LARRY HOGAN Governor

BOYD K. RUTHERFORD Lt. Governor



AL REDMER, JR. Commissioner

NANCY GRODIN Deputy Commissioner

CATHERINE E. GRASON Director of Regulatory Affairs

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June 9, 2015

Administrative, Executive and Legislative Review (AELR) Committee 90 State Circle Annapolis, MD 21401

Governor's Office Attn: Mike Richard, Deputy Chief of Staff State House Annapolis, MD 21401

Division of State Documents State House Annapolis, MD 21401

State Publications Depository and Distribution Program
Attn: Brigid Sye-Jones
Enoch Pratt Free Library
400 Cathedral St.
Baltimore, MD 21201

Department of Legislative Services Library 90 State Circle Annapolis, MD 21401

RE: Regulatory Review and Evaluation Act Evaluation Report-COMAR 31.02

Dear Sir or Madam:

I am filing the required number of copies of the attached Evaluation Report on behalf of the Maryland Insurance Administration as follows:

- AELR Committee-one copy
- Governor's Office (Mike Richard)-one copy
- Division of State Documents-one copy

- State Library Resource Center via State Publications Depository and Distribution Program (Brigid Sye-Jones)-sixteen copies
- Department of Legislative Services Library-five copies

If you have any questions, or require additional information, please contact me at the above-referenced telephone number and email address.

Sincerely,

Catherine Grason

Director of Regulatory Affairs, Office of the Commissioner

## Regulatory Review and Evaluation Act Evaluation Report Form 2012 – 2020

Chapter Codification		COMAR 31.02.01
Chapter Name:	Не	earings
Authority: Insurance Article, §§2-109 and 2-205—2-215; State Government Article, §10-206; Annotated Code of Maryland		
Date Origin	ally Adopto	ed or Last Amended: January 29, 2007
Purpose:	heard by t	ter sets forth certain rules and procedures to be followed in contested case hearings the Maryland Insurance Administration or delegated by the Administration to the Administrative Hearings under State Government Article, §10-205, Annotated Code and.
01.01.2003	.20E)	(State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR
(1) Do t	the regulati	ons continue to be necessary for the public interest?   x   Yes   No
(2) Do 1	the regulati	ons continue to be supported by statutory authority and judicial opinion? X Yes No
	-	tions obsolete or otherwise appropriate for amendment or repeal?  x Yes  No
		search. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)
		holders invited to review the regulations and provide a summary of their participation in the review process.
pa C pa in lii	ages of the enter, For ages receive witation to nk for peop	ducers, and consumers were alerted to the review via notices posted on the following Maryland Insurance Administration's (MIA) website: Proposed Regulations, News Insurers, For Producers, and For Consumers. In addition, subscribers to these web ed an email message alerting them to the regulatory review notice. Notices included an comment, along with a contact name and information. Every notice included an email ple wishing to submit comments. Comments were collected for sixty (60) days. No vere received.

	All State agencies were notified through publication in the <i>Maryland Register</i> and on the Secretary of State's Division of State Documents (DSD) website. No comments were received.
(	Describe the process used to solicit public comment, including:  a) any notice published in the Maryland Register;  b) any notice published in newspapers of general circulation;  c) any notice posted on the unit's website or on a Statewide website created for units to post notices of regulation review;  d) any mailing by the adopting authority; and  e) any public hearing held.
	Notice was published in the <i>Maryland Register</i> , on the DSD website, and on the following pages of the MIA website: Proposed Regulations, News Center, For Insurers, For Producers, and For Consumers. In addition, subscribers to these web pages received an email message alerting them to the regulatory review notice. Every notice included an email link for people wishing to submit comments. Comments were collected for sixty (60) days. No comments were received.
,	Provide summaries of:  (a) all comments received from stakeholders, affected units, or the public; and  (b) the adopting authority's responses to those comments.
	N/A.
5)	Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.
	N/A.
(6)	Provide a summary of any relevant scientific data gathered.
	N/A.
(7)	Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.
	N/A.
(8)	Provide a summary of any other relevant information gathered.
\ - /	

C. Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or
standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act?  Yes  x  No
Has the agency promulgated all regulations required by recent legislation?    x Yes    No
Provide explanations of the above responses, as needed:
N/A. There are no existing policy statements, guidelines, or standards pertaining to contested case hearings heard by the Maryland Insurance Administration or delegated by the Administration to the Office of Administrative Hearings being applied or enforced which should be promulgated as regulations in accordance with the Administrative Procedure Act. Likewise, there is no recent legislation pertaining to standards for pertaining to contested case hearings heard by the Maryland Insurance Administration or delegated by the Administration to the Office of Administrative Hearings requiring promulgation of regulations or amendments to COMAR 31.02.01.
<b>D.</b> Actions Needed. (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland) (check all that apply)
no action
X amendment
repeal
repeal and adopt new regulations
reorganization
Summary:
This chapter continues to be necessary for the public interest and continues to be supported by statutory authority and judicial opinion.
<ul> <li>The MIA recommends the following technical changes to this chapter:</li> <li>In COMAR 31.02.01.02B(5)(a)(iii), the term "accepted reinsurers" should be replaced with "accredited reinsurers." COMAR 31.05.08.02 B(1) defines an "accredited reinsurer" as a reinsurer that is accepted by the Commissioner under Insurance Article, §5-906.</li> <li>In COMAR 31.02.01.02B(5)(a)(xiii), references to the Injured Workers' Insurance Fund (IWIF) and the MIA's enabling authority for examination in the Labor and Employment Article should be repealed and replaced with "The Chesapeake Employers' Insurance Company," and the MIA's enabling authority under Insurance Article §24-304(d)(1).</li> </ul>
Person performing review: Catherine Grason, Esq.
Title: Director of Regulatory Affairs

# Regulatory Review and Evaluation Act Evaluation Report Form 2012 - 2020

Chapter Codification:		COMAR 31.02.03	
Chapter Name:		arings Arising from Cancellation, Nonrenewal, Increase in Premium, or Reduction Coverage under a Motor Vehicle Liability Insurance Policy	
Authority:	Insurance Article, §§2-109, 2-210—2-215, and 27-605; State Government Article, Title 10, Subtitle 2; Annotated Code of Maryland		
Date Origi	nally Adopto	ed or Last Amended: March 23, 1998	
Purpose:	delegate of the cancel consistent	ter sets forth the terms under which the Maryland Insurance Administration may be revoke authority to the Office of Administrative Hearings for hearings arising from lation, nonrenewal, reduction of coverage, or increase in premium that is not with the insurer's surcharge plan under a motor vehicle liability insurance policy as in Insurance Article, §27-605, Annotated Code of Maryland.	
01.01.2003	3.20E)	State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR	
(1) Do	the regulation	ons continue to be necessary for the public interest? X Yes No	
(2) Do	the regulati	ons continue to be supported by statutory authority and judicial opinion? X Yes No	
*		ions obsolete or otherwise appropriate for amendment or repeal?  Yes  X  No  ions effective in accomplishing their intended purpose?  Yes  No	
` '	_	search. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)	
(1) Li	st any stake	holders invited to review the regulations and provide a summary of their participation in the review process.	
F C I i 1	pages of the Center, For pages receive nvitation to ink for peop	ducers, and consumers were alerted to the review via notices posted on the following Maryland Insurance Administration's (MIA) website: Proposed Regulations, News Insurers, For Producers, and For Consumers. In addition, subscribers to these web ed an email message alerting them to the regulatory review notice. Notices included an comment, along with a contact name and information. Every notice included an email ble wishing to submit comments. Comments were collected for sixty (60) days. No ere received.	

