

(12) Delaying an investigation or payment of a claim by requiring a claimant or a claimant's licensed health care provider to submit a preliminary claim report in addition to subsequent submission of formal proof of loss forms, containing substantially the same information;

(13) Failing to settle claims promptly whenever liability is reasonably clear under one portion of a policy, in order to influence settlements under other portions of the policy; [or]

(14) Failing promptly to provide a reasonable explanation for the basis for denial of a claim or the offer of a compromise settlement; OR

(15) FAILS TO MEET THE REQUIREMENTS OF TITLE 19, SUBTITLE 13 OF THE HEALTH - GENERAL ARTICLE FOR PREAUTHORIZATION FOR A HEALTH CARE SERVICE.

(e) (1) The Commissioner may impose a penalty of up to \$500 for each violation of subsection (c) of this section, or of any regulation promulgated under subsection (c) of this section.

(2) The penalty for a violation of subsection (d) of this section shall be as provided in §§ 12, 55, 55A, and 215 of this article.

(3) (i) Upon finding of a violation of this section, the Commissioner may require that restitution be made by an insurer or nonprofit health service plan to any claimant who has suffered actual economic damage as a result of a violation of this section.

(ii) Restitution shall be limited to the amount of actual economic damage sustained, subject to the limits of any applicable insurance policy.

(f) (1) (i) This section provides administrative remedies only.

(ii) Appeals from orders issued by the Commissioner under this section shall be as provided in § 40 of this article.

(2) (i) Nothing contained in this section is intended to provide or deprive any private right or cause of action to, or on behalf of any claimant or other person in any state, territory, or possession of the United States.

(ii) It is the specific intent of this section to provide an additional administrative remedy to the claimant for any violation of the provisions of this section or any regulation pertaining to this section.

(3) This section may not be construed to impair the right of any person to seek redress in law or equity for any conduct which is otherwise actionable.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect October 1, 1992, contingent on the taking effect of Chapter \_\_\_\_\_ (H.B. 987) or Chapter \_\_\_\_\_ (S.B. 591) and if Section 2 takes effect, Section 1 shall be null and void without the necessity of further action by the General Assembly. If Chapter (H.B.