

## VISIT THE MIA

Consumers may access this agency and its consumer materials in several ways:

- Download from our web site, [www.insurance.maryland.gov](http://www.insurance.maryland.gov), on the Consumer Publications page
- Call or write us to have copies mailed to you

## FILING A CIVIL ACTION FOR A FIRST PARTY PROPERTY & CASUALTY CLAIM OR AN INDIVIDUAL DISABILITY CLAIM

A Maryland consumer who has a property and casualty insurance policy (property and casualty insurance includes automobile, homeowners, fire and/or dwelling, inland marine, commercial liability policies) or an individual disability policy (a policy that provides for lost income, revenue, or proceeds in the event that an illness, accident, or injury results in a disability that impairs an insured's ability to work or otherwise generate income, revenue, or proceeds that the insurance is intended to replace) that was issued, sold or delivered in Maryland and believes that his/her property and casualty insurer or his/her individual disability insurer failed to act in good faith in making a decision regarding his/her first-party insurance claim may seek special damages against the insurer by filing a civil complaint, in addition to or in place of filing an administrative consumer complaint with the Maryland Insurance Administration (MIA).

The Insurance Article defines good faith as making a judgment based on honesty and diligence supported by evidence the insurer knew or should have known at the time the insurer made a decision on the claim. If the Maryland consumer files a civil complaint and the insurer is found to have failed to act in good faith, the insured may be entitled to an award with enhanced damages. Such enhanced damages may include, in addition to the actual contract damages, litigation expenses, including reasonable attorneys' fees not to exceed one third of the actual damages payable to the insured, and interest at the post-judgment rate.

An explanation of when a consumer can seek these special damages, when a lawsuit has to be filed with the MIA, and how to make that filing are explained in a separate MIA publication: "A Guide for Consumers Filing a 27-1001 Civil Complaint."

This consumer guide should be used for educational purposes only. It is not intended to provide legal advice or opinions regarding coverage under a specific policy or contract; nor should it be construed as an endorsement of any product, service, person, or organization mentioned in this guide.

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Persons with disabilities may request this document in an alternative format. Requests should be submitted in writing to the Chief, Communications and Public Engagement at the address listed below.



**Maryland**  
INSURANCE ADMINISTRATION

200 St. Paul Place, Suite 2700  
Baltimore, MD 21202  
410-468-2000  
800-492-6116  
800-735-2258 TTY  
[www.insurance.maryland.gov](http://www.insurance.maryland.gov)

[www.facebook.com/MdInsuranceAdmin](https://www.facebook.com/MdInsuranceAdmin)  
[www.twitter.com/MD\\_Insurance](https://www.twitter.com/MD_Insurance)  
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**Maryland**  
INSURANCE ADMINISTRATION

## EDUCATING & PROTECTING CONSUMERS



## WHO WE ARE

The Maryland Insurance Administration (MIA) is the state agency that regulates the business of insurance in the State of Maryland. If you have a question about insurance or experience a problem, contact the MIA.

## HOW WE HELP CONSUMERS

The MIA provides assistance to consumers, businesses, health care providers (including doctors and hospitals), and producers (agents or brokers) in all areas of insurance, including life, health, disability, automobile, homeowners, and property.

The MIA produces consumer guides, rate comparisons and frequently asked questions related to various types of insurance. The following is a sample list of available publications:

- *Consumer Guide to Homeowners Insurance*
- *Consumer Guide to Auto Insurance*
- *Health Premiums for Small Employers*
- *Insurance Preparedness Guide for Natural Disasters*

## INVESTIGATION OF COMPLAINTS

The MIA can educate you about your rights and investigate written allegations that your insurance carrier, insurance producer (agent or broker), or another entity (engaged in the business of insurance) has violated state law. Violations may include:

- Denying authorization for medically necessary services
- Improperly denying or delaying payment of all or portions of a claim
- Improperly terminating your insurance policy
- Raising your insurance premiums without the proper notice or in excess of what the law allows
- Making false statements to you in connection with the sale of insurance or the processing of insurance claims
- Overcharging you for services, including premium finance charges.

## THIS IS WHAT WE CAN DO

- Forward a copy of your complaint to the insurer, if appropriate
- Obtain information or explanations on your behalf from the insurer or their representatives. This may involve written and verbal contact with such companies or persons
- Review in detail the information obtained from the insurer for compliance with statutes, regulations and policy contracts
- Provide general information about the provisions of your insurance policy, as appropriate
- Share general tips that could aid in resolving your insurance problem
- If it is determined that the actions of an insurer, insurance producer or other regulated person are in violation of a statute or regulation that the MIA enforces, the MIA may take corrective action against that company or person

## THIS IS WHAT WE CANNOT DO

- Act as your legal representative, in or out of court.
- Intervene in a pending lawsuit on your behalf.
- In the case of disability insurance complaints, make a medical decision as to the extent of an individual's disability. The MIA investigates complaints involving disability insurance to determine: (1) whether or not the denial decision is arbitrary or capricious; and (2) whether or not the denial decision was rendered in accordance with the terms of the insurance contract and State insurance laws and regulations.
- Address complaints or inquiries involving insurance contracts that are not subject to the jurisdiction of the insurance laws of the state or matters governed by other state or federal agencies. Generally, this includes, but is not limited to:
  - Self-funded or self-insured plans;
  - Medical Assistance (Medicaid) except for prompt pay;
  - Medicare and Medicare HMOs;
  - Federal Employee Health Benefit Programs;
  - Uniform Services Family Health Plans;
  - Workers' Compensation; or
  - Contracts issued and delivered to the policyholder in another state.(For more information about the Maryland Insurance Administration's jurisdiction, visit: <https://insurance.maryland.gov/Consumer/Pages/MIAJurisdiction.aspx>)

- Ask the Maryland Motor Vehicle Administration (MVA) to "hold" a fine pending the investigation of your complaint.
- In the case of a property or casualty claim (an automobile, homeowners, renters or business claim), while the MIA can determine if an insurer has violated Maryland law or its actions were reasonable based on the information available at the time of the action or decision, the MIA generally cannot make determinations about:
  - who is liable in a tort or contract legal action,
  - who was at fault;
  - which witnesses are credible and which ones are not; or
  - the value of a claim as long as the insurer's decision is reasonable.

## TO FILE A COMPLAINT

All complaints must be received in writing. See below for ways to submit complaints in writing to the MIA. (If your complaint involves the denial of coverage of health care services because the services were deemed medically unnecessary, please refer to the Appeals and Grievances process on our website.)

- File a Complaint Online at [www.insurance.maryland.gov](http://www.insurance.maryland.gov). The size limit for attaching the documents is 10 MB. If you have to provide additional documents, you can mail them. They may be mailed or faxed to the agency as directed below.
- Submit Forms or written letters by Mail or Fax. For more details on filing a complaint, visit: <https://insurance.maryland.gov/Consumer/Pages/FileAComplaint1.aspx>.

## RAPID RESPONSE PROGRAM

Our Rapid Response Program is designed to help certain consumers resolve property and casualty claims (i.e. auto and homeowners claims, including those made under commercial lines policies) quickly and without having to file a formal written complaint. For more information, call us at 410-468-2340 or 800-492-6116, select option 3, then option 1. Participation in the Rapid Response Program is voluntary and does not affect your rights to file a formal complaint.