

## Article - Insurance

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§14–509.

- (a) The Commissioner shall regulate the Plan.
- (b) Except as otherwise provided in this subtitle, the Plan is not subject to the insurance laws of the State.
- (c) Except as provided in subsection (d) of this section, the Plan shall be subject to:
  - (1) §§ 2–205, 2–207, 2–208, and 2–209 of this article;
  - (2) §§ 15–112, 15–112.1, 15–113, and 15–130 of this article;
  - (3) §§ 15–401, 15–402, 15–403, and 15–403.1 of this article;
  - (4) §§ 15–830, 15–831, and 15–833 of this article;
  - (5) §§ 15–1001, 15–1003, 15–1004, 15–1005, 15–1006, 15–1007, 15–1008, and 15–1009 of this article;
  - (6) Title 15, Subtitles 10A, 10B, and 10D of this article; and
  - (7) §§ 27–303 and 27–304 of this article.
- (d)
  - (1) The Plan is not subject to § 15–10B–12 of this article.
  - (2) This subsection does not limit the authority of the Commissioner to impose the penalty authorized under § 15–10B–12 of this article on a private review agent conducting utilization review on behalf of the Plan.
- (e)
  - (1) The Commissioner may not impose a fine or administrative penalty on the Plan.
  - (2) If the Commissioner finds that the Plan has violated a provision of this subtitle, the Commissioner may require the Plan to make restitution to each claimant who has suffered actual economic damages because of the violation.
  - (3) Subject to the terms of the master plan document, the restitution authorized under paragraph (2) of this subsection may not exceed the amount of actual economic damages sustained by the claimant.
  - (4) This subsection does not limit the authority of the Commissioner to take action against any person with respect to any provision of this article, other than this subtitle, that is applicable to that person.

(f) (1) The Commissioner shall:

(i) provide a copy of an adopted examination report or the results of any review conducted under this subtitle to the Board; and

(ii) make recommendations for corrective action to be taken by the Board.

(2) (i) Based on the Commissioner's recommendations provided under paragraph (1) of this subsection, the Board shall determine the steps necessary to implement corrective action to comply with the provisions of this subtitle, including whether to exercise any remedies available to the Board under the contract between the Board and the Plan Administrator.

(ii) If the Board exercises its right to impose fiscal sanctions or liquidated damages under the terms of a contract between the Board and the Plan Administrator, the moneys shall be deposited in the Fund.

(3) This subsection does not limit the authority of the Commissioner to:

(i) impose the penalty under § 15–10B–12 of this article on a private review agent conducting utilization review on behalf of the Plan; or

(ii) impose the penalties under Title 8, Subtitle 3 of this article on a third party administrator operating on behalf of the Plan.

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