

1. TO EACH OFFICER AND EXECUTIVE OF THE NONPROFIT HEALTH SERVICE PLAN; AND

2. TO EACH CANDIDATE FOR AN OFFICER OR EXECUTIVE POSITION WITH THE NONPROFIT HEALTH SERVICE PLAN; AND

(II) ADHERE TO THE APPROVED GUIDELINES IN COMPENSATING THE OFFICERS AND EXECUTIVES OF THE NONPROFIT HEALTH SERVICE PLAN.

(7) ON AN ANNUAL BASIS, THE COMMISSIONER SHALL REVIEW THE COMPENSATION PAID BY THE NONPROFIT HEALTH SERVICE PLAN TO EACH OFFICER AND EXECUTIVE.

(8) IF THE COMMISSIONER FINDS THAT THE COMPENSATION EXCEEDS THE AMOUNT AUTHORIZED UNDER THE APPROVED GUIDELINES, THE COMMISSIONER SHALL ISSUE AN ORDER PROHIBITING PAYMENT OF THE EXCESS AMOUNT.

(E) THE APPROVAL OR RECEIPT OF REMUNERATION IN VIOLATION OF AN ORDER ISSUED UNDER SUBSECTION (D)(8) OF THIS SECTION IS A VIOLATION OF § 14-115(C) OF THIS SUBTITLE AND SHALL BE CONSIDERED AN UNSOUND OR UNSAFE BUSINESS PRACTICE UNDER § 14-116 OF THIS SUBTITLE.

[(c)] (F) (1) EXCEPT FOR AN EMPLOYEE UNDER SUBSECTION (C) OF THIS SECTION, A person that violates subsection (a) OR (C) of this section is subject to a civil penalty not exceeding ~~[\$5,000]~~ \$10,000 for each violation.

(2) Instead of or in addition to imposing a civil penalty, the Commissioner may require the violator to make restitution to any person that has suffered financial injury as a result of the violation.

[(d)] (G) In determining the amount of financial penalty to be imposed, the Commissioner shall consider:

(1) the seriousness of the violation;

(2) the good faith of the violator;

(3) the violator's history of previous violations;

(4) the deleterious effect of the violation on the public and the nonprofit health service industry; and

(5) the assets of the violator.

[(e)] (H) (1) Before assessing a civil penalty OR RESTITUTION, the Commissioner shall serve by certified mail, return receipt requested, on the person to be charged a notice that contains:

(i) the specifications of the charge; and

(ii) the time and place of a hearing to be held on the charges.