

(h) A party may apply to the arbitration panel to modify or correct an award as to liability, damages, or costs in accordance with § 3-222 of this article. THE APPLICATION MAY INCLUDE A REQUEST THAT DAMAGES BE REDUCED TO THE EXTENT THAT THE CLAIMANT HAS BEEN OR WILL BE PAID, REIMBURSED, OR INDEMNIFIED UNDER STATUTE, INSURANCE, OR CONTRACT FOR ALL OR PART OF THE DAMAGES ASSESSED. THE PANEL SHALL RECEIVE EVIDENCE IN SUPPORT AND OPPOSITION TO A REQUEST FOR REDUCTION AND, AFTER HEARING, SHALL MODIFY THE AWARD IF SATISFIED THAT MODIFICATION IS SUPPORTED BY THE EVIDENCE. THE AWARD MAY NOT BE MODIFIED AS TO ANY SUMS PAID OR PAYABLE TO A CLAIMANT UNDER ANY WORKERS' COMPENSATION ACT, CRIMINAL INJURIES COMPENSATION ACT, EMPLOYEE BENEFIT PLAN ESTABLISHED UNDER A COLLECTIVE BARGAINING AGREEMENT BETWEEN AN EMPLOYER AND AN EMPLOYEE OR A GROUP OF EMPLOYERS AND A GROUP OF EMPLOYEES THAT IS SUBJECT TO THE PROVISIONS OF THE FEDERAL EMPLOYEE RETIREMENT SECURITY ACT OF 1974, OR AS A DEATH BENEFIT UNDER ANY LIFE INSURANCE OR SOCIAL SECURITY ACT OF THE UNITED STATES. AN AWARD MAY NOT BE MODIFIED AS TO ANY DAMAGES ASSESSED FOR ANY FUTURE EXPENSES, COSTS, AND LOSSES UNLESS THE PANEL FINDS THAT PAYMENTS IN ACCORDANCE WITH THE STATUTE, INSURANCE POLICY, OR CONTRACT ARE REASONABLY CERTAIN TO CONTINUE WITHOUT TERMINATION UNDER CIRCUMSTANCES BEYOND CONTROL OF THE CLAIMANT, OR THE PANEL ORDERS THE DEFENDANT OR THE DEFENDANT'S INSURER TO PROVIDE ADEQUATE SECURITY OR, IF THE INSURER IS AUTHORIZED TO DO BUSINESS IN THIS STATE, MAINTAIN RESERVES IN COMPLIANCE WITH RULES OF THE INSURANCE COMMISSIONER TO ASSURE THE PAYMENT OF ALL SUCH FUTURE DAMAGES UP TO THE AMOUNT BY WHICH THE AWARD HAS BEEN MODIFIED IN THE EVENT OF TERMINATION. EXCEPT AS EXPRESSLY PROVIDED BY FEDERAL STATUTE, NO PERSON MAY RECOVER FROM THE CLAIMANT OR ASSERT A CLAIM OF SUBROGATION AGAINST A DEFENDANT FOR ANY SUM INCLUDED IN THE MODIFICATION OF AN AWARD.

THE PANEL CHAIRMAN SHALL RECEIVE SUCH EVIDENCE IN SUPPORT AND OPPOSITION TO A REQUEST FOR REDUCTION, INCLUDING EVIDENCE OF THE COST TO OBTAIN SUCH PAYMENT, REIMBURSEMENT, OR INDEMNITY, TO A REQUEST FOR REDUCTION AND, AFTER HEARING THE EVIDENCE IN SUPPORT AND OPPOSITION TO THE REQUEST, THE PANEL CHAIRMAN MAY MODIFY THE AWARD IF SATISFIED THAT MODIFICATION IS SUPPORTED BY THE EVIDENCE. THE AWARD MAY NOT BE MODIFIED AS TO ANY SUMS PAID OR PAYABLE TO A CLAIMANT UNDER ANY WORKERS' COMPENSATION ACT, CRIMINAL INJURIES COMPENSATION ACT, EMPLOYEE BENEFIT PLAN ESTABLISHED UNDER A COLLECTIVE BARGAINING AGREEMENT BETWEEN AN EMPLOYER AND AN EMPLOYEE OR A GROUP OF EMPLOYERS AND A GROUP OF EMPLOYEES THAT IS SUBJECT TO THE PROVISIONS OF THE FEDERAL EMPLOYEE RETIREMENT SECURITY ACT OF 1974, PROGRAM OF THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE FOR WHICH A RIGHT OF SUBROGATION EXISTS UNDER §§ 15-120 AND 15-121.1 OF THE HEALTH - GENERAL ARTICLE, OR AS A BENEFIT UNDER ANY CONTRACT OR POLICY OF LIFE INSURANCE OR SOCIAL SECURITY ACT OF THE UNITED STATES. AN AWARD MAY NOT BE MODIFIED AS TO ANY DAMAGES ASSESSED FOR ANY FUTURE EXPENSES, COSTS, AND LOSSES UNLESS THE PANEL CHAIRMAN ORDERS THE DEFENDANT OR THE DEFENDANT'S INSURER TO PROVIDE ADEQUATE SECURITY OR, IF THE INSURER IS AUTHORIZED TO DO BUSINESS