

14-107.

(a) By November 1 of each year, the Commissioner shall issue an order notifying each nonprofit health service plan that is required to file a report under § 14-106 of this subtitle of whether the plan has satisfied the requirements of § 14-106 of this subtitle.

(b) [(1)] If the Commissioner determines that a nonprofit health service plan has not satisfied the requirements of § 14-106 of this subtitle, [the nonprofit health service plan shall have 1 year from the date the Commissioner issued the order under subsection (a) of this section to comply with the requirements of § 14-106 of this subtitle.

(2) If after the time period provided under paragraph (1) of this subsection the Commissioner determines that a nonprofit health service plan has not satisfied the requirements of § 14-106 of this subtitle:

(i) the Commissioner shall report the determination to the House Economic Matters Committee and the Senate Finance Committee, including the reasons for the determination; and

(ii) if required by an act of the General Assembly, the nonprofit health service plan shall be subject to] THE COMMISSIONER SHALL ISSUE AN ORDER REQUIRING THE NONPROFIT HEALTH SERVICE PLAN TO PAY the premium tax under Title 6, Subtitle 1 of this article:

(1) FOR A PERIOD OF TIME BEGINNING WITH THE DATE THE PLAN WAS DETERMINED TO BE OUT OF COMPLIANCE WITH § 14-106 OF THIS SUBTITLE; AND

(2) IN AN AMOUNT EQUAL TO THE AMOUNT BY WHICH THE VALUE OF THE NONPROFIT HEALTH SERVICE PLAN'S PREMIUM TAX EXEMPTION UNDER § 6-101(B) OF THIS ARTICLE EXCEEDS THE SUM OF:

(I) THE SUBSIDY REQUIRED UNDER THE SENIOR PRESCRIPTION DRUG PROGRAM ESTABLISHED UNDER SUBTITLE 5, PART II OF THIS TITLE; AND

(II) OTHER FUNDS USED BY THE NONPROFIT HEALTH SERVICE PLAN TO MEET THE PUBLIC SERVICE REQUIREMENT UNDER § 14-106 OF THIS SUBTITLE.

(c) A nonprofit health service plan that fails to timely file the report required under § 14-106 of this subtitle shall pay the penalties under § 14-121 of this subtitle.

(d) A party aggrieved by an order of the Commissioner issued under this section has a right to a hearing in accordance with §§ 2-210 through 2-215 of this article.

(E) PREMIUM TAX REVENUE COLLECTED BY THE ADMINISTRATION AS THE RESULT OF AN ORDER ISSUED UNDER SUBSECTION (B) OF THIS SECTION SHALL BE DEPOSITED INTO THE MARYLAND HEALTH INSURANCE PLAN FUND ESTABLISHED UNDER § 14-504 OF THIS TITLE.