

(3) If a transcript is prepared based on the [entity's] *Office's* record of the testimony and a transcript is prepared based on a party's own record of the testimony, the transcript based on the [entity's] *Office's* record of the testimony is:

(a)—(b) (text unchanged)

(4) If the transcript is not filed or otherwise made part of the record in the contested case, parties may not refer in their exceptions to any testimony before the [entity] *Office* not incorporated into the [entity's] *Office's* findings and conclusions.

(5) (text unchanged)

[.13] .09 Final Order Following Proposed Decision.

[A.] Scope. This regulation applies to a contested case where the entity has been delegated authority under Regulation .04 of this chapter to issue proposed findings of fact, proposed conclusions of law, or a proposed order.]

[B.] A. Issuance. After consideration of the [entity's] proposed findings of fact, proposed conclusions of law, or] *Office's* proposed order, and any exceptions filed by the parties, the Board shall issue a final order or a remand order.

[C.] B. Effect of [Proposed Findings of Fact, Proposed Conclusions of Law, and] Proposed Order. In reviewing the [entity's] proposed findings of fact, proposed conclusions of law, or] *Office's* proposed order, the Board is:

(1) (text unchanged)

(2) Not bound by any legal analysis, [proposed] conclusions of law, or proposed order.

[D.] C. Types of Action by the Board. The Board may affirm, reverse, or modify the [proposed] findings of fact *that are supported by competent, material, and substantial evidence*, [proposed] conclusions of law, or proposed order, or remand the case to the Office for further proceedings by setting forth, with particularity, the basis for the Board's reversal, modification, or remand.

[E.] D.—[G.] F. (text unchanged)

[H.] G. Effect of Summary Affirmance.

(1) If the Board issues a final order that summarily affirms the proposed order of [an entity] *the Office* without discussing the facts and legal issues and without expressly adopting the [entity's] *Office's* legal analysis and [proposed] conclusions of law, neither the final order nor the proposed order is precedent within the rule of stare decisis.

(2) Notwithstanding [§H(1)] §G(1) of this regulation, a final order of the Board that summarily affirms the proposed order of [an entity] *the Office* without discussing the facts and legal issues and without expressly adopting the [entity's] *Office's* legal analysis and [proposed] conclusions of law may be cited and relied on in a proceeding before the Board, the [entity] *Office*, or a court:

(a)—(b) (text unchanged)

(3) If a party appeals from a final order of the Board that summarily affirms the proposed order of [an entity] *the Office*, in addition to filing the final order of the Board with the court in which the appeal is pending, the Board also shall file a copy of the proposed order of the [entity] *Office*.

[.14] .10 Decisions.

The [hearing officer] *Board* shall sign the final order [following a hearing. The final], and the order is effective when issued[, unless a different date is specified in the decision. A copy of the final order shall be filed with the Exchange and served on all parties to the hearing.

[.16] .11 Mistake or Error in the Final Order.

The [Exchange or the entity delegated authority to conduct contested case hearings under Regulation .04 of this chapter] *Board* may correct an order if, upon review, the final order was issued as a result of fraud, mistake, or inadvertence or contains a clerical error.

.12 Judicial Review.

A party adversely affected by a final decision of the Board, or the entity delegated authority to make the final decision, may obtain judicial review of the decision as provided by law.

MICHELE EBERLE
Executive Director

Title 31 MARYLAND INSURANCE ADMINISTRATION

Subtitle 03 INSURANCE PRODUCERS AND OTHER INSURANCE PROFESSIONALS

31.03.02 Insurance Producers—Continuing Education Requirements

Authority: Insurance Article, §§2-109, 10-115, and 10-116, Annotated Code of Maryland

Notice of Proposed Action [23-044-P]

The Insurance Commissioner proposes to amend Regulation .03 under COMAR 31.03.02 **Insurance Producers—Continuing Education Requirements**.

Statement of Purpose

The purpose of this action is to require licensed insurance producers who sell property and casualty insurance to obtain at least 2 hours of continuing education in flood insurance. The 2 hours of continuing education would not be in addition to the otherwise required continuing education classes; the total amount of continuing education coursework required would remain the same.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Jessica Blackmon, Administrative Law Clerk, Maryland Insurance Administration, 200 St. Paul Place, Suite 2700, Baltimore, MD 21202, or call 410-468-2019, or email to insuranceregreview.mia@maryland.gov. Comments will be accepted through May 22, 2023. A public hearing has not been scheduled.

.03 General Continuing Education Requirements.

A.—E. (text unchanged)

F. A licensed insurance producer who possesses a license to sell property and casualty insurance and who sells flood insurance, *homeowners insurance, or commercial property insurance* shall obtain at least 2 hours of continuing education that directly relates to flood insurance *as part of the required hours of continuing education*.

KATHLEEN BIRRANE
Insurance Commissioner