

## Injunctive relief proposal

### 12-200-\_\_\_. [Formerly 12-36-129 (6)] Disciplinary actions - injunctive relief.

(1) (a) EXCEPT AS SPECIFIED IN SUBSECTION (2) OF THIS SECTION, the ~~board~~ REGULATOR may, in the name of the people of the state of Colorado and through the attorney general of the state of Colorado, apply for an injunction in any court of competent jurisdiction to enjoin any person from committing any act prohibited by ~~this article~~ A PART OR ARTICLE OF THIS TITLE 12.

(b) If the ~~board~~ REGULATOR establishes that the defendant has been or is committing an act prohibited by ~~this~~ THE PART OR article, the court shall enter a decree perpetually enjoining the defendant from further committing the act.

(c) An injunctive proceeding may be brought pursuant to this section in addition to, and not in lieu of, all penalties and other remedies provided in ~~this~~ THE PART OR article.

(2) SUBSECTION (1) OF THIS SECTION DOES NOT APPLY TO THE FOLLOWING ARTICLES OF THIS TITLE 12:

- (a) ARTICLE \_\_\_ CONCERNING ACCOUNTANTS;
- (b) ARTICLE \_\_\_ CONCERNING FANTASY CONTESTS;
- (c) ARTICLE \_\_\_ CONCERNING LANDSCAPE ARCHITECTS;
- (d) ARTICLE \_\_\_ CONCERNING DENTISTS AND DENTAL HYGIENISTS;
- (e) ARTICLE \_\_\_ CONCERNING NATUROPATHIC DOCTORS;
- (f) ARTICLE \_\_\_ CONCERNING MENTAL HEALTH;
- (g) ARTICLE \_\_\_ CONCERNING NURSES;
- (h) ARTICLE \_\_\_ CONCERNING NURSE AIDES;
- (i) ARTICLE \_\_\_ CONCERNING NURSING HOME ADMINISTRATORS;
- (j) ARTICLE \_\_\_ CONCERNING PHYSICAL THERAPISTS;
- (k) ARTICLE \_\_\_ CONCERNING PODIATRISTS; AND
- (l) ARTICLE \_\_\_ CONCERNING PSYCHIATRIC TECHNICIANS.

(3) EXCEPT AS SPECIFIED IN SUBSECTION (4) OF THIS SECTION, WHEN SEEKING AN INJUNCTION UNDER THIS SECTION, THE REGULATOR IS NOT REQUIRED TO ALLEGE OR PROVE THE INADEQUACY OF ANY REMEDY AT LAW OR THAT SUBSTANTIAL OR IRREPARABLE DAMAGE IS LIKELY TO RESULT FROM A CONTINUED VIOLATION.

(4) SUBSECTION (3) OF THIS SECTION DOES NOT APPLY TO THE FOLLOWING ARTICLES OF THIS TITLE 12:

- (a) ARTICLE \_\_\_ CONCERNING BARBERS & COSMETOLOGISTS;
- (b) ARTICLE \_\_\_ CONCERNING COMBATIVE SPORTS;
- (c) PART 3 OF ARTICLE \_\_\_ CONCERNING ARCHITECTS;
- (d) ARTICLE \_\_\_ CONCERNING FANTASY CONTESTS;
- (e) ARTICLE \_\_\_ CONCERNING LANDSCAPE ARCHITECTS;
- (f) ARTICLE \_\_\_ CONCERNING MORTUARIES AND CREMATORIES;
- (g) ARTICLE \_\_\_ CONCERNING PASSENGER TRAMWAY OPERATORS;
- (h) ARTICLE \_\_\_ CONCERNING AUDIOLOGISTS;
- (i) ARTICLE \_\_\_ CONCERNING DENTISTS AND DENTAL HYGIENISTS;
- (j) ARTICLE \_\_\_ CONCERNING HEARING AID PROVIDERS;
- (k) ARTICLE \_\_\_ CONCERNING PODIATRISTS;
- (l) ARTICLE \_\_\_ CONCERNING MEDICAL PRACTICE;
- (m) ARTICLE \_\_\_ CONCERNING NATUROPATHIC DOCTORS;

