

252 CMR: BOARD OF REGISTRATION IN PUBLIC ACCOUNTANCY

252 CMR 2.00: REQUIREMENTS FOR CERTIFICATION

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2.01: Eligibility of Candidates to Take Examination

(1) Persons desiring to take the examination for qualification as a certified public accountant shall apply on a form provided by the Board, or its designated examination administrator. The forms are obtainable from the Board's examination administrator's offices. Different forms and instructions will be provided for original examinations and for re-examinations.

(2) In order to sit for the Computer Based Examination (CBT), a candidate must be 18 years of age or older and must qualify for the CBT under the educational requirements of 252 CMR 2.07(2). After January 1, 2007, candidates may qualify to sit for the CBT when they have completed 120 of the 150 semester hours (or 180 of the 225 quarter hours) of college or university education from a nationally or regionally accredited institution as required by 252 CMR 2.07(2), where the successful completion of 120 semester hours (or 180 quarter hours) results in obtaining a bachelor's degree. The completed 120 semester hours (or 180 of the 225 quarter hours) necessary to sit for the CBT must include 21 semester hours of accounting courses, including coverage in financial accounting, auditing, taxation, and management accounting, and nine hours of business courses, including coverage in the areas of business law, finance, and information systems. Candidates may sit for the CBT upon the completion of the 120 semester hours (or 180 quarter hours) of college or university education; provided, however, that within 90 days of sitting for the CBT the candidate shall provide a certified transcript to the Board or its designated exam administrator demonstrating that they have successfully completed 120 of the 150 required semester hours (or 180 of the 225 quarter hours) of college or university education from a nationally or regionally accredited institution as required by 252 CMR 2.07(2), where the successful completion of 120 semester hours (or 180 quarter hours) results in obtaining a bachelor's degree. Failure to provide said certified transcript within the 90 day period described above shall result in the loss of any credit received for any part of the exam passed prior to providing said certified transcript.

2.02: Times and Places of Examinations

The procedures for the Computer Based Examination (CBT) and its availability are described in 252 CMR 2.00. For all examinations, the applications shall be accompanied by a payment for the required fee. Candidates whose applications are approved by the Board or its designee will receive a notice of the place, date and hours of such examinations. The Board, in its discretion, may permit an applicant who is a resident of the Commonwealth of Massachusetts to sit for the examination in another state; the taking of such examination by such applicant, however, shall be under the jurisdiction of this Board and subject to 252 CMR.

2.03: Administration and Grading of Examinations

The Board has adopted and makes use of the examinations (Uniform CPA Examination) and advisory grading service provided by the Board of Examiners of the American Institute of Certified Public Accountants (AICPA).

2.04: Subject Matter of Examinations

The CBT consists of four sections. The titles of the CBT sections are: Auditing and Attestation; Financial Accounting and Reporting; Regulation; and Business Environment and Concepts.

2.05: Recognition of Full or Partial Credits Granted by Other States

Recognition will be given to a candidate for satisfactory completion of one or more subjects given by a licensing authority in another state, if the examination given by the licensing authority in the other state was the Uniform CPA Examination established by and graded as passing by the Board of Examiners of the AICPA, provided that conditional credit would have been given under 252 CMR 2.06 had the examination been taken in Massachusetts.

2.06: Granting of Full or Partial Credits to Candidates Who Pass Examination in One or More Subjects; Re-examination

(1) Passing the Computer Based Examination.

(a) A candidate may take the required test sections individually and in any order. Credit for any test section(s) shall be valid for 18 months from the actual date the candidate took the test section, without having to attain a minimum score on any failed test sections(s) and without regard to whether the candidate has taken other test sections.

(b) Candidates must pass all four test sections of the Uniform CPA Examination with a grade of 75 or higher within a rolling 18 month period, which begins on the date that the first test section(s) that is passed is taken.

(c) Candidates cannot retake a failed test section(s) in the same examination window. An examination window refers to a three-month period in which candidates have an opportunity to take the CPA examination composed of two months in which the examination is available to be taken and one month in which the examination will not be offered, while routine maintenance is performed and the item bank is refreshed. Thus, candidates will be able to test two out of the three months within an examination window.

(d) In the event all four test sections of the CBT are not passed within the rolling 18 month period, credit for any test section(s) passed outside the 18 month period will expire and test section(s) must be retaken.

(e) A candidate shall be deemed to have passed the CBT once the candidate possesses at the same time valid credit for passing each of the four test sections of the CBT within the time frame described above. For purposes of 252 CMR 2.06(3), credit for passing a test section of the CBT is valid from the actual date of the testing event for that test section, regardless of the date the candidate actually receives notice of the passing grade.

(2) Military Service. The time limitations within which a candidate is required to pass subjects under 252 CMR 2.06(1) shall not include any period during which the applicant is on active duty in the Armed Services of the United States.

(3) Examination Results. The Board or its designee will advise a candidate whether the candidate has passed all or any part of the examination.

