§ 4603-a. Residential health care demonstration facilities. 1. The commissioner, upon approval of the continuing care retirement community council and the public health council shall issue a certificate of incorporation of up to three residential health care demonstration facilities. Notwithstanding any provision of article twenty-eight of this chapter or any other provisions of law to the contrary, the public health council may approve without regard to the requirement of public need as set forth in subdivision three of section twenty-eight hundred one-a of this chapter, a certificate of incorporation or application for establishment of such facilities.

2. Not more than one hundred eighty residential health care demonstration facility beds shall be authorized and established in this state pursuant to this article.

3. In determining an application filed under article twenty-eight of this chapter, the public health council shall consider the number of elderly persons residing in and receiving services from each health systems agency established under the provisions of subdivision (c) of section twenty-nine hundred four of this chapter and such other information as the public health council may require to determine whether such system will promote the health and welfare of the elderly persons to whom it proposes to provide services.

4. An operating certificate issued pursuant to an application filed by a residential health care demonstration facility shall be conditioned upon an agreement by the operator of the facility to provide services only to persons who have been residents of the independent living units or adult care facility within the comprehensive system for at least thirty days prior to the admission of such person to the residential health care facility, unless the commissioner for good cause shown approves a waiver of such condition which may be effective only during the first twenty-four months after the issuance of the operating certificate.

5. The provisions of this article shall not apply to residential health care demonstration facilities, unless otherwise provided in this

section or subdivision three of section forty-six hundred four of this article.

6. An application for approval pursuant to this section must be filed with the department on or before June thirtieth, nineteen hundred ninety-two.

7. Notwithstanding any other provision of this article, a residential health care facility heretofore established as a residential health care demonstration facility may hereafter provide services to persons who, for at least thirty days prior to the admission of such person to the residential health care facility, have been residents of any independent living unit or adult care facility operated by any not-for-profit corporation affiliated with such residential health care facility and located within the same county, provided that such residential health care facility becomes duly qualified to provide services to persons eligible for medical assistance under title eleven of article five of the social services law, and further provided that such residential health care facility remains an integrated part of a comprehensive system of residential and support services for the elderly as such system is described in this section and in subdivision sixteen of section forty-six hundred one of this article.