§ 2999-u. Licensure. 1. The commissioner shall license an entity applying for licensure as a PACE organization if the applicant demonstrates to the satisfaction of the commissioner that the applicant will:

(a) comply with the requirements of a PACE organization under applicable federal law and regulations;

(b) provide a facility or facilities at which primary care and other services are furnished to enrollees;

(c) provide an interdisciplinary team approach to care management, care delivery and care planning;

(d) comply with this article, the applicable provisions of articles twenty-eight, thirty-six and forty-four of this chapter and regulations thereunder, and regulations of the commissioner under this article; and

(e) enter into a PACE organization contract and agreement with the department and CMS.

2. (a) A PACE organization shall serve an approved geographic service area.

(b) A PACE organization and its incorporators, directors, sponsors, stockholders, members, and operators shall have the experience, competence, and standing in the community as to give reasonable assurance of their ability to operate the organization to provide a consistently high level of care for enrollees and comply with this article. A PACE organization shall demonstrate that where any incorporator, director, sponsor, stockholder, member, or operator of the organization holds, or within the past seven years has held, a controlling interest or been a controlling person in an organization or facility licensed under this chapter, a consistently high level of care has been rendered in each such organization or facility.

(c) A PACE organization shall meet requirements for financial solvency under paragraph (c) of subdivision one of section forty-four hundred three of this chapter, including a contingent reserve requirement which may, by regulations of the commissioner, be different from that required by that paragraph.

(d) A PACE organization shall be deemed to be a health maintenance organization under article forty-four of this chapter for purposes of subdivision one of section sixty-five hundred twenty-seven of the

education law.

3. (a) The commissioner shall establish in regulation a unified licensure process for PACE organizations that includes the applicable program requirements of this article and articles twenty-eight, thirty-six and forty-four of this chapter.

(b) A license under this article shall require approval of the public health and health planning council.