All State agencies were notified through publication in the <i>Maryland Register</i> and of State's Division of State Documents (DSD) website. No comments were received	
<ul> <li>(3) Describe the process used to solicit public comment, including:</li> <li>(a) any notice published in the Maryland Register;</li> <li>(b) any notice published in newspapers of general circulation;</li> <li>(c) any notice posted on the unit's website or on a Statewide website created for uniregulation review;</li> <li>(d) any mailing by the adopting authority; and</li> <li>(e) any public hearing held.</li> </ul>	ts to post notices of
Notice was published in the <i>Maryland Register</i> , on the DSD website, and on the the MIA website: Proposed Regulations, News Center, For Insurers, For Proposed Regulations, News Center, For Insurers, For Proposed Regulations, subscribers to these web pages received an email messate the regulatory review notice. Every notice included an email link for people comments. Comments were collected for sixty (60) days. No comments were received an email to the comments were received and the comments	roducers, and For ge alerting them to wishing to submit
<ul><li>(4) Provide summaries of:</li><li>(a) all comments received from stakeholders, affected units, or the public; and</li><li>(b) the adopting authority's responses to those comments.</li></ul>	
N/A.	
(5) Describe any interunit conflict reviewed and the resolution or proposed resolution	of that conflict.
N/A.	The state of the s
(6) Provide a summary of any relevant scientific data gathered.	
N/A.	
(7) Provide a summary of any relevant information gathered related to the regulations federal government.	of other states or the
N/A.	
(8) Provide a summary of any other relevant information gathered.	
NT/A	and the second s

Provide explanations of the above responses, as needed:

N/A. There are no existing policy statements, guidelines, or standards pertaining to financial penalties being applied or enforced which should be promulgated as regulations in accordance with the Administrative Procedure Act. Likewise, there is no recent legislation pertaining to financial penalties requiring promulgation of regulations or amendments to COMAR 31.02.04.

**D.** Actions Needed. (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland) (check all that apply)

x no action

amendment

repeal

repeal and adopt new regulations

reorganization

### Summary:

This chapter continues to be necessary for the public interest and continues to be supported by statutory authority and judicial opinion. The regulations are not obsolete or otherwise appropriate for amendment or repeal, and are effective in accomplishing their intended purpose

Person performing review:

Catherine Grason, Esq.

Title:

Director of Regulatory Affairs

### Regulatory Review and Evaluation Act Evaluation Report Form 2012 – 2020

Chapter Co	dification:	COMAR 31.02.04
Chapter Na	me: Per	nalties
Authority:	Insuranc	ce Article, §§2-108, 2-109, and 2-201, Annotated Code of Maryland
Date Origin	nally Adopte	ed or Last Amended: August 24, 1987
Purpose: This chapter sets forth the factors that the Maryland Insurance Commissioner must when determining the amount of a financial penalty in any instance.		er sets forth the factors that the Maryland Insurance Commissioner must consider rmining the amount of a financial penalty in any instance.
<b>A.</b> Review 01.01.2003		State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR
(1) Do	the regulation	ons continue to be necessary for the public interest? X Yes No
(2) Do	the regulatio	ons continue to be supported by statutory authority and judicial opinion? XYes N
	1.0	ons obsolete or otherwise appropriate for amendment or repeal?  Yes X No lons effective in accomplishing their intended purpose?  Yes No
	_	earch. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland
(1) Lis	st any stakeh	nolders invited to review the regulations and provide a summary of their participation in the review process.
p C p in li	ages of the center, For I ages receive nvitation to onk for peop	ducers, and consumers were alerted to the review via notices posted on the following Maryland Insurance Administration's (MIA) website: Proposed Regulations, News Insurers, For Producers, and For Consumers. In addition, subscribers to these webside an email message alerting them to the regulatory review notice. Notices included an ecomment, along with a contact name and information. Every notice included an email alle wishing to submit comments. Comments were collected for sixty (60) days. No ere received.
		affected agencies that were invited to review the regulations and provide a summary of ion in and input into the review process.
		ncies were notified through publication in the <i>Maryland Register</i> and on the Secretary vision of State Documents (DSD) website. No comments were received.

