

309 CMR: BOARD OF REGISTRATION OF
HAZARDOUS WASTE SITE CLEANUP PROFESSIONALS

309 CMR 9.00: INACTIVE STATUS

Section

9.01: General

9.02: Two-year Limit

9.03: Fees and Reactivation

9.04: Reinstatement After Being Place On Inactive Status Pursuant To 309 CMR 7.02(4)

9.01: General

- (1) Any licensed site professional may advise the Board in writing that he or she desires to be placed on inactive status and to discontinue the performance of Professional Services. Upon the filing of such notice, the licensed site professional, for each site for which he or she is an LSP-of-Record:
 - (a) shall notify the Department pursuant to 310 CMR 40.0169(2) that he or she is no longer an LSP-of-Record for that site; and
 - (b) shall no longer be eligible to act as, advertise as, or hold himself or herself out to be a licensed site professional.
- (2) Any licensed site professional who is placed on inactive status pursuant to 309 CMR 7.02(4) shall be subject to all applicable rules set forth in 309 CMR 9.00 for inactive LSPs.
- (3) Whenever a licensed site professional is placed on inactive status, either voluntarily or pursuant to 309 CMR 7.02(4), the Board shall promptly:
 - (a) remove his or her name from the Board's official list of active licensed site professionals and place his or her name on the list of inactive licensed site professionals; and
 - (b) notify the Department that this action has been taken.
- (4) The names of licensed site professionals who voluntarily assume inactive status and those placed on inactive status pursuant to 309 CMR 7.02(4) shall appear together, without distinction, on the public list of inactive licensed site professionals.
- (5) The provisions of 309 CMR 9.01(1) through (4) shall also apply to any LSP whose license has lapsed pursuant to 309 CMR 3.06 prior to August 20, 1999, and who advises the Board by November 20, 1999, that he or she desires to be placed on inactive status.

9.02: Two-year Limit

- (1) A licensed site professional may remain on inactive status for no longer than two years. In no case shall a licensed site professional be allowed to maintain inactive status for a period extending more than two years beyond the date the licensed site professional last maintained an active license.
- (2) A licensed site professional who was on inactive status and whose license has lapsed may reapply at any time thereafter by submitting a limited licensure application in a form approved by the Board and the full application fee established for applicants for licensure. Each such applicant shall meet the eligibility requirements, including the examination requirements, existing at that time for initial applicants, except that with respect to relevant professional experience the applicant need demonstrate only that he or she has obtained three years of relevant professional experience within the five-year period occurring prior to the submission of the limited application. When reapplying, an individual who was placed on inactive status pursuant to 309 CMR 7.02(4) and whose license has lapsed shall also comply with any requests made by the Board pertaining to the individual's ability to perform the essential functions of a licensed site professional in accordance with the requirements of 309 CMR.

9.03: Fees and Reactivation

- (1) An inactive licensed site professional shall pay the annual fee established by the Secretary of Administration and Finance pursuant to M.G.L. c. 7, § 3B, and published in 801 CMR 4.00, for inactive licensed site professionals.

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9.03: continued

(2) Within two years of assuming inactive status, a licensed site professional who was not placed on inactive status pursuant to 309 CMR 7.02(4) may resume active status by filing a notice with the Board stating his or her intention to resume active status.

(3) A licensed site professional who has been placed on inactive status pursuant to 309 CMR 7.02(4) who seeks within two years to return to active status may do so by meeting the requirements for reinstatement set forth in 309 CMR 9.04.

(4) Whenever a licensed site professional resumes active status after being inactive, the Board shall assign him or her a new license expiration date such that, not counting the period on inactive status, when that new expiration date is reached the licensed site professional will have been on active status for a total of approximately three years since the date his or her license was issued or last renewed.

(5) A licensed site professional who has resumed active status and seeks to renew his or her license after being on inactive status may utilize any continuing education credits earned during the period the licensed site professional was on inactive status.

9.04: Reinstatement after Being Placed on Inactive Status Pursuant to 309 CMR 7.02(4)

(1) A licensed site professional who has been placed on inactive status pursuant to 309 CMR 7.02(4) shall be entitled to request transfer to active status when the licensed site professional can demonstrate, to the satisfaction of the Board, that he or she can perform the essential functions of a licensed site professional in accordance with the requirements of 309 CMR, provided that the Board may reasonably determine and set minimum intervals between such transfer requests. If the Board does not reinstate the licensed site professional to active status within two years from the date that he or she was placed on inactive status pursuant to 309 CMR 7.02(4), his or her license shall lapse.

(2) In any case in which the Board acts pursuant to 309 CMR 9.04 to reinstate a licensed site professional from inactive status to active status, the Board may impose such conditions or qualifications as it deems necessary or appropriate, including but not limited to requiring that medical or other appropriate testing be conducted on a periodic basis when the Board reasonably determines that such periodic examination or testing is necessary to ensure that the licensed site professional is and will remain capable of performing the essential functions of a licensed site professional in accordance with the requirements of 309 CMR.

REGULATORY AUTHORITY

309 CMR 9.00: M.G.L. c. 21A, §§ 16 and 19 through 19J.