

more of our county physicians, which curtailment will be to the detriment and harm of our county residents and to our county hospital. The example of medical malpractice insurance premiums is given herein simply as illustrative and as an example of undue and onerous and unusual economic pressures/^{on} certain of our licensed physicians, and the citing of such example in no way is to be construed or meant to limit the impact, meaning, thrust and coverage of this local law. The purpose of this local law is to minimize or do away with the possibilities of locally practising physicians ceasing their medical coverage within our county to the detriment of the safety, health and well-being of our county residents. It is the feeling and conviction of this Board of Legislators that the best and most appropriate manner in which to protect our residents in this connection is by the authorization, within the confines of the Constitution of the United States, the Constitution of the State of New York and all applicable laws, rules and regulations, of individual contracts with individual physicians in any given case of onerous, undue or unusual economic pressures, with the determination being made that the contract is necessary to prevent the loss of the services of such a physician to the detriment of the safety, health and well-being of our residents. Such contracts must specify the services and considerations to be provided by the given physician running to the residents of the County of Lewis and to Lewis County General Hospital.

Section 2. The Lewis County Board of Legislators is hereby authorized to appropriate and, through Lewis County General

Hospital, a county hospital organized and existing under General Municipal Law of the State of New York, to expend public funds for the purpose of contracting with given physicians practicing within our county.

Section 3. The following criteria must be met in any contract with a given physician.

a. The given physician must be licensed under the laws of the State of New York and be practicing within the County of Lewis on a full time basis.

b. The given physician must be under undue or unusual or onerous expense or expenses in connection with his or her practice, which expense or expenses will or may be reasonably expected to force such physician to give up his or her practice within Lewis County.

c. The speciality or practice of the given physician must be determined to be essential for the safety, health and well-being of the residents of Lewis County.

d. The failure of the county to assist such physician by entering into a contract herein will or may reasonably be expected to force such physician to give up his medical practice within Lewis County to the detriment of the safety, health and well-being of the residents of Lewis County.

e. Explicit language is to be inserted specifying the services and considerations to be provided by the given physician to Lewis County General Hospital and the residents of the County of Lewis.

f. The contract must be in compliance with the Constitution of the United States, the Constitution of the State

of New York, and all applicable laws, rules and regulations.

Section 4. Full power and authority is hereby given and delegated to the Board of Managers of Lewis County General Hospital to implement the intent and effectuate the provisions of this local law, consistent with the Constitution of the United States, the Constitution of the State of New York, this local law, and all applicable laws, rules and regulations as follows:

a. Determine the manner in which public funds will be expended.

b. Determine the specific language of the contract.

c. Make, execute and deliver any and all contracts, papers and documents in connection herewith, affixing the seal of our county thereto.

d. Take any and all necessary actions as may be proper and appropriate hereunder.

Section 5. That the within local law shall take effect immediately.

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(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 19 85
County
of the ~~City~~ City of Lewis was duly passed by the Board of Legislators
~~Town~~ ~~Village~~ (Name of Legislative Body)
on September 3rd 1985 in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval or no disapproval by Elective Chief Executive Officer, or repassage after disapproval.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19_____
County
of the ~~City~~ City of _____ was duly passed by the _____
~~Town~~ ~~Village~~ (Name of Legislative Body)
on _____ 19_____ and was approved _____ by the _____
not disapproved _____ repassed after disapproval Elective Chief Executive Officer *
and was deemed duly adopted on _____ 19_____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19_____
County
of the ~~City~~ City of _____ was duly passed by the _____
~~Town~~ ~~Village~~ (Name of Legislative Body)
on _____ 19_____ and was approved _____ by the _____
not disapproved _____ repassed after disapproval Elective Chief Executive Officer *
on _____ 19_____. Such local law was submitted to the people by reason of a
mandatory ~~permissive~~ referendum, and received the affirmative vote of a majority of the qualified electors voting
~~general~~ general
thereon at the special election held on _____ 19_____, in accordance with the appli-
annual
cable provisions of law.

4. (Subject to permissive referendum, and final adoption because no valid petition filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19_____
County
of the ~~City~~ City of _____ was duly passed by the _____ on
~~Town~~ ~~Village~~ (Name of Legislative Body)
_____ 19_____ and was approved _____ by the _____ on
not disapproved _____ repassed after disapproval Elective Chief Executive Officer *
_____ 19_____. Such local law being subject to a permissive referendum and no
valid petition requesting such referendum having been filed, said local law was deemed duly adopted on
_____ 19_____, in accordance with the applicable provisions of law.

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village or the supervisor of a town, where such officer is vested with power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19..... of the City of..... having been submitted to referendum pursuant to the provisions of § 36 § 37 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the special election held on general 19 became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as Local Law No. of 19..... of the County of, State of New York, having been submitted to the Electors at the General Election of November, 19, pursuant to subdivisions 5 and 7 of Section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

Morathy, E. Kotel

Clerk of the County legislative body, City of Xof X Town of X Village of X
Xof X Designated by Local Law X Xof X

Date: September 6, 1985

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK

COUNTY OF Lewis

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto

Kenneth B. Wolfe

Kenneth B. Wolfe Signature

County Attorney

Title

Date: September 6, 1985

County

Xof X
X Town of X
X Village of X

Lewis