

(2) WITHIN 30 DAYS AFTER A CONTINUING CARE AGREEMENT IS CANCELED UNDER THIS SUBSECTION, THE SUBSCRIBER OR THE SUBSCRIBER'S LEGAL REPRESENTATIVE SHALL RECEIVE A FULL REFUND OF ALL MONEY PAID TO THE PROVIDER, LESS:

(I) A PROCESSING FEE APPROVED BY THE DEPARTMENT; AND

(II) ANY SPECIAL ADDITIONAL COSTS INCURRED BY THE PROVIDER DUE TO MODIFICATIONS IN THE STRUCTURE OR FURNISHINGS OF THE UNIT SPECIFICALLY REQUESTED BY THE SUBSCRIBER, IF:

1. THE COSTS DO NOT EXCEED THE COSTS OF MODIFICATION AND THE REASONABLE COSTS OF RESTORATION ACTUALLY INCURRED BY THE PROVIDER; AND

2. THE COSTS WERE SET FORTH IN WRITING IN A SEPARATE ADDENDUM TO THE AGREEMENT SIGNED BY THE SUBSCRIBER.

(C) REFUND — RESCISSION.

(1) IF THE SUBSCRIBER RESCINDS THE CONTINUING CARE AGREEMENT WITHIN 90 DAYS AFTER ENTERING INTO THE AGREEMENT AND BEFORE THE DATE OF OCCUPANCY FOR ANY REASON OTHER THAN THE REASONS SPECIFIED IN SUBSECTION (B)(1) OF THIS SECTION, THE PROVIDER SHALL REFUND THE AMOUNT DESCRIBED IN SUBSECTION (B)(2) OF THIS SECTION TO THE SUBSCRIBER OR THE SUBSCRIBER'S LEGAL REPRESENTATIVE WITHIN 30 DAYS AFTER THE DATE OF RESCISSION.

(2) IF THE SUBSCRIBER RESCINDS THE CONTINUING CARE AGREEMENT MORE THAN 90 DAYS AFTER ENTERING INTO THE AGREEMENT AND BEFORE THE DATE OF OCCUPANCY FOR ANY REASON OTHER THAN THE REASONS SPECIFIED IN SUBSECTION (B)(1) OF THIS SECTION, THE PROVIDER MAY RETAIN UP TO 25% OF THE SUBSCRIBER'S ENTRANCE FEE DEPOSIT.

(D) RESCISSION FOR VIOLATION OF SUBTITLE; DAMAGES.

(1) A SUBSCRIBER MAY RESCIND A CONTINUING CARE AGREEMENT AT ANY TIME IF A TERM OF THE AGREEMENT VIOLATES THIS SUBTITLE AND THE SUBSCRIBER IS INJURED BY THE VIOLATION.

(2) THE SUBSCRIBER IS ENTITLED TO TREBLE DAMAGES FOR EXTENSIVE INJURIES ARISING FROM A VIOLATION.

(E) WITHDRAWAL OF APPLICATION.

(1) AN APPLICANT FOR ADMISSION TO A FACILITY WHO WITHDRAWS THE APPLICATION BEFORE EXECUTING A CONTINUING CARE AGREEMENT SHALL RECEIVE A REFUND OF ALL MONEY PAID TO THE PROVIDER EXCEPT A PROCESSING FEE APPROVED BY THE DEPARTMENT.

(2) THE REFUND SHALL BE PAID WITHIN 60 DAYS AFTER THE APPLICANT WITHDRAWS THE APPLICATION.