§ 2897. Suspension, revocation and civil penalties. 1. The license or registration of a nursing home administrator may be suspended for a fixed period, revoked or annulled, or such administrator censured, reprimanded, subjected to a civil penalty and otherwise disciplined, in accordance with the provisions and procedures defined in this article, upon decision after due hearing that:

(a) he is guilty of fraud or deceit in his practice or has been guilty of fraud or deceit in procuring his license or registration;

(b) he has been convicted in a court of competent jurisdiction, either within or without the state, of a crime involving moral turpitude;

(c) he is or has been an alcohol abuser or is or has been addicted to the use of morphine, cocaine or other drugs having similar effect, or has become mentally ill;

(d) he has aided and abetted in the practice of nursing home administration a person who is not a registered nursing home administrator;

(e) he has falsely impersonated a duly registered nursing home administrator or former duly registered nursing home administrator, or is practicing nursing home administration under an assumed name;

(f) he has been guilty of unethical conduct as defined by rules adopted by the board and certified by the commissioner;

(g) he has not obtained a certificate of registration as required by section two thousand eight hundred ninety-six-g.

2. (a) A conviction of a felony shall forfeit a license to practice nursing home administration and shall be noted on the record of such license, and the license and registration thereunder shall be cancelled; provided, that if such conviction be subsequently set aside or reversed upon appeal and the accused acquitted or discharged, his license shall be restored.

(b) A conviction of a felony shall include the conviction of a felony by any court in this state or by any court of the United States or by any court of any other state of the United States; provided, however, that if a crime of which the practitioner of nursing home administration is convicted by any court of the United States or any other state is a felony in the jurisdiction in which the conviction is had but is not a felony in the state of New York, then the conviction shall not be deemed

a conviction of a felony for the purpose of this article. In the event that a crime of which the licensee is convicted by any court of the United States or by any court of any other state is not a felony in the jurisdiction in which the conviction is had but is a felony in the state of New York, then the conviction shall be deemed a conviction of a felony for the purposes of this article.

(c) If a person convicted of a felony or crime deemed hereby to be a felony is subsequently pardoned by the governor of the state where such conviction was had, or by the president of the United States, or shall receive a certificate of relief from disabilities or a certificate of good conduct pursuant to article twenty-three of the correction law for the purpose of removing the disability under this section because of such conviction, the board may, in its discretion, on application of such person, and on the submission to it of satisfactory evidence, restore to such person the right to practice nursing home administration in this state.

3. The license or registration of a nursing home administrator may be suspended for a fixed period or revoked or such administrator may be censured, reprimanded, subjected to a civil penalty and otherwise disciplined in accordance with the provisions and procedures defined in this article, upon decision after due hearing that, as the administrator of a nursing home he has intentionally participated in any act, practice or policy of such nursing home that endangered the health or safety of its patients. No administrator shall be deemed to have intentionally participated in any act, practice or policy of a nursing home if he has filed written objection to such act, practice or policy with the operator of such nursing home, specifying the manner in which such act, practice or policy endangers the health or safety of the patients of such nursing home.