

**Title 20—DEPARTMENT OF
COMMERCE AND INSURANCE
Division 2030—Missouri Board for Architects,
Professional Engineers, Professional Land Surveyors,
And Professional Landscape Architects
Chapter 4—Applications**

PROPOSED AMENDMENT

20 CSR 2030-4.100 Applications—Formerly Licensed. The board is amending section (3), adding new section (4), and renumbering as necessary.

PURPOSE: This rule is being amended to come into compliance with the provisions of HB 2046 which went into effect on August 28, 2020 by specifically providing timelines and procedures for applicants for admission by comity under section 324.009, RSMo.

- (3) Any person who applies for licensure by comity under section 327.381, RSMo, after revocation or voluntary surrender of a Missouri license must meet the following criteria for licensure:
- (C) Upon passage of any Missouri-specific examination required for licensure in the applicant’s profession, the applicant may apply for issuance of a new license as if never licensed.**
- (4) Any person who applies for licensure by comity under section 324.009, RSMo, after revocation or voluntary surrender of a Missouri license must meet the following criteria for licensure:
- (A) After five (5) years have passed from the effective date of the order of revocation or affidavit of voluntary surrender, an applicant eligible for licensure by comity under section 324.009, RSMo may file an application for a new license without examination.**
- (B) Unless waived by the board under the terms of sections 324.009.3 and 324.009.4, RSMo, an applicant under this subsection must show proof of completion of the continuing education hours consistent with the requirements of 20 CSR 2030 Chapter 8 and/or 20 CSR 2030 Chapter 11 for the applicant’s profession in the two (2) years immediately preceding the application.**
- (C) Upon passage of any Missouri-specific examination required for licensure in the applicant’s profession, the applicant may apply for issuance of a new license as if never licensed.**
- ~~[(4)]~~**(5)** Any person who applies for licensure after revocation or voluntary surrender of a license on the ground of disciplinary action in another jurisdiction under section 327.441.2(8), RSMo, must meet the following criteria:
- (A) The applicant must show that the license which was revoked or otherwise disciplined in another jurisdiction has been reinstated, reissued, or otherwise returned to active**

status in good standing, which may include probationary licensure;

- (B) An applicant under this subsection must show proof of completion of the continuing education hours consistent with the requirements of 20 CSR 2030 Chapter 8 and/or 20 CSR 2030 Chapter 11 for the applicant's profession in the two (2) years immediately preceding the application.

[(5)](6) The board may require any applicant for examination or new licensure under sections (2), (3), and (4) above to personally appear before the board upon notice prepared to respond to questions concerning the nature of the cause for revocation or surrender of the applicant's prior license and rehabilitation or other relevant information pertaining to the time since revocation or surrender of the license.

(A) In any proceeding under this section, the person seeking licensure bears the burden of proving rehabilitation.

(B) Factors relevant to rehabilitation may include, among other factors:

1. Acknowledgement of wrongdoing or demonstration that the applicant understands the cause for the discipline.
2. Action taken by the applicant to prevent reoccurrence of the conduct that resulted in the discipline.
3. Action taken by the applicant to rehabilitate or address the underlying causes of the misconduct that resulted in discipline.
4. Actions taken by the applicant to address and remediate harm caused by the misconduct.

[(6)](7) The board shall have discretion in all applications under this section to inquire into and take into account the nature of the conduct or factual basis of the revocation or surrender of the former license.

[(7)](8) The board retains discretion under sections 327.441 and 327.442, RSMo, to deny any application for examination or licensure based on prior misconduct or circumstances occurring between the order of revocation or affidavit of voluntary surrender and the entry of the board's order, or to grant such application subject to a period and terms of probation pursuant to section 324.038, RSMo.

AUTHORITY: sections 327.041 and 327.442, RSMo 2016. Original rule filed: November 6, 2019. Amended: filed June 21, 2021.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Architects, Professional Engineers, Professional Land Surveyors and Professional Landscape Architects, PO Box 184,

*Jefferson City, MO 65102, via facsimile at (573)751-8046, or via email at moapeplspla@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*