

(I) THE UNAUTHORIZED PRACTICE OF NURSING HOME ADMINISTRATION; OR

(II) CONDUCT THAT IS A GROUND FOR DISCIPLINARY ACTION UNDER § 9-314 OF THIS SUBTITLE.

(2) AN ACTION UNDER THIS SECTION MAY BE BROUGHT BY:

- (I) THE BOARD, IN ITS OWN NAME;
- (II) THE ATTORNEY GENERAL, IN THE NAME OF THE STATE; OR
- (III) A STATE'S ATTORNEY, IN THE NAME OF THE STATE.

(3) AN ACTION UNDER THIS SECTION SHALL BE BROUGHT IN THE COUNTY WHERE THE DEFENDANT RESIDES OR ENGAGES IN THE ACTS SOUGHT TO BE ENJOINED.

(4) PROOF OF ACTUAL DAMAGE OR THAT ANY PERSON WILL SUSTAIN ANY DAMAGE IF AN INJUNCTION IS NOT GRANTED IS NOT REQUIRED FOR AN ACTION UNDER THIS SECTION.

(5) AN ACTION UNDER THIS SECTION IS IN ADDITION TO AND NOT INSTEAD OF CRIMINAL PROSECUTION FOR THE UNAUTHORIZED PRACTICE OF NURSING HOME ADMINISTRATION UNDER § 9-401 OF THIS TITLE OR DISCIPLINARY ACTION UNDER § 9-314 OF THIS SUBTITLE.

9-407.

(A) ~~EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION,~~ A person who violates any provision of this title is guilty of a misdemeanor and on conviction is subject to:

- (1) A fine not exceeding \$1,000 for a first offense; and
- (2) A fine not exceeding \$5,000 or imprisonment not exceeding 6 months or both for any subsequent violation of the same provision.

~~(B) A PERSON WHO VIOLATES § 9-401 OF THIS SUBTITLE IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO:~~

- ~~(1) A FINE NOT EXCEEDING \$2,000 FOR A FIRST OFFENSE, AND~~
- ~~(2) A FINE NOT EXCEEDING \$10,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH FOR ANY SUBSEQUENT VIOLATION OF THE SAME PROVISION.~~

~~(C)~~ (B) THE BOARD SHALL PAY ANY FINE COLLECTED UNDER THIS SECTION INTO THE GENERAL FUND OF THE STATE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2005.

Approved April 26, 2005.