

APPENDIX II-C

RULEMAKING NOTICE FORM

Notice Number _____ Rule Number Ac 300

<p>1. Agency Name & Address:</p> <p>New Hampshire Board of Accountancy c/o Office of Professional Licensure & Certification 7 Eagle Square Concord, NH 03301</p>	<p>2. RSA Authority: RSA 309-B:4, VI(c), (d), (g) and (i); RSA 309-B:8, III(b)(3); RSA 541-A:30-a, I</p> <hr/> <p>3. Federal Authority: <u>n/a</u></p> <hr/> <p>4. Type of Action:</p> <p>Adoption <u>X</u></p> <p>Repeal <u>X</u></p> <p>Readoption _____</p> <p>Readoption w/amendment <u>X</u></p>
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5. Short Title: **Certification, Registration, and Permit Requirements**

6. (a) Summary of what the rule says and of any proposed amendments including whether the rule implements a state statute for the first time:

The New Hampshire Board of Accountancy (Board) is proposing to adopt, readopt with amendment, or repeal all the rules in Chapter Ac 300 on certification, registration, and permit requirements. All changes are as follows:

- **Adopt Ac 301 providing definitions for “dishonest act”, “good character”, and “history” used in this chapter. In addition to the definitions the rule includes criteria for denial of a license based on the applicant’s lack of good moral character;**
- **Readopt with amendment Ac 301.01 and renumber as Ac 302.01 describing the purpose of part 302 on application procedures. The rule is being amended to reflect statutory changes requiring individuals to submit applications to the OPLC and not the Board, and make various editorial changes;**
- **Readopt with amendment Ac 301.02 and renumber as Ac 302.02 describing the Certified Public Accountant (CPA) certification requirements. The rule is being amended to replace specific language pertaining to NASBA procedural requirements with general language requiring applicants to follow NASBA procedures, bringing the rules into compliance with the Board’s rulemaking authority RSA 309-B:4, VI and the OPLC’s rulemaking authority RSA 310:6, and make various editorial changes;**
- **Readopt with amendment Ac 301.03 and renumber as Ac 302.03 describing the requirements for forms and other submissions. The rule is being amended to require the “Universal Application for Initial Licensure” as required by Plc 304.01(a)(1), create an addendum to the universal application requiring information specific to the Board, and direct licensee to the Plc 1000 rules to find the fee table;**

- **Repeal Ac 301.04 describing the application form for initial certification as a CPA. The language is no longer necessary because the universal applicant and an addendum to the universal application are being used;**
- **Readopt with amendment Ac 301.05 and renumber as Ac 302.04 describing the application for certification as CPA through reciprocity form for foreign trained CPA's. The rule is being amended to require the "Universal Application for Initial Licensure" as required by Plc 304.01(a)(1), create an addendum to the universal application for those CPA foreign applicants for reciprocity, to require continuing education be earned within the immediately preceding 2 years, and bringing the rules into compliance with the Board's rulemaking authority RSA 309-B:7, VI and the OPLC's rulemaking authority RSA 310:6;**
- **Repeal Ac 301.06 describing the character reference form. The rule is being repealed to remove the requirement for and description of the character reference form;**
- **Repeal Ac 301.07 describing the public accounting experience verification form. This rule is being repealed to remove the requirement for and description of the public accounting experience verification form;**
- **Repeal Ac 301.08 describing the governmental accounting experience verification form. The rule is being repealed to remove the requirement for and description of the governmental accounting experience verification form;**
- **Repeal Ac 301.09 describing the authorization for interstate exchange of information form. The rule is being repealed to remove the requirement for and description of the authorization for interstate exchange of information form;**
- **Readopt with amendment Ac 301.10 and renumber as Ac 302.05 describing the requirements to obtain a CPA firm permit. The rule is being amended to clarify that a CPA firm permit is required for any business wishing to provide CPA services in New Hampshire (NH) and make various editorial changes;**
- **Readopt with amendment Ac 301.11 and renumber as Ac 302.06 describing the CPA firm permit application. The rule is being amended to correct rule citations, clarify that the name of the form to be submitted is the "CPA Firm Permit Application", codifies the requirement to submit the application to the OPLC, and make various editorial changes;**
- **Readopt with amendment Ac 301.12 and renumber as Ac 302.07 describing the peer review affidavit. The rule is being amended to clarify that the form name of the form to be submitted is the "Peer Review Affidavit" and make various editorial changes;**
- **Adopt Ac 302.08 describing the denial of an application referring to the Plc rules for a complete description of the process;**
- **Repeal Ac 301.13 describing fees associated with licensure as OPLC has the fee making authority;**
- **Repeal Ac 301.14 describing license issuance and expiration as OPLC has the authority to issue licenses;**

