

- (1) THE BOARD, IN ITS OWN NAME;
- (2) THE ATTORNEY GENERAL, IN THE NAME OF THE STATE; OR
- (3) THE STATE'S ATTORNEY, IN THE NAME OF THE STATE.

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

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

(E) AN ACTION UNDER THIS SECTION IS IN ADDITION TO AND NOT INSTEAD OF CRIMINAL PROSECUTION FOR UNAUTHORIZED PRACTICE OF PHARMACY UNDER § 12-701 OF THIS TITLE OR DISCIPLINARY ACTION UNDER § 12-313 OF THIS SUBTITLE.
12-320.

(A) IN INVESTIGATING AN ALLEGATION BROUGHT AGAINST A LICENSEE UNDER THIS TITLE, IF THE BOARD HAS REASON TO BELIEVE THAT A LICENSEE MAY CAUSE HARM TO A PERSON AFFECTED BY THE LICENSEE'S PRACTICE, THE BOARD ON ITS OWN INITIATIVE MAY DIRECT THE LICENSEE TO SUBMIT TO AN APPROPRIATE EXAMINATION BY A HEALTH CARE PROVIDER DESIGNATED BY THE BOARD.

(B) IN RETURN FOR THE PRIVILEGE GIVEN TO A LICENSEE TO PRACTICE PHARMACY IN THE STATE, THE LICENSEE IS DEEMED TO HAVE:

- (1) CONSENTED TO SUBMIT TO AN EXAMINATION UNDER THIS SECTION, IF REQUESTED BY THE BOARD IN WRITING; AND
- (2) WAIVED ANY CLAIM OF PRIVILEGE AS TO THE TESTIMONY OR EXAMINATION REPORTS OF A HEALTH CARE PROVIDER.

(C) THE FAILURE OR REFUSAL OF A LICENSEE TO SUBMIT TO AN EXAMINATION REQUIRED UNDER THIS SECTION IS PRIMA FACIE EVIDENCE OF THE LICENSEE'S INABILITY TO PRACTICE PHARMACY COMPETENTLY, UNLESS THE BOARD FINDS THAT THE FAILURE OR REFUSAL WAS BEYOND THE CONTROL OF THE LICENSEE.

(D) THE BOARD SHALL PAY THE COST OF ANY EXAMINATION MADE UNDER THIS SECTION.

12-409.

(A) Subject to the hearing provisions of § 12-411 of this subtitle, the Board may suspend or revoke any pharmacy permit, if the pharmacy:

- (1) Is conducted so as to endanger the public health or safety;
- (2) Violates any of the standards specified in § 12-403 of this subtitle; or