- 1 (n) ARTICLE \_\_\_ CONCERNING NURSES;  
2 (o) ARTICLE \_\_\_ CONCERNING NURSE AIDES;  
3 (p) ARTICLE \_\_\_ CONCERNING OPTOMETRISTS;  
4 (q) ARTICLE \_\_\_ CONCERNING PHARMACISTS, PHARMACY BUSINESSES, AND  
5 PHARMACEUTICALS;  
6 (r) ARTICLE \_\_\_ CONCERNING PHYSICAL THERAPISTS;  
7 (s) ARTICLE \_\_\_ CONCERNING PSYCHIATRIC TECHNICIANS; AND  
8 (t) ARTICLE \_\_\_ CONCERNING VETERINARIANS.

## Injunctive Relief

Profession/Occupation/ Business	Applicable Statutes	Person Subject		Lowered Burden of Proof?		Eligible Violation		
		Any	Only licensed or unlicensed person	Yes	No	Section, part, or article	More (e.g., rules, orders, etc.)	Less (e.g., misdemeanor)
Accountants	No provision other than cease-and-desist orders under 12-2-126 (5)							
Hearing Aid Providers	12-5.5-301	✓			✓	✓		
Barbers & Cosmetologists	12-8-108 (1)(g)	✓			✓	✓		
Combative Sports	12-10-110 (3)	✓			✓		✓	
Fantasy Contests	No provision							
Electricians	12-23-104 (2)(e) & (2)(m)	✓		✓		✓	✓	
Engineers	12-25-105 (6)(a); 12-25-109 (8)	✓		✓		✓		
Land Surveyors	12-25-205 (3.5)(a); 12-25-209 (8)	✓		✓		✓		
Architects	12-25-309 (4)	✓			✓			✓
Acupuncturists	12-29.5-110 (1)(i)	✓		✓		✓		
Athletic Trainers	12-29.7-110 (6)(a)	✓		✓		✓		
Audiologists	12-29.9-109 (2)	✓			✓	✓		
Podiatrists	12-32-113		✓		✓	✓		
Chiropractors	12-33-107 (1)(e)	✓			✓	✓		

## Injunctive Relief

Profession/Occupation/ Business	Applicable Statutes	Person Subject		Lowered Burden of Proof?		Eligible Violation		
		Any	Only licensed or unlicensed person	Yes	No	Section, part, or article	More (e.g., rules, orders, etc.)	Less (e.g., misdemeanor)
Dentists/Dental Hygienists	12-35-137 (2)		✓		✓			✓
Massage Therapists	12-35.5-112 (2)	✓		✓		✓		
Physicians/PAs/Anesthe siologist Assistants	12-36-106 (5)(g)		✓		✓		✓	✓
	12-36-129 (6)	✓			✓	✓		
Direct-entry Midwives	12-37-106 (1)(e)	✓		✓		✓		
	12-37-107 (1)		✓		✓	✓		
Naturopathic Doctors	No provision other than cease-and-desist orders under 12-37.3-112 (13)							
Nurses	12-38-124		✓		✓	✓		
Certified Nurse Aides	12-38.1-119		✓		✓	✓		
Nursing Home Administrators	12-39-118		✓	✓		✓		
Optometrists	12-40-123	✓			✓			✓
Occupational Therapists/Occupational Therapy Assistants	12-40.5-110 (7)(a)	✓		✓		✓		

