The State of Maryland

Executive Department

ORDER
OF THE
GOVERNOR OF THE STATE OF MARYLAND

No. 20-09-29-02

PERMITTING VIDEO AND ELECTRONIC MARYLAND INSURANCE ADMINISTRATION HEARINGS

WHEREAS, A state of emergency and catastrophic health emergency was proclaimed on March 5, 2020, and renewed on March 17, April 10, May 6, June 3, July 1, July 31, August 10, and September 8, 2020, to control and prevent the spread of COVID-19 within the state, and the state of emergency and catastrophic health emergency continues to exist;

WHEREAS, COVID-19, a respiratory disease that spreads easily through close contact between people and may result in serious illness or death, is a public health catastrophe and has been confirmed throughout Maryland;

WHEREAS, The U.S. Centers for Disease Control and Prevention and the Maryland Department of Health recommend "social distancing" — maintaining physical separation between people — to reduce the spread of COVID-19;

WHEREAS, It is the responsibility of the Maryland Insurance Administration to protect the public from insurers that are untrustworthy, are incompetent, or act unlawfully;

WHEREAS, In administering enforcement actions, the Administration must also protect the due-process rights of insurers;

WHEREAS, In-person hearings could enable the spread of COVID-19 among participants;

WHEREAS, It is necessary to prevent the spread of COVID-19 that people make best efforts to refrain from congregating, including when participating in governmental hearings or otherwise interacting with the State, and that certain State facilities not be available for such congregating;

WHEREAS, Hearings held through video conferencing or other electronic means can be accomplished consistently with the requirements of due process;

WHEREAS, State law requires that the Administration allow parties to its hearings to appear in person; and

WHEREAS, It is necessary to protect the public health, welfare, and safety, and save lives, to suspend the effect of statutes that permit certain in-person hearings, and limit related in-person assemblies inside State buildings;

NOW, THEREFORE, I, LAWRENCE J. HOGAN, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, INCLUDING BUT NOT LIMITED TO TITLE 14 OF THE PUBLIC SAFETY ARTICLE, AND IN AN EFFORT TO CONTROL AND PREVENT THE SPREAD OF COVID-19 WITHIN THE STATE, DO HEREBY ORDER:

I. Parties to Maryland Insurance Administration hearings held pursuant to § 2-210 of the Insurance Article ("IA") of the Maryland Code:

a. need not be allowed to:

i. appear in person; or

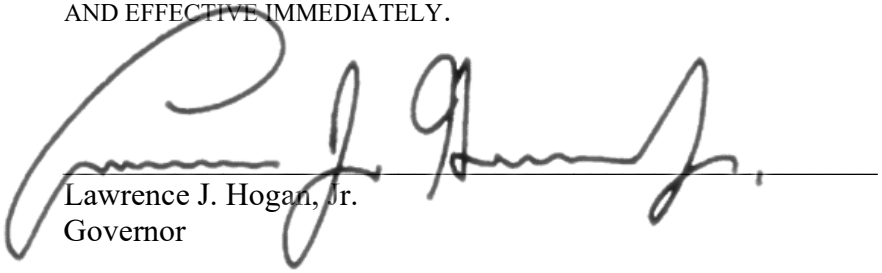
ii. be physically present when evidence is given; and

b. may attend hearings through video conferencing or other electronic means, provided that such video or electronic hearing permits the parties to hear and view the giving of evidence, inspect all documentary evidence, examine witnesses, and present evidence.

II. The effect of IA § 2-213(b)(1)(i) and (iii), and any other statute, rule, or regulation of an agency of the State or subdivision inconsistent with this Order, is suspended.

III. This Order remains effective until the state of emergency has been terminated and the proclamation of the catastrophic health emergency has been rescinded, or until rescinded, superseded, amended, or revised by additional orders.

ISSUED UNDER MY HAND THIS 29TH DAY OF SEPTEMBER, 2020, AND EFFECTIVE IMMEDIATELY.



Lawrence J. Hogan, Jr.
Governor