

(I) FAILING TO COMPLY WITH THE NOTICE REQUIREMENTS OF § 360C OF THIS ARTICLE;

(II) WILLFULLY HINDERING ANY EXAMINATION OF A NONPROFIT HEALTH SERVICE PLAN OR OF ITS AFFILIATES OR SUBSIDIARIES; ~~AND OR~~

(III) FAILURE OF A DIRECTOR TO ATTEND AT LEAST ~~70%~~ 65% OF THE MEETINGS OF THE BOARD DURING ANY PERIOD OF 12 CONSECUTIVE MONTHS.

(B) (1) (I) IF THE COMMISSIONER BELIEVES THAT AN OFFICER OR DIRECTOR OF A NONPROFIT HEALTH SERVICE PLAN HAS ENGAGED IN AN UNSAFE OR UNSOUND BUSINESS PRACTICE, THE COMMISSIONER SHALL SEND A WARNING TO THE OFFICER OR DIRECTOR.

(II) A COPY OF THE WARNING SHALL BE DELIVERED TO THE SECRETARY OF LICENSING AND REGULATION.

(2) A COPY OF THE WARNING SHALL BE SENT BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, BEARING A POSTMARK FROM THE UNITED STATES POSTAL SERVICE, TO EACH DIRECTOR OF THE NONPROFIT HEALTH SERVICE PLAN.

(3) IF THE NONPROFIT HEALTH SERVICE PLAN IS A CORPORATION INCORPORATED IN A STATE OTHER THAN THIS STATE, THE COMMISSIONER SHALL SEND A COPY OF THE WARNING TO THE INSURANCE COMMISSIONER FOR THE STATE WHERE THE CORPORATION IS INCORPORATED.

(C) IF THE NONPROFIT HEALTH SERVICE PLAN IS INCORPORATED IN THIS STATE:

(1) THE COMMISSIONER MAY REMOVE THE OFFICER OR DIRECTOR IF THE COMMISSIONER DETERMINES, AFTER A HEARING, THAT THE UNSAFE OR UNSOUND BUSINESS PRACTICE CONTINUED AFTER THE WARNING.

(2) A COPY OF THE REMOVAL ORDER SHALL BE SERVED ON THE INDIVIDUAL REMOVED AND THE DIRECTORS OF THE NONPROFIT HEALTH SERVICE PLAN.

(3) THE INDIVIDUAL REMOVED IS ENTITLED TO A HEARING UNDER SUBTITLE 2 OF THIS ARTICLE.

(4) ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE COMMISSIONER UNDER THIS SECTION MAY APPEAL THE DECISION UNDER § 40 OF THIS ARTICLE.

360C.

~~IN ADDITION TO COMPLYING WITH THE REQUIREMENTS OF § 58A OF THIS ARTICLE, IF AN OFFICER OR DIRECTOR KNOWS THAT A NONPROFIT HEALTH SERVICE PLAN OR ANY AFFILIATE OR SUBSIDIARY OF THE PLAN IS IMPAIRED, THE OFFICER OR DIRECTOR SHALL IMMEDIATELY NOTIFY THE COMMISSIONER OF THE IMPAIRMENT. THIS SECTION DOES NOT APPLY WHERE THE COMMISSIONER HAS ALREADY BEEN NOTIFIED OF THE IMPAIRMENT BY ANOTHER OFFICER OR DIRECTOR OR THE CHIEF EXECUTIVE OFFICER.~~