## Injunctive Relief

Profession/Occupation/ Business	Applicable Statutes	Person Subject		Lowered Burden of Proof?		Eligible Violation		
		Any	Only licensed or unlicensed person	Yes	No	Section, part, or article	More (e.g., rules, orders, etc.)	Less (e.g., misdemeanor)
Physical Therapists /Physical Therapist Assistants	12-41-123; 12-41-218	✓			✓			✓
Respiratory Therapists	12-41.5-109 (5.5)(a)	✓		✓		✓		
Psychiatric Technicians	No provision							
Pharmacists/Pharmacies	12-42.5-106 (1)(d)	✓			✓			✓
Mental Health Professionals	12-43-227		✓	✓		✓		
Surgical Assistants/Technologists	12-43.2-105 (6)(a)	✓		✓		✓		
Speech-language Pathologists	12-43.7-111 (3)(a)	✓		✓		✓		
Landscape Architects	12-45-115		✓		✓	✓		
Mortuaries/Crematories	12-54-408	✓			✓			✓
Outfitters/Guides	12-55.5-104 (1)(c)	✓		✓		✓		
Plumbers	12-58-104 (1)(i) & (1)(n)	✓		✓		✓		
Private Investigators	12-58.5-109 (6)(a)	✓		✓		✓		

## Injunctive Relief

Profession/Occupation/ Business	Applicable Statutes	Person Subject		Lowered Burden of Proof?		Eligible Violation		
		Any	Only licensed or unlicensed person	Yes	No	Section, part, or article	More (e.g., rules, orders, etc.)	Less (e.g., misdemeanor)
Veterinarians	12-64-114 (3)	✓			✓	✓		
Passenger Tramway Operators	25-5-704 (1)(j)	✓			✓	✓		
	25-5-707 (2)		✓		✓			✓

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## Injunctive Relief statutes

### *Summary*

30 articles with some sort of provision

The person subject to the injunction: any person - 26 provisions; only licensed or unlicensed persons: 8 provisions

The subject matter of the injunction: a section, part, or article - 28 provisions; rules - 3 provisions; orders - 3 provisions; misdemeanors - 3 provisions; marketing - 1 provision

*Lowered burden of proof: 15 provisions*

### Accountants

No specific provision outside enforcing cease-and-desist order under 12-2-126 (5)

### *Hearing Aid Providers*

**12-5.5-301. Director - powers - duties - rules.** (2) The director may apply to a court of competent jurisdiction for an order enjoining any act or practice that constitutes a violation of this article. Upon a showing that a person is engaging in or intends to engage in the act or practice, the court shall grant an injunction, restraining order, or other appropriate order, regardless of the existence of another remedy. All proceedings related to such orders are governed by the Colorado rules of civil procedure.

### *Barbers & Cosmetologists*

**12-8-108. Powers and duties of the director - advisory committee - rules.** (1) The director has the following powers and duties:

(g) By and through the attorney general of this state, to apply to a court of competent jurisdiction for an order enjoining any act or practice which constitutes a violation of this article. Upon a showing to the satisfaction of the court that a person is engaging or intends to engage in any such act or practice, an injunction, temporary restraining order, or other appropriate order shall be granted by such court, regardless of the existence of another remedy therefor. The requirements for notice, hearing, duration of any injunction or temporary restraining order issued pursuant to this paragraph (g), or other similar matter shall be in accordance with the Colorado rules of civil procedure.

### *Combative Sports*

**12-10-110. Violations.** (3) **Injunction.** Whenever it appears to the director that a person has engaged or is about to engage in an act or practice that violates this article or a rule or order issued under this article, the director may bring an action to enjoin the acts or practices and to enforce compliance with this article or any rule or order.

### *Fantasy Contests*

No provision

*Electricians*

**12-23-104. Board powers and duties - rules.** (2) In addition to all other powers and duties conferred or imposed upon the board by this article, the board is authorized to:

(e) Cause the prosecution and enjoinder, in any court of competent jurisdiction, of **all persons** violating this article and incur necessary expenses therefor. When seeking an injunction, *the board shall not be required to prove that an adequate remedy at law does not exist or that substantial or irreparable damages would result if an injunction is not granted.*

(m) Apply to a court to enjoin an incorporated town or city, county, city and county, or qualified state institution of higher education from violating an order issued pursuant to paragraph (l) of this subsection (2).

*Engineers*

**12-25-105. Unlawful practice - penalties - enforcement.** (6) The practice of professional engineering in violation of any of the provisions of this part 1 shall be either:

(a) Restrained by injunction in an action brought by the attorney general or by the district attorney of the proper district in the county in which the violation occurs; or

**12-25-109. Disciplinary proceedings - injunctive relief procedure.** (8) (a) The board is authorized to apply for injunctive relief, in the manner provided by the Colorado rules of civil procedure, to enforce the provisions of this part 1 or to restrain any violation thereof. In such proceedings, *it shall not be necessary to allege or prove either that an adequate remedy at law does not exist or that substantial or irreparable damage would result from the continued violation thereof.* The members of the board, its staff, and the attorney general shall not be held personally liable in any such proceeding.

(b) (I) If the board has reason to believe that **any individual** has engaged in, or is engaging in, any act or practice which constitutes a violation of any provision of this article, the board may initiate proceedings to determine if such a violation has occurred. Hearings shall be conducted in accordance with the provisions of article 4 of title 24, C.R.S.

(c) In any action brought pursuant to this subsection (8), evidence of the commission of a single act prohibited by this article shall be sufficient to justify the issuance of an injunction or a cease-and-desist order.

*Land surveyors*

**12-25-205. Unlawful practice - penalties - enforcement.** (3.5) The practice of professional land surveying in violation of any of the provisions of this part 2 shall be either:

(a) Restrained by injunction in an action brought by the attorney general or by the district attorney of the proper district in the county in which the violation occurs; or

**12-25-209. Disciplinary proceedings - injunctive relief procedure.** (8) (a) The board is authorized to apply for injunctive relief, in the manner provided by the Colorado rules of civil procedure, to enforce the provisions of this part 2, or to restrain any violation thereof. In such proceedings, *it shall not be necessary to allege or prove either that an adequate remedy at law does not exist or that substantial or irreparable damage would result*

*from the continued violation thereof.* The members of the board, its staff, and the attorney general shall not be held personally liable in any such proceeding.

(b) (I) If the board has reason to believe that **any individual** has engaged in, or is engaging in, any act or practice which constitutes a violation of any provision of this article, the board may initiate proceedings to determine if such a violation has occurred. Hearings shall be conducted in accordance with the provisions of article 4 of title 24, C.R.S.

(c) In any action brought pursuant to this subsection (8), evidence of the commission of a single act prohibited by this article shall be sufficient to justify the issuance of an injunction or a cease-and-desist order.

#### *Architects*

**12-25-309. Disciplinary proceedings - injunctions.** (4) The board may, in the name of the people of the state of Colorado, through the attorney general of the state of Colorado, apply for an injunction in any court of competent jurisdiction to enjoin **any person** from committing any act declared to be a misdemeanor by this part 3. In order to obtain such injunction the board need not prove irreparable injury.

#### *Acupuncturists*

**12-29.5-110. Director - powers and duties.** (1) In addition to any other powers and duties conferred by this article, the director shall have the following powers and duties:

(i) To seek, through the office of the attorney general, an injunction in any court of competent jurisdiction to enjoin **any person** from committing any act prohibited by this article. When seeking an injunction under this paragraph (i), *the director shall not be required to allege or prove the inadequacy of any remedy at law or that substantial or irreparable damage is likely to result from a continued violation of this article.*

#### *Athletic trainers*

**12-29.7-110. Grounds for discipline - disciplinary proceedings.** (6) (a) The director may request the attorney general to seek an injunction, in any court of competent jurisdiction, to enjoin **a person** from committing an act prohibited by this article. When seeking an injunction under this paragraph (a), *the attorney general is not required to allege or prove the inadequacy of any remedy at law or that substantial or irreparable damage is likely to result from a continued violation of this article.*

#### *Audiologists*

**12-29.9-109. Director - powers - duties - rules.** (2) The director may apply to a court of competent jurisdiction for an order enjoining any act or practice that constitutes a violation of this article. Upon a showing that **a person** is engaging in or intends to engage in the act or practice, the court shall grant an injunction, restraining order, or other appropriate order, regardless of the existence of another remedy. The Colorado rules of civil procedure govern all proceedings related to such court orders.

