

~~(i) the fair value of the public or charitable assets of a [nonprofit health service plan or a] health maintenance organization will be distributed to the Maryland Health Care Foundation that was established in § 20-502 of the Health General Article; or~~

~~(ii) 1. 40% of the fair value of the public or charitable assets of a nonprofit hospital will be distributed to the Maryland Health Care Foundation that was established in § 20-502 of the Health General Article; and~~

~~2. 60% of the fair value of the public or charitable assets of a nonprofit hospital will be distributed to a public or nonprofit charitable entity or trust that is:~~

~~A. dedicated to serving the unmet health care needs of the affected community;~~

~~B. dedicated to promoting access to health care in the affected community;~~

~~C. dedicated to improving the quality of health care in the affected community; and~~

~~D. independent of the transferee; and~~

~~(3) ensure that no part of the public or charitable assets of the acquisition inure directly or indirectly to an officer, director, or trustee of a nonprofit health entity.~~

~~(e) The regulating entity may determine that a distribution of assets of a nonprofit health entity is not required under this section if the transaction is:~~

~~(1) determined not to be an acquisition;~~

~~(2) in the ordinary course of business; and~~

~~(3) for fair value.~~

~~(d) In determining fair value, the appropriate regulating entity may consider all relevant factors, including, as determined by the regulating entity:~~

~~(1) the value of the nonprofit health entity or an affiliate or the assets of such an entity that is determined as if the entity had voting stock outstanding and 100% of its stock was freely transferable and available for purchase without restriction;~~

~~(2) the value as a going concern;~~

~~(3) the market value;~~

~~(4) the investment or earnings value;~~

~~(5) the net asset value; and~~

~~(6) a control premium, if any.~~