

(iv) that the applicant has a surplus, as defined in § 14-117 of this subtitle, of the greater of:

1. \$100,000; and
2. an amount equal to that required under § 14-117 of this subtitle; and

(v) that, except for a nonprofit health service plan that insures between 1 and 10,000 covered lives in the State, the nonprofit health service plan's corporate headquarters is located in the State.

(b) If the Commissioner determines that a nonprofit health [services] SERVICE plan does not continue to satisfy the requirements of this subtitle, the Commissioner may disapprove the renewal of the certificate of authority of the nonprofit health service plan.

(C) THE COMMISSIONER SHALL CONSIDER AN ENTITY'S INABILITY TO COMPLY WITH THE REQUIREMENTS OF § 14-102(C) OF THIS SUBTITLE AS A RESULT OF A CONFLICT WITH THE LEGISLATIVELY ENACTED CHARTER OF THE ENTITY OR THE LAWS OR ADMINISTRATIVE RULES OR REGULATIONS OF THE JURISDICTION OF DOMICILE OF THE ENTITY IN DETERMINING WHETHER TO ISSUE OR RENEW A CERTIFICATE OF AUTHORITY UNDER THIS SECTION.

14-115.

(b) This section applies to a nonprofit health service plan that is:

- (1) issued a certificate of authority in the State[, whether or not]; AND
- (2) organized under the laws of [this] THE State.

(c) (1) The business and affairs of a nonprofit health service plan shall be managed under the direction of a board of directors.

(2) (I) The board and its individual members are fiduciaries and shall act:

[(i)] 1. in good faith;

[(ii)] 2. in a manner that is reasonably believed to be in the best interests of the corporation and its controlled affiliates or subsidiaries that offer health benefit plans;

[(iii)] 3. [in a manner that is reasonably believed to be in furtherance of the corporation's nonprofit mission] IN A MANNER THAT IS ~~CONSISTENT WITH THE MISSION OF~~ REASONABLY BELIEVED TO BE IN FURTHERANCE OF THE MISSION OF THE CORPORATION AS A NONPROFIT HEALTH SERVICE PLAN AS REQUIRED UNDER § 14-102(C) OF THIS SUBTITLE; and

[(iv)] 4. with the care that an ordinarily prudent person in a like position would use under similar circumstances.