

Commissioner shall determine whether other financial resources of the Society could prudently be applied in lieu of increased premiums.

(3) If the Commissioner determines other financial resources of the Society may be used in lieu of premiums, the Commissioner shall order the rates filed to be reduced.]

24-212.

(a) [Notwithstanding any other provision of this article, the Commissioner may determine that the surplus of the Society is excessive if:

(1) the total surplus is greater than the appropriate risk based capital requirements, as determined by the Commissioner, for the immediately preceding calendar year; and

(2) after a hearing, the Commissioner determines that the surplus is unreasonably large] IF THE SOCIETY REQUESTS A RATE INCREASE OF MORE THAN 7.5% AND, AT THE TIME OF THE RATE FILING, THE SOCIETY'S SURPLUS IS MORE THAN 500% OF ITS AUTHORIZED CONTROL LEVEL RISK-BASED CAPITAL, THE COMMISSIONER MAY DETERMINE WHETHER THE SOCIETY'S SURPLUS IS EXCESSIVE.

(b) If, AFTER A HEARING, the Commissioner [has determined] DETERMINES that the surplus [of the Society] is excessive, the Commissioner [shall not approve a rate increase sought by the Society until the Commissioner determines that the surplus of the Society is no longer excessive] MAY ORDER THE RATES FILED TO BE REDUCED.

24-214.

[(a) In this section, "medical professional liability insurance" means insurance providing coverage against damages due to medical injury arising out of the performance of professional services rendered or which should have been rendered by a health care provider.

(b) Notwithstanding § 10-130(a) of this subtitle, the Society shall:

(1) offer policyholders and potential policyholders the ability to purchase and renew coverage directly from the Society; and

(2) for a policyholder that purchases or renews coverage directly, provide a premium discount or rebate in an amount equivalent to the commission the Society would have paid an insurance producer to sell the same policy less 1% for administrative expense.

(c) Beginning January 1, 2005] FOR POLICIES THAT TAKE EFFECT ON OR AFTER JANUARY 11, 2005 AND ~~until~~ THROUGH December 31, 2009, [an authorized insurer that issues policies of medical professional liability insurance in the State] THE SOCIETY may not pay a commission at a rate that exceeds 5% of the premium.