() () ()	scribe the process used to solicit public comment, including:  a) any notice published in the Maryland Register;  b) any notice published in newspapers of general circulation;  c) any notice posted on the unit's website or on a Statewide website created for units to post notices of regulation review;  d) any mailing by the adopting authority; and  e) any public hearing held.
	Notice was published in the <i>Maryland Register</i> , on the DSD website, and on the following pages of the MIA website: Proposed Regulations, News Center, For Insurers, For Producers, and For Consumers. In addition, subscribers to these web pages received an email message alerting them to the regulatory review notice. Every notice included an email link for people wishing to submit comments. Comments were collected for sixty (60) days. No comments were received.
(	Provide summaries of:  (a) all comments received from stakeholders, affected units, or the public; and  (b) the adopting authority's responses to those comments.
	N/A.
(5)	Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.
	N/A.
(6)	Provide a summary of any relevant scientific data gathered.
:	N/A.
	Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.
	N/A.
(8)	Provide a summary of any other relevant information gathered.
	N/A.
standar	der COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or ds being applied or enforced which should be promulgated as regulations, in accordance with the istrative Procedure Act?  Yes  x  No
Has	s the agency promulgated all regulations required by recent legislation? x Yes No

Provide explanations of the above responses, as needed:

N/A. There are no existing policy statements, guidelines, or standards pertaining to financial penalties being applied or enforced which should be promulgated as regulations in accordance with the Administrative Procedure Act. Likewise, there is no recent legislation pertaining to financial penalties requiring promulgation of regulations or amendments to COMAR 31.02.04.

**D.** Actions Needed. (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland) (check all that apply)

x no action

amendment

repeal.

repeal and adopt new regulations

reorganization

### Summary:

This chapter continues to be necessary for the public interest and continues to be supported by statutory authority and judicial opinion. The regulations are not obsolete or otherwise appropriate for amendment or repeal, and are effective in accomplishing their intended purpose

Person performing review:

Catherine Grason, Esq.

Title:

Director of Regulatory Affairs

## Regulatory Review and Evaluation Act Evaluation Report Form 2012 – 2020

Chapter Codification:		tion:	COMAR 31.02.05
Chapter N	lame:	Public	ic Information Act Requests
Authority			Article §§2-109 and 2-112; General Provisions Article, §§4-101- 4-601, l Code of Maryland
Date Orig	inally <i>a</i>	Adopted	d or Last Amended: February 12, 2007
Purpose:	Insur	ance Ad	of this chapter is to establish procedures for filing requests with the Maryland dministration for the inspection and copying of records under the General Article, §4-101 through 4-601, Annotated Code of Maryland.
<b>A. Revie</b> 01.01.200			State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR
(1) De	o the re	gulation	ns continue to be necessary for the public interest?  X Yes No
(2) D	o the re	gulation	ons continue to be supported by statutory authority and judicial opinion? X Yes
	re the r	egulatio	ons obsolete or otherwise appropriate for amendment or repeal? X Yes No
(4) A	re the r	egulatio	ons effective in accomplishing their intended purpose? X Yes No
B. Outr	each ai	nd Rese	earch. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Marylan
			olders invited to review the regulations and provide a summary of their participation in the review process.
	Registe	er. Notic	ucers and consumers were alerted to the review via publication in the <i>Maryland</i> lee included an invitation to comment, along with a contact name and information. ere collected for sixty (60) days. No comments were received.
			affected agencies that were invited to review the regulations and provide a summary of on in and input into the review process.
	All Sta		ncies were notified through publication in the Maryland Register. No comments were

- (3) Describe the process used to solicit public comment, including:
  - (a) any notice published in the Maryland Register;
  - (b) any notice published in newspapers of general circulation;
  - (c) any notice posted on the unit's website or on a Statewide website created for units to post notices of regulation review;
  - (d) any mailing by the adopting authority; and
  - (e) any public hearing held.

Notice was published in the *Maryland Register* and on the statewide Regulatory Review website. The notice included a link to instruct how to submit comments. No comments were received.

- (4) Provide summaries of:
  - (a) all comments received from stakeholders, affected units, or the public; and
  - (b) the adopting authority's responses to those comments.

N/A.

