

8. underwriting profits as allowed under the last approved rate filing prior to January 1, 2005.

(2) A medical professional liability insurer shall hold and invest the funds identified with the account established under paragraph (1) of this subsection in the same manner as other company funds.

(l) The Rate Stabilization Account may not incur an obligation under an agreement until the amount debited to an account established under subsection (k) of this section exceeds the amount credited to the Account.

(m) (1) Except as otherwise provided in this section, for each year an agreement is in effect, a medical professional liability insurer that enters into an agreement under subsection (j) of this section is eligible to receive disbursements from the Fund proportionate to that insurer's share of total premiums earned by authorized insurers in calendar 2004.

(2) In the event an insurer that did not earn premiums in calendar 2004 enters an agreement, that insurer shall be allocated 5% of the balance in the Fund or such lesser amount as the Commissioner shall determine and the funds available to other insurers shall be reduced pro rata.

(3) The calculations required under this section shall be completed before any agreement for any year may be formally executed.

(n) To receive payment from the Rate Stabilization Account, a medical professional liability insurer shall apply to the Commissioner on a form and in a manner approved by the Commissioner.

(o) For statutory accounting purposes, the Commissioner shall allow a credit for reinsurance recoverable, either as an asset or a deduction from liability, for disbursements made from the Rate Stabilization Account to a medical professional liability insurer.

(p) (1) Disbursement from the Fund may not exceed the revenue from the premium tax imposed under § 6-102 of this article on managed care organizations and health maintenance organizations, including interest earned.

(2) A disbursement may not be made from the Fund to the Medical Mutual Liability Insurance Society of Maryland during any period for which the Commissioner has determined, under § 24-212 of this article, that the surplus of the Society is excessive.

(q) (1) Disbursements from the Medical Assistance Program Account of \$15,000,000 shall be made to the Maryland Medical Assistance Program to increase both fee-for-service physician rates and capitation payments to managed care organizations for procedures commonly performed by:

- (i) obstetricians;
- (ii) neurosurgeons;
- (iii) orthopedic surgeons; and