

19.

Any subscriber injured by a violation of this subtitle may bring an APPROPRIATE ACTION FOR EQUITABLE RELIEF OR AN action for the recovery of damages in any court of general jurisdiction. In such cases the court may award reasonable attorney's fees to a subscriber in whose favor a judgment is rendered.

20.

(a) [Any subscriber injured by a violation of this subtitle, or the] THE Department [on behalf of any subscriber,] may institute an action for an appropriate temporary restraining order or injunction FOR A VIOLATION OF THIS SUBTITLE.

(B) THE DEPARTMENT MAY USE THE RECEIVERSHIP PROVISIONS OF THIS SUBTITLE TO PROTECT THE INTERESTS OF CONTINUING CARE SUBSCRIBERS IN:

(1) THE SUBSTANTIAL ADVANCE PAYMENTS SUBSCRIBERS HAVE MADE IN THE FORM OF ENTRANCE FEES AND, WHEN APPLICABLE, PERIODIC FEES, FOR FUTURE CONTINUING CARE WITHOUT NECESSARILY HAVING ANY OWNERSHIP IN OR CONTROL OF THE PROVIDER OR THE FACILITY;

(2) THE INSURANCE ASPECTS OF CONTINUING CARE AGREEMENTS, AS APPLICABLE; AND

(3) THE CONTINUED DELIVERY OF SERVICES COMMITTED TO UNDER CONTINUING CARE AGREEMENTS.

(C) [Any injured subscriber, or the] THE Department [on behalf of any injured subscriber,] may petition for the appointment of a receiver:

(1) In the event of a threat of immediate closure of a facility;

(2) If the provider is not honoring its contracts with its subscribers; [or]

(3) To prohibit the improper diversion of its assets and records from the facility or the State; OR

(4) IF THE DEPARTMENT HAS MADE A DETERMINATION OF A SIGNIFICANT RISK OF FINANCIAL FAILURE IN ACCORDANCE WITH § 17A(D) AND (H) OF THIS SUBTITLE.

(D) THE DEPARTMENT MAY PURSUE THE APPOINTMENT OF A RECEIVER PRIOR TO THE PROVIDER FILING A PLAN OF CORRECTION.

[(b)](E) The receiver shall have such power to rehabilitate, conserve, or liquidate as is conferred by the order of appointment and by the provisions of [Title 9, Subtitle 2 of the Insurance Article relating to rehabilitation and liquidation of insurance companies] SECTIONS 20A THROUGH 20U OF THIS SUBTITLE.

20A.

NOTWITHSTANDING ANY OTHER PROVISION OF LAW AND SUBJECT TO THE PROVISIONS OF § 21 OF THIS ARTICLE, A DELINQUENCY PROCEEDING WITH RESPECT