

16-319.

(A) AN ACTION MAY BE MAINTAINED IN THE NAME OF THE STATE OR THE BOARD TO ENJOIN:

- (1) THE UNAUTHORIZED PRACTICE OF PODIATRY; OR
- (2) CONDUCT THAT IS A GROUND FOR DISCIPLINARY ACTION UNDER § 16-312 OF THIS SUBTITLE.

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

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

(C) AN ACTION UNDER THIS SECTION SHALL BE BROUGHT IN THE COUNTY WHERE THE DEFENDANT:

- (1) RESIDES; OR
- (2) ENGAGES IN THE ACT SOUGHT TO BE ENJOINED.

(D) 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.

(E) AN ACTION UNDER THIS SECTION IS IN ADDITION TO AND NOT INSTEAD OF CRIMINAL PROSECUTION FOR THE UNAUTHORIZED PRACTICE OF PODIATRY UNDER § 16-501 OF THIS TITLE.

16-320.

(A) WHILE INVESTIGATING AN ALLEGATION AGAINST A LICENSEE UNDER THIS TITLE, THE BOARD MAY REQUIRE THE LICENSEE TO SUBMIT TO AN APPROPRIATE EXAMINATION BY A HEALTH CARE PROVIDER DESIGNATED BY THE BOARD IF THE BOARD HAS REASON TO BELIEVE THAT THE LICENSEE MAY CAUSE HARM TO A PERSON.

(B) IN RETURN FOR THE PRIVILEGE GIVEN TO A LICENSEE TO PRACTICE PODIATRY 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 REPORT OF A HEALTH CARE PROVIDER WHO EXAMINES THE LICENSEE.

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