

- (2) THE GOOD FAITH OF THE VIOLATOR;
- (3) THE VIOLATOR'S HISTORY OF PREVIOUS VIOLATIONS;
- (4) THE DELETERIOUS EFFECT OF THE VIOLATION ON THE PUBLIC AND THE NONPROFIT HEALTH SERVICE INDUSTRY; AND
- (5) THE ASSETS OF THE VIOLATOR.

(D) PRIOR TO ASSESSING A CIVIL PENALTY, THE COMMISSIONER SHALL SERVE BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, ON THE PERSON TO BE CHARGED, A NOTICE CONTAINING:

- (1) THE SPECIFICATIONS OF THE CHARGE; AND
- (2) THE TIME AND PLACE FOR A HEARING TO BE HELD WITH RESPECT TO THE CHARGES, WHICH SHALL BE NOT LESS THAN 20 DAYS FROM THE DATE OF MAILING THE NOTICE.

(E) (1) THE COMMISSIONER OR A DESIGNEE OF THE COMMISSIONER SHALL CONDUCT A HEARING ON THE CHARGES IN ACCORDANCE WITH SUBTITLE 2 OF THIS ARTICLE.

(2) SUBJECT TO SUBTITLE 2 OF THIS ARTICLE, AN APPEAL MAY BE TAKEN FROM A FINAL ORDER OF THE COMMISSIONER TO THE CIRCUIT COURT FOR BALTIMORE CITY.

(F) IN ADDITION TO ANY OF THE OTHER PENALTIES AND REMEDIES SET FORTH IN THIS SECTION, ANY PERSON WHO IS FOUND TO HAVE FINANCIALLY GAINED FROM THE VIOLATION OF ANY PROVISION OF THIS ARTICLE OR REGULATIONS ADOPTED BY THE COMMISSIONER, SHALL BE REQUIRED TO FORFEIT THE GAIN.

(G) THIS SECTION MAY NOT BE CONSTRUED TO PREVENT ANY PERSON DAMAGED BY A DIRECTOR, OFFICER, MANAGER, EMPLOYEE, OR AGENT OF A ~~NONPROFIT HEALTH SERVICE PLAN CORPORATION~~ SUBJECT TO THIS SUBTITLE FROM BRINGING A SEPARATE CAUSE OF ACTION IN A COURT OF COMPETENT JURISDICTION.

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Any person who engages in the business of operating health service plans without first having procured a license from the Commissioner, as required by this subtitle, or any person violating any provision of this subtitle, shall be deemed guilty of a misdemeanor and shall be subject to a fine of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) for each and every such offense. Any person making any wilfully false statement in any written document required by any section of this subtitle to be filed with the Commissioner, or while under oath administered by the Commissioner or any examiner, at any investigation or hearing conducted by said Commissioner or examiner, shall be deemed to be guilty of perjury and shall be proceeded against and punished as provided by the statutes of this State in relation to the crime of perjury.]