(5) Describe any inter-unit conflict reviewed and the resolution or proposed resolution of that conflict.

N/A.

(6) Provide a summary of any relevant scientific data gathered.

N/A.

(7) Provide a summary of any relevant information gathered related to the regulations of other states or the federal government.

Other States' guidelines on public records requests are similar, per National Association of Insurance Commissioners. (NAIC's Compendium of State Laws on Insurance Topics: Public Access to Public Records, III-RA-40, 2010).

(8) Provide a summary of any other relevant information gathered.

HB270 (Chapter 94 of 2014) recodified the Maryland Public Information Act into Title 4 of a new article entitled "General Provisions." Exemptions and other provisions of the law were reorganized at the same time. In addition, HB755 (Chapter 136 of 2015) made major revisions to the Act. As a result, technical references and several substantive provisions must be amended in this chapter to comply with the revised statutory text.

c. Under COMAR 01.01.2003.201 standards being applied or enfor Administrative Procedure Act?	E(3), does the agency have any existing policy seed which should be promulgated as regulation  Yes x No	statements, guidelines, or ns, in accordance with the
Has the agency promulgated all	regulations required by recent legislation?	Yes x No
Provide explanations of the abo	ve responses, as needed:	
See B(8) above.		
D. Actions Needed. (State Gover (check all that apply)	nment Article, §10-135(a)(2)(ix) – (xi), Annota no action amendment	ated Code of Maryland)
•	repeal	
	repeal and adopt new regulations	
Summary:		
The MIA will propose technica legislation, as discussed in B(8)	l and substantive amendments to this chapter to above.	
de de	Person performing review:	Catherine Grason, Esq.
	Title:	Director of Regulatory Affairs

# Regulatory Review and Evaluation Act Evaluation Report Form 2012 - 2020

Chapter Co	dification	a: COMAR 31.02.06
Chapter Name: Proce		Procedures for Quasi-Legislative Hearings
Authority:	12-20	h-General Article, §19-713; Insurance Article, §§2-109, 2-203, 4-309, 11-502, 12-203, 04, 12-205, 13-110, 13-111, and 4-126; State Government Article, §§6.5-103 and 6.5-Annotated Code of Maryland
Date Origi	nally Ado	opted or Last Amended: October 15, 2001
Purpose:	Comm	napter establishes parameters for quasi-legislative hearings that the Insurance issioner conducts to gather information from concerned parties before making a decision ng an action.
<b>A.</b> Review 01.01.2003		a. (State Government Article, §10-132(1)(i), Annotated Code of Maryland; COMAR
(1) Do	the regu	lations continue to be necessary for the public interest?    X Yes No
(2) Do	the regu	lations continue to be supported by statutory authority and judicial opinion? X Yes No
(3) Ar	e the regi	alations obsolete or otherwise appropriate for amendment or repeal?
(4) Ar	e the regi	plations effective in accomplishing their intended purpose?  x Yes No
B. Outre	ach and	Research. (State Government Article, §10-135(a)(2)(i)–(viii), Annotated Code of Maryland)
		akeholders invited to review the regulations and provide a summary of their participation in to the review process.
I C I i	pages of Center, F pages receivitation ink for p	broducers, and consumers were alerted to the review via notices posted on the following the Maryland Insurance Administration's (MIA) website: Proposed Regulations, News or Insurers, For Producers, and For Consumers. In addition, subscribers to these web eived an email message alerting them to the regulatory review notice. Notices included an to comment, along with a contact name and information. Every notice included an email people wishing to submit comments. Comments were collected for sixty (60) days. No swere received.