- **Readopt with amendment Ac 302.01 and renumber as Ac 303.01 describing the qualifications for the initial CPA applicant. The rule is being amended to correct rule citations;**
- **Readopt with amendment Ac 302.02 and renumber as Ac 303.02 describing the CPA certification educational requirements. The rule is being readopted with amendment to correct rule citations, changing “board” to “OPLC” as the processing entity, and make various editorial changes;**
- **Readopt with amendment Ac 302.03 and renumber as Ac 303.03 describing the education qualifications to take the CPA examination. The rule is being readopted with amendment to make various editorial changes;**
- **Readopt with amendment Ac 302.04 and renumber as Ac 303.04 describing the CPA certification applicants accounting experience. The rule is being amended to:**
 - **Provide the definition of “accounting or auditing skills”;**
 - **Add the “American Institute of CPA’s” to the list of accounting services provided in other jurisdictions;**
 - **Require the use of the “Universal Application for Initial Licensure” for initial licensure and remove the “Application for Initial Certification” form;**
 - **Require non-full-time accounting employees to complete the required hours of supervision within the 6 years immediately preceding the submission of the application;**
 - **Change “board or its representative” to “OPLC or its designee”;**
 - **Clarify that the applicant shall demonstrate that they have fulfilled the minimum required hours of experience through the submission of documents required by NASBA; and**
 - **Make various editorial changes;**
- **Repeal Ac 302.05 providing definitions of “dishonest act” and “good character” and the criteria for denial of a license based on the applicant’s lack of good moral character;**
- **Repeal Ac 302.06 describing the CPA certificate applicant’s personal appearance before the Board as the Plc 200 rules provide procedures to ensure due process.**
- **Readopt with amendment Ac 302.07 and renumber as Ac 303.05 describing a CPA firm’s requirements to obtain a permit. The rule is being amended to correct rule citations, change “board” to “OPLC” as the entity receiving and processing submissions, cite to the Plc rules to determine fees, and make various editorial changes;**
- **Readopt with amendment Ac 303.01 and renumber as Ac 304.01 describing the scope of part Ac 304 rules on examination. The rule is being amended to correct rule citations and make various editorial changes;**
- **Readopt with amendment Ac 303.02 and renumber as Ac 304.02 describing the CPA examination requirements. The rule is being amended to changing the requirements that the information be submitted to the OPLC and not to the Board, to pass all sections of the examination within 18 months to 30 months, start the 30 month period to obtain a passing score on all sections of the examination at the time the NASBA releases the initial scores, grant the OPLC the authority to grant a waiver of the time limits, and make various editorial changes;**

