

(d) FAILURE TO REPORT IN ACCORDANCE WITH THIS SECTION ~~SHALL~~ MAY RESULT IN THE IMPOSITION BY THE COMMISSIONER OF A CIVIL PENALTY OF UP TO \$5,000.

(E) The Commissioner shall report, in accordance with § 2-1246 of the State Government Article, the Commissioner's findings as to the impact of Chapter 5 of the Acts of the 2004 Special Session of the General Assembly (H.B. 2) and Chapter 477 of the Acts of the General Assembly of 1994 on the availability of health care malpractice and other liability insurance in the State to the Legislative Policy Committee on or before September 1 of each year.

[19-104.1.

(a) (1) In this section the following words have the meanings indicated.

(2) "Agreement" means a contract between the Maryland Insurance Administration and a medical professional liability insurer under subsection (j) of this section.

(3) "Fund" means the Maryland Medical Professional Liability Insurance Rate Stabilization Fund.

(4) (i) "Health care provider" means a health care practitioner licensed under Title 14 of the Health Occupations Article.

(ii) "Health care provider" does not include:

1. a respiratory care practitioner;
2. a radiation oncology/therapy technologist;
3. a medical radiation technologist; or
4. a nuclear medicine technologist.

(5) "Medical assistance program account" means an account established within the Fund that is available to the Maryland Medical Assistance Program under the terms provided under subsection (q) of this section.

(6) "Medical injury" has the meaning stated in § 3-2A-01 of the Courts Article.

(7) "Medical professional liability insurer" means an insurer that:

(i) on or before January 1, 2005, holds a certificate of authority issued by the Commissioner under § 4-109 or § 4-112 of this article; and

(ii) issues or delivers a policy in the State that insures a health care provider against damages due to a medical injury.

(8) "Rate stabilization account" means an account established within the Fund that is available to subsidize agreements under subsection (j) of this section.

(b) There is a Maryland Medical Professional Liability Insurance Rate Stabilization Fund.