

(C) (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 ~~MARKET~~ VALUE FOR ITS PUBLIC OR CHARITABLE ASSETS;

(5) WHETHER ~~CHARITABLE FUNDS~~ 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 ~~MARKET~~ VALUE.

6.5-302.

IN DETERMINING WHETHER TO APPROVE AN ACQUISITION OF A NONPROFIT HOSPITAL, THE ATTORNEY GENERAL SHALL CONSIDER:

(1) THE CRITERIA LISTED IN § 6.5-301 OF THIS SUBTITLE; AND

(2) WHETHER THE AFFECTED COMMUNITY WILL HAVE CONTINUED ACCESS TO AFFORDABLE HEALTH CARE.

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: