§ 3510. Suspension or revocation. 1. The license, registration or intravenous contrast administration certificate of a radiologic technologist may be suspended for a fixed period, revoked or annulled, or such licensee censured, reprimanded, subject to a civil penalty not to exceed two thousand dollars for every such violation, or otherwise disciplined, in accordance with the provisions and procedures defined in this article, provided that no civil penalty shall be assessed for any crime or misconduct that occurred outside the jurisdiction of New York state upon decision after due hearing that the individual is guilty of the following misconduct:

(a) any fraud or deceit in the practice or has been guilty of any fraud or deceit in procuring a license, registration or certificate;

(b) conviction in a court of competent jurisdiction, either within or without this state, of a crime involving moral character;

(c) being a habitual abuser of alcohol or being dependent on or a habitual user of narcotics, barbiturates, amphetamines, hallucinogens or other drugs having similar effects. Exceptions may be made for a licensee who is maintained on an approved therapeutic regimen which does not impair the ability to practice;

(d) aiding and abetting in the practice of radiologic technology a person who is not a registered radiologic technologist or who is practicing a form of radiologic technology which is beyond the scope of the individual's license;

(e) engaging in any practice beyond the scope of the practice of radiologic technology or beyond the scope of the individual's license as defined in this article;

(f) falsely impersonating a duly registered radiologic technologist or former duly registered radiologic technologist, or is practicing radiologic technology under an assumed name;

(g) unethical conduct as defined by rules promulgated by the commissioner;

(h) failure to obtain a certificate of registration as required by section thirty-five hundred seven of this article;

(i) applying radiation to a human being when not under the necessary supervision of a duly licensed practitioner as defined in this article, or to any person or part of the human body other than those specified in the law under which such practitioner is licensed;

(j) expressing to a member of the public an interpretation of medical test results;

(k) using the prefix "Dr.", the word "doctor" or any suffix or affix to indicate or imply that the licensee is a duly licensed practitioner as defined in this article when not so licensed;

(l) incompetence or negligence;

(m) being convicted of a crime which has a direct relationship to the employment or licensure at issue or poses an unreasonable risk to public safety pursuant to article twenty-three-a of the correction law and is a conviction under (i) New York state law; (ii) federal law; or (iii) the law of another jurisdiction which, if committed within this state, would have constituted professional misconduct under New York state law;

(n) having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based, if committed in New York state, would constitute professional misconduct under the laws of New York state;

(o) having been found guilty in an adjudicatory proceeding of violating a state or federal statute or regulation, pursuant to a final decision or determination, and when no appeal is pending, or after resolution of the proceeding by stipulation or agreement, and when the violation would constitute professional misconduct under the laws of New York state; or

(p) having his or her license to practice as a radiologic technologist revoked, suspended or having other disciplinary action taken, or having his or her application for a license refused, revoked or suspended or having voluntarily or otherwise surrendered his or her license after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation, suspension or other disciplinary action involving the license or refusal, revocation or suspension of an application for a license or the surrender of the license would, if committed in New York state, constitute professional misconduct under the laws of New York state. A radiologic technologist licensed in New York state who is also licensed or seeking licensure in another state must immediately report to the department any revocation, suspension or other disciplinary action involving the out-of-state license or refusal, revocation or

suspension of an application for an out-of-state license or the surrender of the out-of-state license.

2. (a) No person convicted of a felony shall continue to hold a license to practice radiologic technology, unless he or she has been granted an executive pardon, a certificate of relief from disabilities or a certificate of good conduct for such felony and, the commissioner, in his or her discretion, restores the license after determining that the individual does not pose a threat to patient health and safety.

(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, and in the event that a crime of which the practitioner of radiologic technology is convicted by any court of the United States or any other state is not a felony in the jurisdiction in which the conviction is had but is substantially similar to a felony in the state of New York, then the conviction shall be deemed a conviction of a felony for the purpose of this article.