

TITLE 3: HUMAN RESOURCES
DIVISION 2: HEALTH

§ 2226. Civil Penalties and Other Discipline.

(a) *Summary suspension.* Notwithstanding any other provision of law, upon a finding that immediate action is needed to reduce or eliminate the likelihood of harm to the public health, safety or welfare or to a patient of a health care professional, the Board and/or a court shall have the complete jurisdiction, power and authority to summarily suspend a licensee and order the cessation of a person's practice of a health care profession regulated by this chapter. Such an action shall be followed immediately by notice and an opportunity to be heard. No court shall lift, vacate or otherwise interfere with the Board's suspension under this chapter

(1) While the Board proceeds in a timely and deliberate manner and

(2) Unless the court shall have taken and considered evidence which is material and relevant to the suspension.

(b) *In general.* Upon finding a violation of this chapter, and after appropriate notice and opportunity to be heard, the Board may provide such relief as it determines appropriate.

(c) *Injunctive relief.* The Board may enjoin. The Board may also seek injunctive relief directly from the Superior Court. The Board may punish a violation of an injunctive order. No proof of actual damage to any person shall be required for issuance of an injunctive order by the Board or a court.

(d) *Types of discipline.* The Board may discipline a person, including in any of the following ways:

(1) The Board may discipline a licensee or applicant for licensure, including in one or more of the following ways:

(i) Refuse: to issue a license; to renew; or to restore;

(ii) Suspend or revoke;

(iii) Place on probation;

(iv) Condition a license;

(v) Limit a license by restricting the fields or sub-fields of practice, or the procedures, in which the licensee may engage;

(vi) Require further education or training or testing for competency;

(vii) Enjoin;

(viii) Receive a voluntary surrender, in which a licensee voluntarily surrenders a license in exchange for a decision by the Board to forego conducting, or cease, an investigation, a discipline, or similar proceeding, or in lieu of a disciplinary action;

(ix) Levy fees, charges, costs, expenses, fines or civil penalties; and/or

(x) Require an application for licensure.

(2) The Board may discipline a person other than a licensee or applicant for licensure in one or more of the following ways:

(i) Enjoin;

(ii) Levy fees, charges, costs, expenses, fines or civil penalties; and/or

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- (iii) Require an application for licensure.
- (3) The Board may also, with respect to any person:
 - (i) Make a criminal complaint;
 - (ii) Deny relief;
 - (iii) Require the payment of costs, fees and/or expenses of litigation;
 - (iv) Dismiss one or more allegations or counts of a complaint;
 - (v) Order such other discipline as appropriate and permitted by law;
 - (vi) Seize all tools and other implements, medicines, and drugs used in the practice of a health care profession by a person found by a court to have practiced a health care profession in violation of this chapter; and/or
 - (vii) Apply other remedies authorized by law.
- (4) In a proceeding before the Board for injunctive relief it shall not be necessary to allege or prove:
 - (i) That an adequate remedy at law does not exist; or
 - (ii) That substantial, immediate, or irreparable damage would result from the continued violation thereof.
- (e) *Suit.*
 - (1) The Board may sue to enforce its orders, including its subpoenas, and partial, final and temporary orders. The Board may sue to secure an order from a court.
 - (2) In a court proceeding for injunctive relief under this chapter, or the regulations promulgated pursuant thereto, it shall not be necessary to allege or prove:
 - (i) That an adequate remedy at law does not exist; or
 - (ii) That substantial, immediate, or irreparable damage would result from the continued conduct sought to be enjoined or violation thereof.
- (f) *Forfeiture.* A court may declare forfeit to the Commonwealth, and order the seizure of, all tools and other implements, medicines, and drugs used in the practice of a health care profession by a person found to have practiced a health care profession in violation of this chapter.
- (g) The remedies and penalties prescribed in this chapter shall be concurrent and cumulative, and the exercise of one shall not preclude the exercise of the others, and these remedies and penalties are in addition to any other remedy or penalty afforded by any other law or regulation.

Source: PL 3-30, § 11; amended by PL 7-48, § 3 (§ 2226); repealed and reenacted by PL 15-105, § 3(2226).