### *Podiatrists*

**12-32-113. Injunctive proceedings.** The Colorado podiatry board, in the name of the people of the state of Colorado, may apply for injunctive relief through the attorney general in any court of competent jurisdiction to enjoin any **person who does not possess a currently valid or active podiatry license** from committing any act declared to be unlawful or prohibited by this article. If it is established that the defendant has been or is committing an act declared to be unlawful or prohibited by this article, the court or any judge thereof shall enter a decree perpetually enjoining said defendant from further committing such act. In the case of a violation of any injunction issued under the provisions of this section, the court or any judge thereof may summarily try and punish the offender for contempt of court. Such injunctive proceedings shall be in addition to, and not in lieu of, all penalties and other remedies provided for in this article.

### *Chiropractors*

**12-33-107. Board powers.** (1) The board is authorized to and shall:

(e) Cause the prosecution of and seek injunctions against **all persons** violating this article;

### *Dentists/Dental Hygienists*

**12-35-137. Independent advertising or marketing agent - injunctive proceedings.**

(2) The board shall not have the authority to regulate, directly or indirectly, advertising or marketing activities of independent advertising or marketing agents except as provided in this section. The board may, in the name of the people of the state of Colorado, apply for an injunction in district court to enjoin **any independent advertising or marketing agent** from the use of advertising or marketing that the court finds on the basis of the evidence presented by the board to be misleading, deceptive, or false; except that a licensed dentist or dental hygienist shall not be subject to discipline by the board, injunction, or prosecution in the courts under this article or any other law for advertising or marketing by an independent advertising or marketing agent if the factual information that the licensed dentist or dental hygienist provides to the independent advertising or marketing agent is accurate and not misleading, deceptive, or false. <{Limited to advertising/marketing context}>

### *Massage Therapists*

**12-35.5-112. Disciplinary proceedings - injunctions - investigations - hearings - judicial review - fine.** (2) The director may request the attorney general to seek an injunction, in any court of competent jurisdiction, to enjoin **any person** from engaging in or aiding and abetting an act or practice prohibited by this article. When seeking a temporary restraining order, preliminary injunction, or injunction under this subsection (2), *the attorney general is not required to allege or prove the inadequacy of any remedy at law or that substantial or irreparable damage is likely to result from a continued violation of this article.*

*Physicians/PAs/Anesthesiologist Assistants*

**12-36-106. Practice of medicine defined - exemptions from licensing requirements - unauthorized practice by physician assistants and anesthesiologist assistants - penalties - rules - repeal.** (5) (g) Pursuant to section 12-36-129 (6), the board may apply for an injunction to enjoin **any person** from performing delegated medical acts that are in violation of this section or of any rules promulgated by the board.

**12-36-129. Unauthorized practice - penalties.** (6) (a) The board may, in the name of the people of the state of Colorado and through the attorney general of the state of Colorado, apply for an injunction in any court of competent jurisdiction to enjoin **any person** from committing any act prohibited by this article.

(b) If the board establishes that the defendant has been or is committing an act prohibited by this article, the court shall enter a decree perpetually enjoining the defendant from further committing the act.

(c) An injunctive proceeding may be brought pursuant to this section in addition to, and not in lieu of, all penalties and other remedies provided in this article.

*Direct-entry Midwives*

**12-37-106. Director - powers and duties.** (1) In addition to any other powers and duties conferred on the director by law, the director has the following powers and duties:

(e) To seek, through the office of the attorney general, an injunction in a court of competent jurisdiction to enjoin **any person** from committing an act prohibited by this article. When seeking an injunction under this paragraph (e), *the director shall not be required to allege or prove the inadequacy of any remedy at law or that substantial or irreparable damage is likely to result from a continued violation* of this article.