- **Repeal Ac 303.03 describing the examination subjects to be in the national examination as this is determined by the “American Institute of Certified Public Accountants” who develops the national examination;**
- **Repeal Ac 303.04 describing conduct during the CPA examination as this is determined by the testing agency;**
- **Readopt with amendment Ac 303.05 and renumber as Ac 304.03 describing the qualifications for the “International Qualification Examination (IQEX)” required for a foreign trained CPA to obtain certification in NH. The rule is being amended to make various editorial changes;**
- **Repeal Ac 303.06 describing the subjects to be covered by the IQEX is determined the NASBA;**
- **Repeal Ac 303.07 describing the conduct of the test taker during the IQEX examination as this is determined by the testing organization;**
- **Readopt with amendment Ac 304.01 and renumber as Ac 305.01 describing domestic reciprocity for CPA certification. The rule is being amended to direct applicants to the OPLC rules and bring the rules into compliance with the Board’s rulemaking authority under RSA 309-B, VI and the OPLC’s rulemaking authority under RSA 310:17;**
- **Repeal Ac 304.02 describing domestic substantial equivalency as this is now under the OPLC rule making authority, RSA 310:17;**
- **Repeal Ac 304.03 describing domestic reciprocity CPA certificate applicant education as this is now under the OPLC rule making authority, RSA 310:17;**
- **Repeal Ac 304.04 describing domestic substantial equivalency, domestic reciprocity, CPA certificate applicant education, and domestic reciprocity CPA accounting experience bringing the rules into compliance with the Board’s rulemaking authority RSA 309-B, VI and the OPLC’s rulemaking authority RSA 310:6 and RSA 310:17;**
- **Readopt with amendment Ac 304.05 and renumber as Ac 305.02 describing international reciprocity. The rule is being amended to require the applicant to provide a copy of their renewed license if the license had been renewed during the immediately preceding 2 years, change “board” to “OPLC” as the processing entity for applications, and make various editorial changes;**
- **Repeal Ac 304.06 providing the definition of “Character” as this has been moved to Ac 301 being adopted during this rule making submission;**
- **Repeal Ac 304.07 describing the CPA applicant’s personal appearance before the Board as the Plc 200 rules provide procedures to ensure due process; and**
- **Repeal Ac 305 describing licenses and pocket cards as those are issued under the authority of the OPLC.**

6. (b) Brief description of the groups affected:

The groups affected by these rules changes are those individuals who wish to obtain licensure from the New Hampshire Board of Accountancy both foreign and domestic and those individuals who seek a permit to open a Certified Public Accountant firm in New Hampshire .

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Rule	Specific State Statute which the Rule Implements
Ac 301.01	RSA 309-B:3; RSA 309-B:4, VI; RSA 309-B:5, I and II; RSA 309-B:8, III(b)(2); RSA 309-B:10, I
Ac 302.01 (formerly Ac 301.01)	RSA 541-A:16, I(b)
Ac 302.02 (formerly Ac 301.01)	RSA 309-B:5, I; RSA 309-B:7, I II, III, VI; RSA 541-A:16, I(b);
Ac 302.03 (formerly Ac 301.03)	RSA 309-B:5; RSA 309-B:7, I, II, III, VI
Ac 301.04 (repeal)	RSA 309-B:5, I; RSA 309-B:7 I, II, III, VI; RSA 541-A:1, XV; RSA 541-A:16, I(b); RSA 161-B:11, VI-a
Ac 302.04 (formerly Ac 301.05)	RSA 309-B:5; RSA 309-B:7 I, II, III, VI; RSA 541-A:1, XV; RSA 541-A:16, I(b); RSA 161-B:11, VI-a
Ac 301.06 (repeal)	RSA 309-B:5; RSA 309-B:7 I, II, III, VI; RSA 541-A:1, XV; RSA 541-A:16, I(b)
Ac 301.07 (repeal)	RSA 309-B:5; RSA 309-B:7 I, II, III, VI; RSA 541-A:1, XV; RSA 541-A:16, I(b)
Ac 301.08 (repeal)	RSA 309-B:5; RSA 309-B:7 I, II, III, VI; RSA 541-A:1, XV; RSA 541-A:16, I(b)
Ac 301.09 (repeal)	RSA 309-B:5; RSA 309-B:7 I, II, III, VI; RSA 541-A:1, XV; RSA 541-A:16, I(b)
Ac 302.05 (formerly Ac 301.10)	RSA 309-B:8, I; RSA 541-A:16, I(b)
Ac 302.06 (formerly Ac 301.11)	RSA 309-B:7, XIII; RSA 309-B:8, I, VIII, RSA 541-A:16, I(b)
Ac 302.07 (formerly Ac 301.12)	RSA 309-B:7, XIII; RSA 309-B:8, I, VIII, RSA 541-A:16, I(b)
Ac 302.08	RSA 541-A:16, I(b)
Ac 301.13 (repeal)	RSA 309-B:5, I; RSA 309-B:7, II, IV, VIII; RSA 309-B:8, I, II, V
Ac 301.14 (repeal)	RSA 309-B:5, I; RSA 309-B:7, II, IV, VIII; RSA 309-B:8, I, II, V
Ac 303.01 (formerly Ac 302.01)	RSA 309-B:5, III, IX, X
Ac 303.02 (formerly Ac 302.02)	RSA 309-B:5, III, IX, X; RSA 309-B:7
Ac 303.03 (formerly Ac 302.03)	RSA 309-B:5, III; RSA 309-B:7
Ac 303.04 (formerly Ac 302.04)	RSA 309-B:5, I, II, IX; RSA 309-B:7
Ac 302.05 (repeal)	RSA 309-B:5, I
Ac 302.06 (repeal)	RSA 309-B:7; RSA 309-B:8, III
Ac 303.06 (formerly Ac 302.07)	RSA 309-B:8
Ac 304.01 (formerly Ac 303.01)	RSA 309-B:5, IV – VIII
Ac 304.02 (formerly Ac 303.02)	RSA 309-B:5, V
Ac 303.03 (repeal)	RSA 309-B:5

