

~~[(c)] (F) (1) A person that violates subsection (a) OR (C) of this section is subject to a civil penalty not exceeding ~~[\$5,000]~~ \$10,000 for each violation.~~

~~(2) Instead of or in addition to imposing a civil penalty, the Commissioner may require the violator to make restitution to any person that has suffered financial injury as a result of the violation.~~

~~[(d)] (C) In determining the amount of financial penalty to be imposed, the Commissioner shall consider:~~

~~(1) the seriousness of the violation;~~

~~(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.~~

~~[(e)] (H) (1) Before assessing a civil penalty OR RESTITUTION, the Commissioner shall serve by certified mail, return receipt requested, on the person to be charged a notice that contains:~~

~~(i) the specifications of the charge; and~~

~~(ii) the time and place of a hearing to be held on the charges.~~

~~(2) The Commissioner shall hold a hearing on the charges at least 20 days after the date of mailing the notice.~~

~~(3) The Commissioner or designee of the Commissioner shall conduct a hearing on the charges in accordance with Title 2, Subtitle 2 of this article.~~

~~(4) Subject to Title 2, 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)] (I) In addition to any other penalty or remedy under this section, a person that is found to have gained financially from a violation of a provision of this article or a regulation adopted by the Commissioner shall forfeit the gain.~~

~~[(g)] (J) This section does not prevent a person damaged by a director, officer, manager, employee, or agent of a corporation subject to this subtitle from bringing a separate action in a court of competent jurisdiction.~~

14-504.

(a) (1) There is a Maryland Health Insurance Plan Fund.

(2) The Fund is a special nonlapsing fund that is not subject to § 7-302 of the State Finance and Procurement Article.

(3) The Treasurer shall separately hold and the Comptroller shall account for the Fund.