

SB0811/367471/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 811

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Senator Astle” and substitute “Senators Astle, Garagiola, Glassman, Kelley, Klausmeier, Middleton, Pugh, and Muse”; in line 3, after “of” insert “requiring the Fraud Division of the Maryland Insurance Administration to investigate certain allegations and to impose certain penalties under certain circumstances;”; in line 12, after “circumstances;” insert “providing for the effect of this Act;”; and in line 17, after “Section” insert “2-405 and”.

AMENDMENT NO. 2

On page 1, after line 22, insert:

“2-405.

The Fraud Division:

(1) has the authority to investigate each person suspected of engaging in insurance fraud;

(2) if appropriate after an investigation:

(i) shall refer suspected cases of insurance fraud to the Office of the Attorney General or appropriate local State’s Attorney to prosecute the person criminally for insurance fraud;

(ii) shall notify the appropriate professional licensing board or disciplinary body of evidence of insurance fraud that involves professionals;

(Over)

(iii) shall notify the appropriate professional licensing board of evidence of gross overutilization of health care services;

(iv) shall notify the Workers' Compensation Commission of suspected cases of insurance fraud referred to the Office of the Attorney General or appropriate local State's Attorney under subparagraph (i) of this paragraph that involve the payment of compensation, fees, or expenses under the Workers' Compensation Law; and

(v) shall assist local and State law enforcement agencies in the prosecution of automobile theft;

(3) shall compile and abstract information that includes the number of confirmed acts of insurance fraud and the type of acts of insurance fraud;

(4) in exercising its authority under this subtitle, shall cooperate with the Department of State Police, Office of the Attorney General, local State's Attorney in the jurisdiction in which the alleged acts of insurance fraud took place, and appropriate federal and local law enforcement authorities;

(5) shall operate or provide for a toll-free insurance fraud hot line to receive and record information about alleged acts of insurance fraud; [and]

(6) in cooperation with the Office of the Attorney General and Department of State Police, shall conduct public outreach and awareness programs on the costs of insurance fraud to the public; AND

(7) SHALL INVESTIGATE ALLEGATIONS OF CIVIL FRAUD AND, IF APPROPRIATE AFTER INVESTIGATION, IMPOSE ADMINISTRATIVE PENALTIES AND ORDER RESTITUTION IN ACCORDANCE WITH § 27-408 OF THIS ARTICLE.”

On page 2, in line 32, strike “A PREPONDERANCE OF” and substitute “CLEAR AND CONVINCING”.

On page 3, after line 19, insert:

“(D) THIS SECTION DOES NOT AFFECT AN INSURER’S RIGHT TO TAKE ANY INDEPENDENT ACTION TO SEEK RECOVERY AGAINST A PERSON THAT VIOLATES THIS SUBTITLE.”