

19-805.

(a) (1) Participation in the Fund by a medical professional liability insurer shall be voluntary.

(2) On at least an annual basis, a medical professional liability insurer seeking reimbursement from the Rate Stabilization Account shall:

(i) determine the amount of the subsidy for each policyholder;
and

(ii) send a written notice to each policyholder stating:

1. the amount of the estimated annual subsidy provided
by the State; and

2. the procedure a health care provider shall follow if electing not to receive a rate reduction, credit, or refund.

(b) Subject to § 19-804(d) of this subtitle and subsection (c) of this section, the subsidy provided to each policyholder shall be:

(1) for medical professional liability insurance policies subject to rates that were approved for an initial effective date on or after January 1, 2005, but prior to January 1, 2006, the amount of a premium increase that is greater than 5% of the approved rates in effect 1 year prior to the effective date of the policy; [and]

(2) for medical professional liability insurance policies subject to rates that were approved for an initial effective date on or after January 1, 2006, a percentage of the policyholder's premium for the prior year that equals the quotient, measured as a percentage of the balance of the Rate Stabilization Account for the current calendar year divided by the aggregate amount of premiums for medical professional liability insurance that would have been paid by health care providers at the approved rate during the prior calendar year; AND

(3) IN ADDITION TO AMOUNTS PROVIDED UNDER ITEMS (1) AND (2) OF THIS SUBSECTION, FOR MEDICAL PROFESSIONAL LIABILITY INSURANCE POLICIES ISSUED TO FAMILY PRACTITIONERS WHO HAVE STAFF PRIVILEGES AT GARRETT COUNTY MEMORIAL HOSPITAL AND WHO ALSO PROVIDE OBSTETRICAL SERVICES AT GARRETT COUNTY MEMORIAL HOSPITAL, AN AMOUNT EQUAL TO 75% OF THE DIFFERENCE BETWEEN THE POLICYHOLDER'S PREMIUM FOR CALENDAR YEAR 2007, 2008, AND 2009 AND THE PREMIUM THAT OTHERWISE WOULD BE PAYABLE IN THOSE CALENDAR YEARS IF THE POLICYHOLDER WAS NOT PROVIDING OBSTETRICAL SERVICES.