

148B.70 ADDITIONAL REMEDIES.

Subdivision 1. **Cease and desist.** The committee may issue a cease and desist order to stop a person from violating or threatening to violate a statute, rule, or order which the Office of Mental Health Practice has issued or is empowered to enforce. The cease and desist order must state the reason for its issuance and give notice of the person's right to request a hearing under sections 14.57 to 14.62. If, within 15 days of service of the order, the subject of the order fails to request a hearing in writing, the order is the final order of the committee and is not reviewable by a court or agency.

A hearing must be initiated by the Office of Mental Health Practice not later than 30 days from the date of the office's receipt of a written hearing request. Within 30 days of receipt of the administrative law judge's report, the committee shall issue a final order modifying, vacating, or making permanent the cease and desist order as the facts require. The final order remains in effect until modified or vacated by the committee.

When a request for a stay accompanies a timely hearing request, the committee may, in the committee's discretion, grant the stay. If the committee does not grant a requested stay, the committee shall refer the request to the Office of Administrative Hearings within three working days of receipt of the request. Within ten days after receiving the request from the committee, an administrative law judge shall issue a recommendation to grant or deny the stay. The committee shall grant or deny the stay within five days of receiving the administrative law judge's recommendation.

In the event of noncompliance with a cease and desist order, the committee may institute a proceeding in Hennepin County District Court to obtain injunctive relief or other appropriate relief, including a civil penalty payable to the Office of Mental Health Practice not exceeding \$10,000 for each separate violation.

Subd. 2. **Injunctive relief.** In addition to any other remedy provided by law, including the issuance of a cease and desist order under subdivision 1, the committee may in the committee's own name bring an action in Hennepin County District Court for injunctive relief to restrain an unlicensed mental health practitioner from a violation or threatened violation of any statute, rule, or order which the committee is empowered to regulate, enforce, or issue. A temporary restraining order must be granted in the proceeding if continued activity by a practitioner would create a serious risk of harm to others. The committee need not show irreparable harm.

Subd. 3. **Additional powers.** The issuance of a cease and desist order or injunctive relief granted under this section does not relieve a practitioner from criminal prosecution by a competent authority or from disciplinary action by the committee.

History: *1991 c 292 art 2 s 60; 2005 c 147 art 8 s 4*

NOTE: This section is repealed by Laws 2003, chapter 118, section 29, paragraph (a), as amended by Laws 2004, chapter 279, article 5, section 10, and Laws 2005, chapter 147, article 8, section 3, effective July 1, 2009. Laws 2003, chapter 118, section 29, paragraph (a), the effective date, as amended by Laws 2004, chapter 279, article 5, section 10, and Laws 2005, chapter 147, article 8, section 3.