Article - State Government

[Previous][Next]

§6.5–201.

(a) (1) A person that seeks to engage in an acquisition of a nonprofit health entity shall submit an application to the appropriate regulating entity.

(2) The application submitted under paragraph (1) of this subsection shall be in addition to any other filing required by law.

(b) An application shall include:

(1) the name of the transferor;

(2) the name of the transferee;

(3) the names of any other parties to the acquisition agreement;

(4) the terms of the proposed acquisition, including the sale price;

(5) a copy of the acquisition agreement;

(6) a financial and community impact analysis report from an independent expert or consultant that addresses the criteria in § 6.5-301 of this title;

(7) an independent valuation of the nonprofit health entity that was obtained prior to the consideration of any bid or offer to acquire the nonprofit health entity;

(8) an antitrust analysis prepared by an appropriate expert; and

(9) any other documents related to the acquisition.

(c) (1) On request to the regulating entity, and subject to paragraphs (2), (3), and (4) of this subsection, an application and related documents shall be available for public inspection and copying.

(2) Except as provided in paragraphs (3) and (4) of this subsection or otherwise by law, all information and documents that are filed with the regulating entity in compliance with the requirements of this title or that are reported to, obtained by, or otherwise disclosed to the regulating entity or any other person in the course of an examination or investigation made under this title:

(i) are confidential material;

(ii) are not subject to subpoena; and

(iii) may not be made public by the regulating entity or any other

person.

(3) Material that otherwise is confidential under paragraph (2) of this subsection may be made public by any person to whom the nonprofit health entity to which the material relates gives prior written consent.

(4) If, after giving a nonprofit health entity notice and an opportunity to be heard, the regulating entity determines that it is in the interest of the policyholders, stockholders, or the public to make public any material relating to the nonprofit health entity that otherwise is confidential under paragraph (2) of this subsection, the regulating entity may make public all or part of the material in an appropriate manner.

[Previous][Next]