**12-37-107. Disciplinary action authorized - grounds for discipline - injunctions - rules.** (1) If **a direct-entry midwife** has violated any of the provisions of section 12-37-103, 12-37-104, 12-37-105, or 12-37-109 (3), the director may deny, revoke, or suspend a registration, issue a letter of admonition to a registrant, place a registrant on probation, or apply for a temporary or permanent injunction against a direct-entry midwife, through the attorney general, in any court of competent jurisdiction, enjoining such direct-entry midwife from practicing midwifery or committing any such violation. Injunctive proceedings under this subsection (1) shall be in addition to, and not in lieu of, any other penalties or remedies provided in this article.

*Naturopathic Doctors*

No specific provision outside enforcing cease-and-desist order under 12-37.3-112 (13)

*Nurses*

**12-38-124. Injunctive proceedings.** The board, in the name of the people of the state of Colorado, may apply for injunctive relief through the attorney general in any court of competent jurisdiction to enjoin **any person who does not possess a currently valid or**

**active practical or professional nurse license** from committing any act declared to be unlawful or prohibited by this article. If it is established that the defendant has been or is committing an act declared to be unlawful or prohibited by this article, the court or any judge thereof shall enter a decree perpetually enjoining said defendant from further committing such act. In the case of a violation of any injunction issued under the provisions of this section, the court or any judge thereof may summarily try and punish the offender for contempt of court. Such injunctive proceedings shall be in addition to, and not in lieu of, all penalties and other remedies provided for in this article.

#### *Certified Nurse Aides*

**12-38.1-119. Injunctive proceedings.** The board may apply for injunctive relief through the attorney general in any court of competent jurisdiction to enjoin **any person who does not possess a current valid certificate as a nurse aide** issued under the provisions of this article from committing any act declared to be unlawful under or prohibited by this article. Such injunctive proceedings shall be in addition to and not in lieu of all penalties and other remedies provided for in this article.

#### *Nursing Home Administrators*

**12-39-118. Injunctive proceedings.** The board, in the name of the people of the state of Colorado, may apply for injunctive relief through the attorney general or the district attorney in any court of competent jurisdiction to enjoin **any person who does not possess a currently valid or active nursing home administrator's license** from committing any act declared to be unlawful or prohibited by this article. In any action taken pursuant to this section *the court shall not require the board to plead or prove irreparable injury or inadequacy of a remedy at law* or to post a bond. If it is established that the defendant has been or is committing an act declared to be unlawful or prohibited by this article, the court or any judge thereof shall enter a decree perpetually enjoining said defendant from further committing such act. In the case of a violation of any injunction issued under the provisions of this section, the court or any judge thereof may summarily try and punish the offender for contempt of court. Such injunctive proceedings shall be in addition to, and not in lieu of, all penalties and other remedies provided in this article.

#### *Optometrists*

**12-40-123. Enforcement - injunction - defense.** (1) When the board has reasonable cause to believe that **any person** is violating any provision of this article or any lawful rule or regulation issued under this article, it may, in addition to all actions provided for in this article and without prejudice thereto, enter an order requiring such person to desist or refrain from such violation. An action may be brought on the relation of the people of the state of Colorado by the attorney general and the board to enjoin such person from engaging in or continuing such violation or from doing any act in furtherance thereof. In any such action an order or judgment may be entered awarding such preliminary or final injunction as may be

deemed proper.

(2) When legal actions are instituted against a board member or authorized personnel for acts occurring while acting in their official capacities and such actions are free of malice, fraud, or willful neglect of duty, the member or employee served shall forthwith transmit any process served upon him to the attorney general who shall furnish counsel and defend against such action without cost to the board member or employee.

#### *Occupational Therapists/Occupational Therapy Assistants*

##### **12-40.5-110. Grounds for discipline - disciplinary proceedings - judicial review.**

(7) (a) The director may request the attorney general to seek an injunction, in any court of competent jurisdiction, to enjoin **a person** from committing an act prohibited by this article. When seeking an injunction under this paragraph (a), *the attorney general shall not be required to allege or prove the inadequacy of any remedy at law or that substantial or irreparable damage is likely to result from a continued violation* of this article.

