

(F) EXCEPT IN CASES OF FRAUD, WILLFUL MISCONDUCT, OR GROSS NEGLIGENCE, A QUALIFIED ACTUARY SHALL NOT BE LIABLE FOR DAMAGES TO ANY PERSON OTHER THAN THE INSURER OR THE COMMISSIONER FOR ANY ACT, ERROR, OMISSION, DECISION, OR CONDUCT WITH RESPECT TO AN ACTUARY'S OPINION ISSUED UNDER THIS SECTION.

(G) DISCIPLINARY ACTION BY THE COMMISSIONER AGAINST THE INSURER OR THE QUALIFIED ACTUARY FOR A VIOLATION OF THIS SECTION SHALL BE AS ESTABLISHED IN REGULATIONS ADOPTED BY THE COMMISSIONER.

(H) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2)(II) OF THIS SUBSECTION, ANY MEMORANDUM AND ANY OTHER MATERIAL PROVIDED BY THE INSURER TO THE COMMISSIONER IN SUPPORT OF OR IN CONNECTION WITH AN OPINION ISSUED UNDER THIS SECTION SHALL BE KEPT CONFIDENTIAL BY THE COMMISSIONER AND SHALL NOT BE MADE PUBLIC AND SHALL NOT BE SUBJECT TO SUBPOENA, OTHER THAN FOR THE PURPOSE OF DEFENDING AN ACTION SEEKING DAMAGES FROM ANY PERSON BY REASON OF ANY ACTION REQUIRED BY THIS SECTION.

(2) A MEMORANDUM OR OTHER MATERIAL PROVIDED TO THE COMMISSIONER MAY BE RELEASED BY THE COMMISSIONER:

(I) WITH THE WRITTEN CONSENT OF THE INSURER PROVIDING THE MEMORANDUM OR MATERIAL; OR

(II) TO THE AMERICAN ACADEMY OF ACTUARIES UPON A REQUEST BY THE ACADEMY THAT THE MEMORANDUM OR OTHER MATERIAL IS REQUIRED FOR THE PURPOSE OF PROFESSIONAL DISCIPLINARY PROCEEDINGS.

(3) A REQUEST UNDER PARAGRAPH (2)(II) OF THIS SUBSECTION SHALL SET FORTH PROCEDURES SATISFACTORY TO THE COMMISSIONER FOR PRESERVING THE CONFIDENTIALITY OF THE MEMORANDUM OR OTHER MATERIAL.

(4) ONCE ANY PORTION OF A CONFIDENTIAL MEMORANDUM IS CITED BY THE INSURER IN ITS MARKETING, OR IS CITED BEFORE ANY GOVERNMENTAL AGENCY OTHER THAN A STATE INSURANCE DEPARTMENT, OR IS RELEASED BY THE INSURER TO THE NEWS MEDIA, ALL PORTIONS OF THE CONFIDENTIAL MEMORANDUM SHALL NO LONGER BE CONFIDENTIAL.

353.

(a) In addition to the provisions contained in this subtitle, other subtitles and provisions of this article shall apply to fraternal benefit societies, to the extent applicable and not in conflict with the express provisions of this subtitle and the reasonable implications thereof, as follows: