

(ii) give written notice of the time and place of the hearing at least 10 days before the hearing.

(5) A hearing held under this subsection shall be conducted in accordance with Title 10, Subtitle 2 of the State Government Article.

(6) At the hearing the insurer has the burden of proving its proposed action to be justified and, in doing so, may rely only on the reasons set forth in its notice to the insured.

[(f)] (G) (1) The Commissioner shall issue an order within 30 days after the conclusion of the hearing.

(2) If the Commissioner finds the proposed action of the insurer to be justified, the Commissioner shall:

- (i) dismiss the protest; and
- (ii) allow the proposed action to be taken on the later of:
 - 1. its proposed effective date; and
 - 2. 30 days after the date of the determination.

(3) If the Commissioner finds the proposed action to be unjustified, the Commissioner:

- (i) shall disallow the action; and
- (ii) may order the insurer to pay reasonable attorney fees incurred by the insured for representation at the hearing as the Commissioner considers appropriate.

[(g)] (H) The Commissioner may delegate the powers and duties of the Commissioner under this section to one or more employees or hearing examiners.

[(h)] (I) A party to a proceeding under this section may appeal the decision of the Commissioner in accordance with § 2-215 of this article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2000.

May 18, 2000

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, I have today vetoed Senate Bill 179 – Workers' Compensation – Calculation of Hearing Loss.