#### *Physical Therapists/Physical Therapist Assistants*

**12-41-123. Injunctive proceedings.** The board may, in the name of the people of Colorado, through the attorney general of Colorado, apply for an injunction to a court to enjoin **a person** from committing an act declared to be a misdemeanor by this article. If it is established that the defendant has been or is committing an act declared to be a misdemeanor by this article, the court shall enter a decree perpetually enjoining the defendant from further committing the act. If a person violates an injunction issued under this section, the court may try and punish the offender for contempt of court. An injunction proceeding is in addition to, and not in lieu of, all penalties and other remedies provided in this article.

**12-41-218. Injunctive proceedings.** The board may, in the name of the people of the state of Colorado, through the attorney general of Colorado, apply for an injunction to a court to enjoin **a person** from committing an act declared to be a misdemeanor by this part 2. If it is established that the defendant has been or is committing an act declared to be a misdemeanor by this part 2, the court shall enter a decree perpetually enjoining the defendant from further committing the act. If a person violates an injunction issued under this section, the court may try and punish the offender for contempt of court. An injunction proceeding is in addition to, and not in lieu of, all penalties and other remedies provided in this part 2.

#### *Respiratory Therapists*

**12-41.5-109. Grounds for action - disciplinary proceedings.** (5.5) (a) The director may request the attorney general to seek an injunction, in any court of competent jurisdiction, to enjoin **any person** from committing any act prohibited by this article. When seeking an injunction under this paragraph (a), *the attorney general shall not be required to allege or prove the inadequacy of any remedy at law or that substantial or irreparable damage is likely to result from a continued violation* of this article.

*Psychiatric Technicians*

No provision

*Pharmacists/Pharmacies*

**12-42.5-106. Powers and duties.** (1) The board shall:

(d) Apply to the courts for and obtain in accordance with the Colorado rules of civil procedure restraining orders and injunctions to enjoin violations of the laws that the board is empowered to enforce;

*Mental Health Professionals*

**12-43-227. Injunctive proceedings.** (1) A board may, in the name of the people of the state of Colorado, through the attorney general of the state of Colorado, apply for an injunction in any court of competent jurisdiction:

(a) To enjoin **any person licensed, registered, or certified by that board** pursuant to this article from committing any act prohibited by this article;

(b) To enjoin **a licensee, registrant, or certificate holder regulated by that board** from practicing the profession for which the person is licensed, registered, or certified under this article if the person has violated section 12-43-224 (2)(d) or 12-43-222.

(c) (Deleted by amendment, L. 2011, (SB 11-187), ch. 285, p. 1309, § 37, effective July 1, 2011.)

(2) If the board demonstrates that the defendant has been or is committing any act prohibited by this article, the court shall enter a decree perpetually enjoining the defendant from further committing the act or from practicing any profession licensed, registered, or certified pursuant to this article.

(3) Injunctive proceedings are in addition to, and not in lieu of, penalties and other remedies provided in this article.

(4) When seeking an injunction under this section, *a board is not required to allege or prove either that an adequate remedy at law does not exist or that substantial or irreparable damage would result from a continued violation.*

*Surgical Assistants/Technologists*

**12-43.2-105. Grounds for discipline - disciplinary proceedings - judicial review.**

(6) (a) The director may request the attorney general to seek an injunction, in any court of competent jurisdiction, to enjoin **a person** from committing an act prohibited by this article. When seeking an injunction under this paragraph (a), *the attorney general shall not be required to allege or prove the inadequacy of any remedy at law or that substantial or irreparable damage is likely to result from a continued violation* of this article.

