

(A) IN ADDITION TO THE REQUIREMENTS OF § 58A OF THIS ARTICLE, IF A CHIEF EXECUTIVE OFFICER, CHIEF FINANCIAL OFFICER, TREASURER, OR ANY MEMBER OF THE BOARD OF DIRECTORS KNOWS THAT A NONPROFIT HEALTH SERVICE PLAN OR ITS AFFILIATE OR SUBSIDIARY IS IMPAIRED, THAT CHIEF EXECUTIVE OFFICER, CHIEF FINANCIAL OFFICER, TREASURER, OR MEMBER OF THE BOARD OF DIRECTORS SHALL IMMEDIATELY NOTIFY THE COMMISSIONER OF THE IMPAIRMENT.

(B) THIS SECTION DOES NOT APPLY WHERE THE COMMISSIONER HAS ALREADY BEEN NOTIFIED OF THE IMPAIRMENT BY A DIRECTOR OR BY THE CHIEF EXECUTIVE OFFICER, CHIEF FINANCIAL OFFICER, OR TREASURER.

360D.

(A) AN OFFICER, DIRECTOR, OR EMPLOYEE OF A CORPORATION OPERATING UNDER THIS SUBTITLE MAY NOT:

(1) WILLFULLY VIOLATE ANY PROVISION OF THIS ARTICLE OR A REGULATION ADOPTED UNDER THIS ARTICLE;

(2) WILLFULLY MISREPRESENT OR CONCEAL A MATERIAL FACT IN ANY STATEMENT, REPORT, RECORD, OR COMMUNICATION SUBMITTED TO THE COMMISSIONER;

(3) WILLFULLY INTENTIONALLY MISREPRESENT A MATERIAL FACT TO THE BOARD OF ~~TRUSTEES~~ DIRECTORS;

(4) MISAPPROPRIATE OR FAIL TO PROPERLY ACCOUNT FOR MONEY BELONGING TO THE CORPORATION OR TO AN INSURER, AGENT, BROKER, INSURED, OR A CERTIFICATE HOLDER;

(5) ENGAGE IN FRAUDULENT OR DISHONEST PRACTICES IN CONNECTION WITH THE PROVISION OR ADMINISTRATION OF A HEALTH SERVICE PLAN;

(6) WILLFULLY FAIL TO PRODUCE RECORDS OR TO ALLOW AN EXAMINATION UNDER § 358 OF THIS ARTICLE; OR

(7) WILLFULLY FAIL TO COMPLY WITH A LAWFUL ORDER OF THE COMMISSIONER.

(B) (1) A VIOLATION OF SUBSECTION (A) OF THIS SECTION SHALL SUBJECT THE VIOLATOR TO A CIVIL PENALTY OF UP TO \$5,000 FOR EACH VIOLATION.

(2) IN LIEU OF OR IN ADDITION TO THE IMPOSITION OF A CIVIL PENALTY, THE COMMISSIONER MAY REQUIRE THE VIOLATOR TO MAKE RESTITUTION TO ANY PERSON WHO HAS SUFFERED FINANCIAL INJURY OR DAMAGE AS A RESULT OF THE VIOLATION.

(C) IN DETERMINING THE AMOUNT OF FINANCIAL PENALTY TO BE IMPOSED, THE COMMISSIONER SHALL CONSIDER THE FOLLOWING:

(1) THE SERIOUSNESS OF THE VIOLATION;