

~~(e) In determining whether an acquisition is in the public interest, the appropriate regulating entity shall consider:~~

~~(1) whether the transferor exercised due diligence in deciding to engage in an acquisition, selecting the transferee, and negotiating the terms and conditions of the acquisition;~~

~~(2) the procedures the transferor used in making the decision, including whether appropriate expert assistance was used;~~

~~(3) whether any conflicts of interest were disclosed, including conflicts of interest of board members, executives, and experts retained by the transferor, transferee, or any other parties to the acquisition;~~

~~(4) whether the transferor will receive fair value for its public or charitable assets;~~

~~(5) whether public or charitable assets are placed at unreasonable risk if the acquisition is financed in part by the transferor;~~

~~(6) whether the acquisition has the likelihood of creating a significant adverse effect on the availability or accessibility of health care services in the affected community;~~

~~(7) whether the acquisition includes sufficient safeguards to ensure that the affected community will have continued access to affordable health care; and~~

~~(8) whether any management contract under the acquisition is for fair value.~~

~~6.5-303.~~

~~In determining whether to approve an acquisition of a [nonprofit health service plan or a] nonprofit health maintenance organization, the Administration shall consider:~~

~~(1) the criteria listed in § 6.5-301 of this subtitle; and~~

~~(2) whether the acquisition:~~

~~(i) is equitable to enrollees, insureds, shareholders, and certificate holders, if any, of the transferor;~~

~~(ii) is in compliance with Title 2, Subtitle 6 of the Corporations and Associations Article;~~

~~(iii) ensures that the transferee will possess surplus in an amount sufficient to:~~

~~1. comply with the surplus required under law; and~~

~~2. provide for the security of the transferee's certificate holders and policyholders.~~