2.07: Education, Experience and Other Requirements for Issuance of Certificate as Certified Public Accountant

(1) Formal Application. An applicant for a Certificate as a Certified Public Accountant who has passed the examination set by the Board shall file with the Board a formal application for such certificate, accompanied by payment of the required fee. A form for application may be obtained from the offices of the Board. An applicant must also submit an official certification of completion of 150 semester of education hours from the Board's designated exam administrator or an official transcript from colleges or universities as provided in 252 CMR 2.07(2)(a), experience letter(s) from employer(s) as provided in 252 CMR 2.07(2)(b), and three letters from employers, business associates or clients attesting to the applicant's character and fitness. A recent un-mounted passport-size photograph must also be attached to that application.

(2) Education and Experience Requirements. An applicant for a Certificate as a Certified Public Accountant who sat for the CBT with 120 hours of education and who has successfully passed the examination, and qualifies otherwise in the opinion of the Board, shall receive a certificate as a Certified Public Accountant upon satisfying the Board that the applicant, within three years of the date on which the applicant receives notice that he or she has passed all parts of the CBT, meets the below requirements of education and experience. Failure to meet the below education requirements within three years of the date on which the applicant receives notice that he or she has passed all parts of the CBT shall result in the expiration of the applicant's credit for passing all parts of the CBT, and all parts of the CBT must be retaken and passed before becoming eligible again for a certificate as a Certified Public Accountant. Candidates for certification as a Certified Public Accountant who sat for the CBT under the provisions of 252 CMR 2.01 shall submit to the Board a certification provided by the Board's designated exam administrator that the candidate has successfully met the 150 hour education requirement. All other candidates shall submit official transcripts from colleges or universities as provided in 252 CMR 2.07(2)(a).

(a) Education Requirements. A candidate for a Certificate as a Certified Public Accountant shall Complete 150 semester hours (225-quarter hours) of college or university education to include a bachelor's degree from a nationally or regionally accredited institution. For the purposes of determining equivalence of quarter hours, 4½-quarter hours will equal three credit hours. The Board will review successful completion of three-quarter hour courses; provided that the accounting and business course requirements total 36-quarter hours each.

The candidate must have completed the 150-hour education requirement for eligibility for a Certificate as a Certified Public Accountant in accordance with one of the following four provisions. Associate Degree/Junior College courses will be accepted only if transferred into a four year bachelor's degree program:

1. Earned a graduate degree in accounting from a program at a nationally or regionally accredited college or university that is further accredited by the Association to Advance Collegiate Schools of Business (AACSB). Programs not accredited by AACSB must be approved by the Board as having substantially equivalent educational program requirements. The Board, or an Educators Credential Committee appointed by the Board, will review the graduate accounting programs of a nationally or regionally accredited college or university to determine if such programs are substantially equivalent to AACSB standards, upon a written request from such college or university. The Educators Credential Committee will consist of at least three accounting educators selected by the Board from the faculty of nationally or regionally accredited educational institutions located in the Commonwealth of Massachusetts;
2. Earned a graduate degree in accounting, business administration or law from a nationally or regionally accredited college or university. This degree must include 30 semester hours (45-quarter hours) of accounting at the undergraduate level, or 18 semester hours (27 quarter hours) of accounting at the graduate level. The accounting credits shall include coverage in financial accounting, auditing, taxation, and management accounting. In addition, the degree must include or be supplemented by, 24 semester hours (36 quarter hours) of business courses (other than accounting courses) at the undergraduate level or 18 semester hours (27 quarter hours) at the graduate level, or an equivalent combination thereof;

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3. Earned at least a bachelor's degree in business from a nationally or regionally accredited college or university. This degree must include 30 semester hours (45-quarter hours) of accounting courses. The accounting credits shall include coverage in financial accounting, auditing, taxation, and management accounting. In addition, the degree must include, or be supplemented by, 24 semester hours (36-quarter hours) of business courses other than accounting courses. These business courses shall include coverage in the areas of business law, information systems, finance, and coverage in at least one of the areas of economics, business organizations, professional ethics, and/or business communication; or

4. Earned a bachelor's degree from a nationally or regionally accredited college or university. This degree must include, or be supplemented by, 30 semester hours (45-quarter hours) in accounting courses at the undergraduate level. The accounting credits shall include at least three semester hours in each of the subject areas of financial accounting, auditing, taxation, and management accounting. In addition, the degree must include, or be supplemented by, 24 semester hours (36-quarter hours) of business courses at the undergraduate level, to include at least three semester hours in the subject areas of business law, business information systems, professional ethics and finance. Courses in business management of organizations, economics, and/or business communication may be included for the business course requirements.

(b) Experience Requirements.

1. All applicants for a Certificate as a Certified Public Accountant who have not completed 1000 hours and at least one full year of employment in the public accounting report function on full disclosure financial statements, of which not more than 300 hours may consist of full disclosure compilations, must comply with the requirements of 252 CMR 3.02(5). Failure to comply with the above 1000 hour requirement or the requirements of 252 CMR 3.02(5) shall restrict the privilege of the license to providing all accounting services except issuing reports on financial statements. Applicants for the certificate and full license privileges must document the 1000 hour requirement by submitting to the Board a letter or statement from each public accounting firm in which the experience was obtained over the most recent period of the applicant's experience of the length required. All statements describing the applicant's experience shall be attested to, under the pains and penalties of perjury, by a partner, shareholder or member of such public accounting firm(s).