Rule	Specific State Statute which the Rule Implements
Ac 303.04 (repeal)	RSA 309-B:5
Ac 304.03 (formerly Ac 303.05)	RSA 309-B:5
Ac 303.06 (repeal)	RSA 309-B:5
Ac 303.07 (repeal)	RSA 309-B:5
Ac 305.01 (formerly Ac 304.01)	RSA-B-7, V, VII
Ac 304.02 (repeal)	RSA 541-A:16, I(b)
Ac 304.03 (repeal)	RSA 541-A:16, I(b); RSA 309-B:5, III
Ac 304.04 (repeal)	RSA 541-A:16, I(b); RSA 309-B:5, III
Ac 305.01 (formerly Ac 304.05)	RSA-B-7, V, VII
Ac 304.06 (repeal)	RSA 309-B:7, VI(i) RSA 309-B:5, II
Ac 304.07 (repeal)	RSA 309-B:4, VI(d); RSA 309-B:5, III,
Ac 305.01 (repeal)	RSA 309-B:7, II
Ac 305.02	RSA 309-B:7, II

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: **Tina M. Kelley** Title: **Rules Coordinator**

Mailing Address: **Office of Professional
Licensure & Certification
7 Eagle Square
Concord, NH 03301**

Phone #: **(603) 271-5247**
Fax#: **None**
E-mail: **OPLC-Rules@oplcnh.gov**

TTY/TDD Access: Relay NH 1-800-735-2964
or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **Friday, February 14, 2025 at 4:00 p.m.**

Fax E-mail Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Tuesday, February 4, 2025 at 10:30 a.m.**

Physical Location: **Office of Professional Licensure and Certification
7 Eagle Square
Concord, NH 03301**

Electronic Access (if applicable): **n/a**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 24:244 , dated 11/27/2024

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

There is no difference in costs when comparing the proposed rules to the existing rules. Not applicable to new Ac 301.01 or Ac 302.08 as these are new rules, nor is it applicable to the repealed rules.

2. Cite the Federal mandate. Identify the impact on state funds:

No federal mandate, no impact on state funds.

3. Cost and benefits of the proposed rule(s):

The proposed rules update governing certification, registration, and permits for CPAs. The main changes involve adopting new definitions, updating rule citations, and clarifying the roles of the Board of Accountancy and the Office of Professional Licensure and Certification (OPLC). There are no costs or benefits to the proposed rules.

A. To State general or State special funds:

None.

B. To State citizens and political subdivisions:

None.

C. To independently owned businesses:

None.

10. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

These rules do not violate Part I, Article 28-a of the New Hampshire Constitution. These rules do not mandate or assign this program to any political subdivision in any way.