

TITLE 125: BOARD OF PROFESSIONAL LICENSING

CHAPTER 125-50

RULE FOR RECONSIDERATION OF DISAPPROVAL OF APPLICATION

Part 001	General	Provisions	Disapproval of Application
[Reserved]			§ 125-50-101 Rule for Reconsideration of Disapproval of Application
Part 100	Rule for Reconsideration of		

Chapter Authority: 4 CMC § 3108.

Chapter History: Certified 14 Com. Reg. 8659 (Jan. 15, 1992); Adopted 13 Com. Reg. 8160 (Oct. 15, 1991); Proposed 13 Com. Reg. 7708 (June 15, 1991).

Commission Comment: PL 1-8, ch. 5 (effective Aug. 10, 1978), codified as amended at 4 CMC §§ 3101-3110, created the Board of Professional Licensing, a regulatory board within the Commonwealth government.

Executive Order 94-3 (effective August 23, 1994) reorganized the Commonwealth government executive branch, changed agency names and official titles and effected numerous other revisions. According to Executive Order 94-3 § 304(c):

Section 304. Department of Public Works.

...

(c) Board of Professional Licensing. The Board of Professional Licensing is abolished and its functions transferred to a Division of Professional Licensing in the Department of Public Works, which shall have at its head a Director of Professional Licensing.

The full text of Executive Order 94-3 is set forth in the commission comment to 1 CMC § 2001.

PL 11-99, the “Board of Professional Licensing Amendments Act of 1998,” codified at 4 CMC §§ 3101-3221, took effect on September 21, 1999. PL 11-99 reenacted 4 CMC §§ 3101-3110 with numerous revisions. PL 11-99 § 3 (§ 3101), 4 CMC § 3101, reestablished the Board as a regulatory board “within the Commonwealth government.” The Board is authorized to issue licenses to the professions enumerated in PL 11-99 § 3 (§ 3105), 4 CMC § 3105. PL 11-99 § 3 (§ 3108), 4 CMC § 3108, empowers the Board to adopt rules and regulations to implement the act including rules and regulations to establish credentialing criteria and standards regarding licensing or authorization to practice a profession over which the Board has jurisdiction.

Part 001 - General Provisions

[Reserved.]

Part 100 - Rule for Reconsideration of Disapproval of Application

§ 125-50-101 Rule for Reconsideration of Disapproval of Application

An applicant whose application for a professional license has been disapproved by the Board of Professional Licensing (Board) may petition the Board for reconsideration of that disapproval only upon the following terms and conditions:

(a) The petition for reconsideration shall be in the form of a letter, with attachments as

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necessary to provide documentation of the petitioner's reason for reconsideration where appropriate, filed with the Board within forty-five days of the date of the notice of disapproval.

(b) A reconsideration shall be limited only to those cases where the petitioner demonstrates in his/her letter that the Board's disapproval should be reconsidered for one or more of the following reasons:

- (1) Mistake of fact or law;
- (2) New evidence effective on or before date of application which by due diligence could not have been submitted by the applicant before notice of disapproval;
- (3) Any other evidence or reason justifying a petition for reconsideration.

(c) Only one petition for reconsideration shall be accepted by the Board.

(d) Upon receipt of the applicant's petition and accompanying documentation under the reasons set forth above, the Board, in its discretion, may reconsider its disapproval and notify the applicant of its decision in writing.

Modified, 1 CMC § 3806(e), (g).

History: Certified 14 Com. Reg. 8659 (Jan. 15, 1992); Adopted 13 Com. Reg. 8160 (Oct. 15, 1991); Proposed 13 Com. Reg. 7708 (June 15, 1991).

Commission Comment: In subsection (b)(2), the Commission corrected the spelling of "disapproval."