

481—435.40(17A,272C) Reinstatement.

435.40(1) The term “reinstatement,” as used in this rule, includes both the reinstatement of a suspended license and the issuance of a new license following the revocation or voluntary surrender of a license.

435.40(2) Any person whose license has been revoked or suspended by the board, or who voluntarily surrendered a license in a disciplinary proceeding, may apply to the board for reinstatement in accordance with the terms of the order of revocation or suspension, or order accepting the voluntary surrender, unless the order of revocation provides that the license is permanently revoked.

435.40(3) Unless otherwise provided by law, if the order of revocation or suspension did not establish terms and conditions upon which reinstatement might occur, or if the license was voluntarily surrendered, an initial application for reinstatement cannot be made until at least one year has elapsed from the date of the order or the date the board accepted the voluntary surrender of a license.

435.40(4) All proceedings for reinstatement will be initiated by the respondent, who will file with the board an application for reinstatement of the respondent’s license. Such application will be docketed in the original case in which the license was revoked, suspended, or relinquished. All proceedings upon the application for reinstatement will be subject to the same rules of procedure as other cases before the board.

435.40(5) An application for reinstatement will allege facts which, if established, are sufficient to enable the board to determine that the basis of revocation, suspension or voluntary surrender of the respondent’s license no longer exists and that it will be in the public interest for the license to be reinstated. Compliance with rule 481—435.31(17A,272C) must also be established. The burden of proof to establish such facts is on the respondent.

435.40(6) An order of reinstatement will incorporate findings of fact and conclusions of law and be based upon the affirmative vote of no fewer than a majority of the board. This order will be published as provided for in subrule 435.30(1).

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