§ 32.25 Confinement, care, and treatment of persons suffering from chemical abuse or dependence.

(a) No individual who is or appears to be suffering from chemical abuse or dependence shall be detained, deprived of his or her liberty, or otherwise confined without lawful authority, or be inadequately, unskillfully, cruelly, or unsafely cared for or supervised by any person.

(b) If the commissioner has reason to believe that this section is being violated or that services for persons suffering from chemical abuse or dependence or who are at risk of becoming alcohol or substance abusers are being provided in violation of this article, he or she shall promptly investigate the matter. If he or she finds, after notice to the person accused of the violation that there is substantial evidence to support the finding that there has been a violation, the commissioner shall issue an order directed to the person or entity who has committed the violation directing him or her to cease and desist from the violation.

(c) The commissioner may bring the following proceedings in the supreme court, in accordance with the provisions of section 32.27 of this article:

1. for an injunction where the person to whom a cease and desist order is directed has failed to comply therewith; and

2. for a temporary restraining order where the commissioner has reason to believe that a violation of this section may result in injury to any person.

(d) Nothing in this section shall prevent the commissioner from taking whatever action he or she deems necessary for the suspension, revocation, or limitation of the operating certificate of a provider of services which has been charged with a violation of this section.