

(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.

(F) THE PUBLIC OR CHARITABLE ASSETS DISTRIBUTED TO A PUBLIC OR NONPROFIT CHARITABLE ENTITY OR TRUST IN ACCORDANCE WITH SUBSECTION (B)(2) OF THIS SECTION SHALL BE IN THE FORM OF CASH.

~~(F)~~ (G) THE APPROPRIATE REGULATING ENTITY SHALL DETERMINE:

~~(1) IF ALL OR PART OF THE PUBLIC OR CHARITABLE ASSETS DISTRIBUTED TO A PUBLIC OR NONPROFIT CHARITABLE ENTITY OR TRUST IN ACCORDANCE WITH SUBSECTION (B)(2) OF THIS SECTION MUST BE IN THE FORM OF CASH; AND~~

~~(2) WHETHER A PAYMENT BY A NONPROFIT HEALTH ENTITY, REQUIRED UNDER AN AGREEMENT OR CONTRACT FOR THE ACQUISITION OF A NONPROFIT HEALTH ENTITY IF THE AGREEMENT OR CONTRACT IS BROKEN BY THE NONPROFIT HEALTH ENTITY, IS IN THE PUBLIC INTEREST.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2002.

Approved April 25, 2002.

CHAPTER 155

(Senate Bill 487)

AN ACT concerning

Acquisition of Nonprofit Health Entity - Conditions for Approval

FOR the purpose of altering a certain standard for making a certain determination; eliminating a certain provision deeming a certain application approved under