

TITLE 3: HUMAN RESOURCES
DIVISION 2: HEALTH

§ 2315. Emergency Relief.

(a) *Temporary Suspension.* The Board is authorized to temporarily suspend the license of a nurse without a hearing if:

- (1) The Board finds that there is probable cause to believe that the nurse has violated a statute or rule that the Board is empowered to enforce; and
- (2) Continued practice by the nurse would create imminent and serious risk of harm to others.

The suspension shall remain in effect until the Board issues a temporary stay of suspension or a final order in the matter after a hearing or upon agreement between the Board and licensee.

The Board shall schedule a disciplinary hearing to be held under the Administrative Procedure Act, to begin no later than 30 judicial days after the issuance of the temporary suspension order. The licensee shall receive at least 15 judicial days notice of hearing.

(b) *Injunctive Relief.* The Board is authorized to petition in its own name to a proper court of competent jurisdiction for an injunction to enjoin:

- (1) Any person who is practicing nursing within the meaning of this chapter from practicing without a valid license, unless exempted under section 2317 of this chapter;
- (2) Any person, firm, corporation, institution, or association from employing any person who is not licensed to practice nursing under this chapter or exempted under section 2317 of this chapter; or
- (3) Any person, firm, corporation, institution, or association from operating a school of nursing without approval.

Upon filing of a verified petition in such court, the court, or any judge thereof, if satisfied that a violation described in section 2315(b) of this chapter has occurred, may issue an injunction without notice or bond, enjoining the defendant from further violating this provision. A copy of the complaint shall be served on the defendant and the proceedings thereafter shall be conducted as in other civil cases. In case of violation of an injunction issued under this section, the court, or any judge thereof, may summarily try and punish the offender for contempt of court.

(c) *Preservation of Other Remedies.* The emergency proceedings herein described shall be in addition to, not in lieu of, all penalties and other remedies provided by law.

Source: PL 14-62, § 2 (2315).