§ 2897-a. Proceedings for suspension or revocation. 1. Proceedings against any licensed or registered nursing home administrator under this section shall be begun by filing with the board a written charge or charges in the form of a petition under oath against such nursing home administrator. The charges may be preferred by any person, corporation, association or public officer, or by the board or department in the first instance. A report of such investigation as the department shall deem proper shall be provided on request of the board.

2. If the board decides that the charges should be heard, the board shall designate a hearing officer to hear and report on the charges and shall set a time and place for the hearing. A copy of the charges, together with a notice of the time and place of hearing, shall be served on the accused at least fifteen days before the date fixed for the hearing personally in the same manner as a summons in a civil action, or by certified or registered mail addressed to the last known address of the licensee.

3. The respondent in all such cases brought under this section shall, at least five days before the return date of the petition containing the charges, file with the board a verified answer, in duplicate, to the allegations set forth in said petition. The accused shall have the opportunity at such hearing to appear either personally or by counsel, to cross-examine witnesses against him and to produce evidence and witnesses in his defense.

4. Upon the conclusion of the hearing, the hearing officer shall make a written report of his findings and conclusions to the board. The board shall thereupon take such action upon said findings and conclusions as it deems proper. If the accused is found not guilty by the board, it shall order a dismissal of the charges and his exoneration. If the accused is found guilty of the charges, or any of them, the board shall, in its discretion, issue an order suspending, revoking or annulling the license or registration of the accused, assessing a civil penalty and otherwise disciplining him.

5. Where the license or registration of any person has been revoked or

annulled, as herein provided, the board may, after the expiration of two years, entertain an application for restoration of such license or registration.

6. A licensed nursing home administrator whose license or registration has been suspended, revoked or annulled, or who is otherwise disciplined under this article, may commence a proceeding under article seventy-eight of the civil practice law and rules in the supreme court, Albany county, for the purpose of reviewing such determination, but no such determination shall be stayed or enjoined except after notice to the attorney general of the commencement of the proceeding.