

31A-8-204 Articles and bylaws.

- (1) The articles of a nonprofit organization shall conform to Subsections 16-6a-202(1)(a) through (e). The articles of other organizations shall conform to Section 16-10a-202. In addition:
 - (a) the powers of the corporation shall be limited to those permitted under Section 31A-8-105;
 - (b) the articles shall state whether the organization is a health maintenance organization or a limited health plan;
 - (c) the articles shall state the services to be provided or for which indemnity is to be paid, which services provided and indemnity guaranteed shall be consistent with the organization's designation under Subsection (1)(b);
 - (d) the articles shall state that as to health care services for which individual providers are required to be licensed, the services provided by the organization shall be provided by persons properly licensed to perform the services;
 - (e) the articles shall state whether providers of services are subject to assessment or withholding to pay operating costs or financial deficits;
 - (f) the articles shall state, for organizations having members, how persons become members and that only members vote; and
 - (g) the articles of an organization not having members shall state how the directors of the organization shall be selected and removed.
- (2) The articles or bylaws shall designate three or more officers as the principal officers of the corporation. The principal offices shall be held by at least three separate natural persons.
- (3) Section 31A-5-219 applies to amendments to articles of organizations.
- (4) Organizations shall adopt and maintain bylaws. Section 16-6a-206 applies to organizations, except for the statement that bylaws need not be adopted.

Amended by Chapter 364, 2008 General Session