

Article - Insurance

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§2–215.

- (a) An appeal under this subtitle may be taken only from:
 - (1) an order resulting from a hearing;
 - (2) a refusal by the Commissioner to grant a hearing; or
 - (3) a decision issued under § 15–10A–04 of this article.
- (b) An appeal under this subtitle may be taken by:
 - (1) a party to the hearing;
 - (2) an aggrieved person whose financial interests are directly affected by the order resulting from a hearing or refusal to grant a hearing; or
 - (3) a party to the decision issued under § 15–10A–04 of this article.
- (c) (1) Subject to paragraph (2) of this subsection, an appeal under this subtitle shall be taken:
 - (i) to the Circuit Court for Baltimore City; or
 - (ii) if a party to an appeal is an individual, to the circuit court of the county where the individual resides.
 - (2) If the appeal is from the suspension or revocation of a certificate of authority of a domestic insurer or license of an insurance producer, adviser, or public adjuster, an appeal may be taken to the circuit court of the county where:
 - (i) the domestic insurer has its principal place of business; or
 - (ii) the licensee or certificate holder resides.
- (d) To take an appeal, a person shall file a petition for judicial review with the appropriate circuit court within 30 days after:
 - (1) the order resulting from the hearing was served on the persons entitled to receive it;
 - (2) the order of the Commissioner denying rehearing or reargument was served on the persons entitled to receive it;
 - (3) the refusal of the Commissioner to grant a hearing; or

(4) the decision issued under § 15–10A–04 of this article was served on the persons entitled to receive it.

(e) (1) An appeal under this subtitle shall be captioned in accordance with the Maryland Rules.

(2) On application to the court, any person may be added as a party, as the court directs, if:

(i) the financial interests of the person are or may be directly affected by the matter on appeal; or

(ii) the person may be aggrieved by the matter on appeal.

(f) When a petition for judicial review is filed with the appropriate court, the court has jurisdiction over the case and shall determine whether the filing operates as a stay of the order or action from which the appeal is taken.

(g) (1) In an appeal of an order resulting from a hearing, after receiving a copy of the petition for judicial review and within the time specified in the Maryland Rules, the Commissioner shall file in the court in which the appeal is pending:

(i) a copy of the order of the Commissioner from which the appeal is taken;

(ii) a complete transcript, certified by the Commissioner, of the record on which the order was issued; and

(iii) all exhibits and documentary evidence introduced at the hearing.

(2) In an appeal of a refusal by the Commissioner to grant a hearing, within the time specified in the Maryland Rules, the Commissioner shall file in the court in which the appeal is pending certified copies of all documents on file with the Commissioner that directly relate to the matter on appeal.

(3) In an appeal of a decision issued under § 15–10A–04 of this article, after receiving a copy of the petition for judicial review and within the time specified in the Maryland Rules, the Commissioner shall file in the court in which the appeal is pending:

(i) a copy of the decision of the Commissioner from which the appeal is taken;

(ii) a copy of the report of the independent review organization or medical expert; and

(iii) all documentary evidence provided to the Commissioner and the independent review organization or medical expert that directly relates to the matter

on appeal.

(h) The court to which an appeal is taken may:

(1) affirm the decision of the Commissioner;

(2) remand the case for further proceedings; or

(3) reverse or modify the decision of the Commissioner if substantial rights of the petitioners may have been prejudiced because administrative findings, inferences, conclusions, or decisions:

(i) violate constitutional provisions;

(ii) exceed the statutory authority or jurisdiction of the Commissioner;

(iii) are made by unlawful procedure;

(iv) are affected by other error of law;

(v) are unsupported by competent, material, and substantial evidence in view of the entire record, as submitted; or

(vi) are arbitrary or capricious.

(i) Costs of an appeal shall be awarded as in civil actions.

(j) (1) Any party, including the Commissioner, may appeal from the judgment of the circuit court to the Court of Special Appeals as in other civil cases.

(2) The judgment of the circuit court may be stayed only by order of court on the giving of any security that the court considers proper.

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