

(2) WAIVE OBJECTION TO THE RECEIPT OF AND CONSIDERATION BY THE BOARD OF THE RESULTS OF ANY EXAMINATIONS, TESTS, OR EVALUATIONS CONDUCTED BY, AND THE REPORTS AND TESTIMONY OF, THE EXAMINING HEALTH CARE PROVIDER.

(C) THE FAILURE OR REFUSAL OF THE LICENSEE TO SUBMIT TO AN EXAMINATION REQUIRED UNDER SUBSECTION (B) OF THIS SECTION MAY BE CONSIDERED AS EVIDENCE OF THE INABILITY OF THE LICENSEE TO PRACTICE 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 ALL EXAMINATIONS, TESTS, AND EVALUATIONS PERFORMED PURSUANT TO THIS SECTION.

13-318.1.

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

- (1) THE UNAUTHORIZED PRACTICE OF PHYSICAL THERAPY; OR
- (2) CONDUCT THAT IS GROUND FOR DISCIPLINARY ACTION UNDER § 13-316 OF THIS TITLE.

(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 MAY BE BROUGHT IN THE COUNTY WHERE THE DEFENDANT RESIDES OR ENGAGED 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 PHYSICAL THERAPY UNDER § 13-401 OF THIS TITLE OR DISCIPLINARY ACTION UNDER § 13-316 OF THIS TITLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1998.

Approved May 21, 1998.