§ 3611. Operation of home care services agency. 1. Any home care services agency which seeks licensure pursuant to section three thousand six hundred five of this chapter or a certificate of approval pursuant to section three thousand six hundred six of this chapter and which would be operated by a person, partnership, limited liability company, or a corporation any of the members of which are not natural persons or which would be operated by a corporation any of the stock of which is owned by another corporation shall:

(a) establish a corporation or limited liability company within the state;

(b) submit to a character and competence review of any stockholder or member holding ten percent or more of the stock in said corporation or limited liability company, as well as of any parent or health related subsidiary corporation;

(c) grant authority to the New York state corporation or limited liability company to have full legal authority over the operation of the home health services agency;

(d) disclosure of information relative to stockholders or members as may be required by the commissioner to determine character and competence; and

(e) designate an agent for service of process pursuant to section three hundred five of the business corporation law or section three hundred two of the limited liability company law, as the case may be.

2. The public health and health planning council shall not act upon an application for licensure or a certificate of approval for any agency referred to in subdivision one of this section unless it is satisfied as to the character, competence and standing in the community of the proposed incorporators, directors, sponsors, controlling persons, principal stockholders of the parent corporation, health related subsidiary corporation and the New York state corporation established pursuant to paragraph (a) of subdivision one of this section. For the purposes of this section the public health and health planning council may adopt rules and regulations relative to what constitutes parent and subsidiary corporations.