*Speech-language Pathologists*

**12-43.7-111. Disciplinary actions - judicial review.** (3) (a) The director may request the attorney general to seek an injunction, in any court of competent jurisdiction, to

enjoin **a person** from committing an act prohibited by this article. When seeking an injunction under this paragraph (a), *the attorney general is not required to allege or prove the inadequacy of any remedy at law or that substantial or irreparable damage is likely to result from a continued violation of this article.*

#### *Landscape Architects*

**12-45-115. Unauthorized practice - penalties.** (1) **Any person who practices or offers or attempts to practice landscape architecture without an active license** issued under this article commits a class 2 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S., for the first offense, and, for the second or any subsequent offense, the person commits a class 6 felony and shall be punished as provided in section 18-1.3-401, C.R.S.

(2) A violation of this section may be prosecuted by the district attorney of the judicial district in which the offense was committed or by the attorney general of the state of Colorado in the name of the people of the state of Colorado. In such action, the court may issue an order, enter judgment, or issue a preliminary or final injunction. <{***Limited to unauthorized practice***}>

#### *Mortuaries/Crematories*

**12-54-408. Enforcement - injunctions.** (1) The director may forward to a district attorney or a state or federal law enforcement agency any information concerning possible violations of statute or rule under this article committed by **any person** or complaints filed against a funeral director, mortuary science practitioner, cremationist, or embalmer.

(2) The director may request that an action be brought in the name of the people of the state of Colorado by the attorney general or the district attorney of the district in which the violation is alleged to have occurred to enjoin **a person** from engaging in or continuing the violation or from doing any act that furthers the violation. In such an action, an order or judgment may be entered awarding such preliminary or final injunction as is deemed proper by the court. The notice, hearing, or duration of an injunction or restraining order shall be made in accordance with the Colorado rules of civil procedure.

#### *Outfitters/Guides*

**12-55.5-104. Powers and duties of the director.** (1) In addition to all other powers and duties conferred or imposed upon the director by this article or by any other law, the director:

(c) Is authorized to apply for injunctive relief, in the manner provided by the Colorado rules of civil procedure, to enforce the provisions of this article or to restrain **any violation** thereof. In such proceedings, *it shall not be necessary to allege or prove either that an adequate remedy at law does not exist or that substantial or irreparable damage would result from the continued violation thereof.*

### *Plumbers*

**12-58-104. Powers of board - fees - rules.** (1) In addition to all other powers and duties conferred or imposed upon the board by this article 58, the board is authorized and empowered to:

(i) Cause the enjoinder, in any court of competent jurisdiction, of **all persons** violating this article. When seeking an injunction, *the board shall not be required to prove that an adequate remedy at law does not exist or that substantial or irreparable damages would result if an injunction is not granted.*

(n) Apply to a court to enjoin an incorporated town or city, county, city and county, or qualified state institution of higher education from violating an order issued pursuant to paragraph (m) of this subsection (1).

### *Private Investigators*

**12-58.5-109. Disciplinary actions - grounds for discipline - rules - cease-and-desist orders.** (6) (a) The director may request that the attorney general seek an injunction in any court of competent jurisdiction to enjoin **a person** from committing an act prohibited by this article. When seeking an injunction under this paragraph (a), *the attorney general is not required to allege or prove the inadequacy of any remedy at law or that substantial or irreparable damage is likely to result from a continued violation of this article.*

### *Veterinarians*

**12-64-114. Unauthorized practice - penalties.** (3) The board or a citizen of this state may bring an action to enjoin **a person** from practicing veterinary medicine without a currently valid license. If the court finds that **the person** is violating, or is threatening to violate, this article, it may enter an injunction restraining him or her from such unlawful acts.

### *Passenger Tramway Operators*

**25-5-704. Powers and duties of board.** (1) The board has the following powers and duties in addition to those otherwise described by this part 7:

(j) To cause the prosecution and enjoinder of **all persons** violating such provisions and to incur the necessary expenses thereof;

**25-5-707. Orders - enforcement.** (2) If **any area operator** fails to comply with a lawful order of the board issued under this section within the time fixed thereby, the board may take further action as permitted by sections 25-5-706 and 25-5-716 and may commence an action seeking injunctive relief in the district court of the judicial district in which the relevant passenger tramway is located.