	All State agencies were notified through publication in the <i>Maryland Register</i> and on the Secretary of State's Division of State Documents (DSD) website. No comments were received.
() () ()	Describe the process used to solicit public comment, including:  a) any notice published in the Maryland Register;  b) any notice published in newspapers of general circulation;  c) any notice posted on the unit's website or on a Statewide website created for units to post notices of regulation review;  d) any mailing by the adopting authority; and  e) any public hearing held.
	Notice was published in the <i>Maryland Register</i> , on the DSD website, and on the following pages of the MIA website: Proposed Regulations, News Center, For Insurers, For Producers, and For
Į	Consumers. In addition, subscribers to these web pages received an email message alerting them to the regulatory review notice. Every notice included an email link for people wishing to submit comments. Comments were collected for sixty (60) days. No comments were received.
(	Consumers. In addition, subscribers to these web pages received an email message alerting them to the regulatory review notice. Every notice included an email link for people wishing to submit
(	Consumers. In addition, subscribers to these web pages received an email message alerting them to the regulatory review notice. Every notice included an email link for people wishing to submit comments. Comments were collected for sixty (60) days. No comments were received.  Provide summaries of:  (a) all comments received from stakeholders, affected units, or the public; and
(	Consumers. In addition, subscribers to these web pages received an email message alerting them to the regulatory review notice. Every notice included an email link for people wishing to submit comments. Comments were collected for sixty (60) days. No comments were received.  Provide summaries of:  (a) all comments received from stakeholders, affected units, or the public; and  (b) the adopting authority's responses to those comments.
(	Consumers. In addition, subscribers to these web pages received an email message alerting them to the regulatory review notice. Every notice included an email link for people wishing to submit comments. Comments were collected for sixty (60) days. No comments were received.  Provide summaries of:  (a) all comments received from stakeholders, affected units, or the public; and (b) the adopting authority's responses to those comments.  N/A.
(5)	Consumers. In addition, subscribers to these web pages received an email message alerting them to the regulatory review notice. Every notice included an email link for people wishing to submit comments. Comments were collected for sixty (60) days. No comments were received.  Provide summaries of:  (a) all comments received from stakeholders, affected units, or the public; and  (b) the adopting authority's responses to those comments.  N/A.  Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.
(5)	Consumers. In addition, subscribers to these web pages received an email message alerting them to the regulatory review notice. Every notice included an email link for people wishing to submit comments. Comments were collected for sixty (60) days. No comments were received.  Provide summaries of:  (a) all comments received from stakeholders, affected units, or the public; and  (b) the adopting authority's responses to those comments.  N/A.  Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.  N/A.
((5)) [(6)] ((7))	Consumers. In addition, subscribers to these web pages received an email message alerting them to the regulatory review notice. Every notice included an email link for people wishing to submit comments. Comments were collected for sixty (60) days. No comments were received.  Provide summaries of:  (a) all comments received from stakeholders, affected units, or the public; and (b) the adopting authority's responses to those comments.  N/A.  Describe any interunit conflict reviewed and the resolution or proposed resolution of that conflict.  N/A.  Provide a summary of any relevant scientific data gathered.

C. Under COMAR 01.01.2003.20E(3), does the agency have any existing policy statements, guidelines, or standards being applied or enforced which should be promulgated as regulations, in accordance with the Administrative Procedure Act?  Yes  X No
Has the agency promulgated all regulations required by recent legislation?  X Yes No
Provide explanations of the above responses, as needed:
N/A. There are no existing policy statements, guidelines, or standards pertaining to quasi-legislative hearings being applied or enforced which should be promulgated as regulations in accordance with the Administrative Procedure Act. Likewise, there is no recent legislation pertaining to quasi-legislative hearings requiring promulgation of regulations or amendments to COMAR 31.02.06.
D. Actions Needed. (State Government Article, §10-135(a)(2)(ix) – (xi), Annotated Code of Maryland) (check all that apply)  x no action
amendment
repeal
repeal and adopt new regulations
reorganization
Summary:
This chapter continues to be relevant and necessary for the public interest, and continues to be supported by statutory authority and judicial opinions. This chapter specifically sets forth the procedural requirements by which the Insurance Commissioner shall conduct a quasi-legislative hearing, and is critical to the Commissioner's authority to gather input and information from concerned parties prior to taking action in or for, among other things, rulemaking and the promulgation of regulations. No changes are recommended at this time.
Person performing review: Catherine Grason, Esq.
Title: Director of Regulatory Affairs