

In the introductory language of subsection (d)(2) of this section, the reference to the "Secretary" is substituted for the former reference to the "Department" for consistency with subsection (d)(1) of this section.

In subsection (d)(5) of this section, the former reference to the "Administrative Procedure Act" is deleted as unnecessary in light of the more specific reference to "Title 10, Subtitle 2 of the State Government Article". Similarly, in subsection (e)(2) of this section, the reference to "Title 10, Subtitle 2 of the State Government Article" is substituted for the former reference to the "Administrative Procedure Act" to state explicitly the law governing review of the Department's decisions.

Defined terms: "Department" § 10-101

"Provider" § 10-401

"Secretary" § 10-101

"Subscriber" § 10-401

10-498. ACTIONS FOR EQUITABLE RELIEF OR DAMAGES.

(A) STANDING OF SUBSCRIBER.

(1) ANY SUBSCRIBER INJURED BY A VIOLATION OF THIS SUBTITLE MAY BRING AN ACTION FOR EQUITABLE RELIEF OR AN ACTION FOR DAMAGES IN ANY COURT OF GENERAL JURISDICTION.

(2) IN AN ACTION DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, THE COURT MAY AWARD REASONABLE ATTORNEY'S FEES TO A SUBSCRIBER IN WHOSE FAVOR A JUDGMENT IS ENTERED.

(B) AUTHORITY OF DEPARTMENT.

THE DEPARTMENT MAY BRING AN ACTION FOR AN APPROPRIATE TEMPORARY RESTRAINING ORDER OR INJUNCTION FOR A VIOLATION OF THIS SUBTITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 70B, §§ 19 and 20(a).

In subsection (a)(1) of this section, the former reference to an "appropriate" action is deleted as surplusage.

Also in subsection (a)(1) of this section, the former reference to an action for "the recovery of" damages is deleted as surplusage.

Defined terms: "Department" § 10-101

"Subscriber" § 10-401

10-499. RECEIVERSHIP.

(A) IN GENERAL.

THE DEPARTMENT MAY USE THE RECEIVERSHIP PROVISIONS OF PART VIII OF THIS SUBTITLE TO PROTECT THE INTERESTS OF SUBSCRIBERS IN: