

Article - Insurance

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§2-104.

(a) (1) Subject to the approval of the Governor, the Commissioner shall appoint a Deputy Commissioner.

(2) The Deputy Commissioner is in the executive service of the State Personnel Management System and is entitled to compensation in accordance with the State budget.

(3) The Deputy Commissioner shall be covered by a surety bond in the form and amount required by law.

(4) The Deputy Commissioner shall exercise the powers and perform the duties vested by law in the Commissioner:

(i) if the office of the Commissioner is vacant; or

(ii) if for any reason the Commissioner is absent or unable to exercise the powers and perform the duties of office.

(b) The Commissioner may appoint employees to head divisions or sections established under § 2-102 of this subtitle or for any special purpose that the Commissioner designates.

(c) (1) The Commissioner shall appoint an actuary.

(2) The Commissioner may appoint assistant actuaries.

(3) The actuary and assistant actuaries shall:

(i) perform the actuarial duties of the Administration;

(ii) examine or help to examine insurers; and

(iii) perform any other duties that the Commissioner assigns.

(d) (1) The Commissioner shall appoint a chief examiner.

(2) The Commissioner may appoint assistant examiners.

(3) The chief examiner and assistant examiners shall examine or help to examine insurers and other persons subject to examination under this article.

(e) (1) The Commissioner shall appoint an auditor and examiner for the Administration.

(2) The auditor and examiner shall:

(i) examine and audit the annual statements of all authorized insurers;

(ii) examine and audit the books, accounts, and affairs of the Administration; and

(iii) perform any other auditing that the Commissioner directs.

(f) (1) The Commissioner may appoint investigators, accountants, and statisticians.

(2) As directed by the Commissioner, the investigators shall investigate, in the State, violations or alleged violations of this article, including insurance fraud as defined in § 27-801 of this article.

(g) (1) The Administration shall be represented by the Office of the Attorney General.

(2) The Administration shall have:

(i) a principal counsel who is an assistant Attorney General; and

(ii) other assistant Attorneys General, including assistant Attorneys General specifically assigned to the Fraud Division, as provided by the State budget.

(3) The Commissioner may employ on a full-time basis other attorneys at law as the Commissioner considers necessary.

(h) The Commissioner may appoint any other assistants and clerks that are necessary to help the Commissioner in performing the duties of the Commissioner under this article.

(i) The Commissioner may procure, on a fee or part-time basis or both, actuarial, legal, technical, or other professional services, including the services of independent review organizations and medical experts.

(j) (1) Subject to approval by the Board of Public Works under the State Finance and Procurement Article, the Commissioner may enter into contracts for performance of licensing services under this article with persons that are not governmental entities.

(2) A contract authorized under this subsection:

(i) shall specify the amount of any administrative charge required under this subsection and the manner in which the charge will be collected;

(ii) shall limit the administrative charge to the cost to the contractor

of providing the service specified by the contract; and

(iii) may require the contractor to collect any fees required under this article and remit them to the General Fund of the State.

(3) The Commissioner may require an amount equivalent to the administrative cost of providing licensing services to be paid directly to a contractor by any person who is an applicant for a certificate of authority or certificate of qualification issued by the Commissioner or any insurer, health maintenance organization, nonprofit health service plan, fraternal benefit society, the Maryland Automobile Insurance Fund, or other entity operating in this State under a certificate of authority issued by the Commissioner.

(k) The Commissioner shall appoint or contract with a physician and may appoint or contract with other health care providers for the purpose of assisting the Commissioner in performing those duties of the Commissioner that relate to the regulation of health insurance and health maintenance organizations.

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