2. Applicants meeting the educational requirements of 252 CMR 2.07(2)(a)3. and 252 CMR 2.07(2)(a)4. shall be required to have at least one year of experience in the full time practice of public accounting (1820 total hours required). The experience shall have been in public practice or its governmental/non-public accounting equivalent, as set forth in 252 CMR 2.07(5). Applicants must submit to the Board a letter or statement from each public accounting firm or government/non-public employer in which the experience was obtained, describing the type and exact dates of experience, signed under the pains and penalties of perjury by a partner, shareholder or member of such public accounting firm, government supervisor or CPA supervisor of non-public experience.

(3) Exceptions to Education and Experience Requirements. A candidate who sat for the paper based examination without complying with the educational requirements of 252 CMR 2.07(2)(a)(1) through 252 CMR 2.07(2)(a)(4) may qualify for issuance of a Certificate as a Certified Public Accountant and a full reporting license if the applicant meets the education and experience requirements that were in existence at the time the candidate first sat for the examination in some prior year, or obtains the education requirements of 252 CMR 2.07(2)(a)1. through 252 CMR 2.07(2)(a)4.

(4) Calculation of Full-time Experience. The Board will provide credit for full-time experience as a practicing public accountant only if such full-time experience extends over an uninterrupted period of two months or more with a minimum of 35 hours worked per week in conformity with 252 CMR 2.07(2)(b)(2). The Board will provide credit for part-time experience only if such part-time experience extends over an uninterrupted period of two months or more with a minimum of 20 hours worked per week in conformity with 252 CMR 2.07(2)(b)(2), such credit to be granted only for experience in public accounting calculated on the basis of hours actually devoted to such qualifying part-time experience. For this purpose, sickness and legal holidays do not interrupt what would otherwise be uninterrupted service. Commencing on December 1, 2002, the Board will provide credit for:

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(a) full-time experience in the government or non-public accounting equivalent described in 252 CMR 2.07(5), only if such full-time experience extends over an uninterrupted period of 12 months or more with a minimum of 35 hours worked per week in conformity with 252 CMR 2.07(2)(b)(2); or

(b) part-time experience only if each part-time experience extends over an uninterrupted period of 12 months, with a minimum of 20 hours per week, calculated on the basis of hours actually devoted to such qualifying part-time experience.

(5) Government/Non-Public Accounting Experience.

(a) The Board, in its discretion, may grant credit of one year of requisite experience for non-public accounting work or non-audit government work under the direct supervision of a Certified Public Accountant, for every three full years of service in a position having a responsibility level above entry-level, provided that, in the opinion of the Board, such experience is substantially equivalent to that of public accounting practice.

(b) The Board, in its discretion, may grant credit for field audit work, including the direct supervision of field audit work, with the United States Government or any agency or subdivision of the Commonwealth with a demonstrated emphasis on the expression of opinions on financial statements in accordance with generally accepted auditing standards, the review of and report on internal controls, the application of varied auditing procedures, the preparation of audit working papers for account examinations, the planning of auditing work programs, the preparation of written explanations and comments on examination findings and the preparation and analysis of financial statements. The experience required by this clause, as approved by the board, shall be considered work experience on the same basis as experience in public accounting practices; provided, however, that adherence to the standard of independence is strictly applied.

(6) Waiving Requirements Before Examination. Applicants who qualify in other respects may sit for the examination before satisfying the experience requirements of 252 CMR 2.07(2)(b).

(7) Rejection of Application. If an application for a certificate is rejected by the Board for insufficient experience or other cause, the applicant, at any later time, may request the Board to reconsider the application if the deficiencies have been removed.

2.08: Reciprocity for Persons Qualified in Other States and/or Canada and Other Jurisdictions

(1) Licensure by Reciprocity.

(a) United States or United States Territories Licensees. Upon completion of the application and payment of the fee therefore the board shall issue a Commonwealth of Massachusetts certificate to a holder of a certificate issued by another state upon a showing that:

1. The applicant passed the examination required for issuance of his certificate with grades that would have been passing grades at the time in the Commonwealth; and

2. The applicant:

a. meets all current requirements in the Commonwealth for issuance of a certificate at the time application is made; or

b. at the time of the issuance of the applicant's certificate in the other state, met all such requirements then applicable in the Commonwealth; or

c. had five years of experience in the practice of public accountancy after becoming certified in the other state, and within the ten years immediately preceding his application.

3. The above requirements shall be demonstrated in accordance with the following provisions:

a. The applicant for licensure by reciprocity shall produce, attached to the application, a copy of his or her valid certificate or license as a Certified Public Accountant, and;

b. The certificate or license as a Certified Public Accountant must be issued by a state which the NASBA (National Association of State Boards of Accountancy) National Qualification Appraisal Service has verified to be in substantial equivalence with the Certified Public Accountant licensure requirements of the AICPA/NASBA Uniform Accountancy Act, or

2.08: continued

- c. If the certificate or license as a Certified Public Accountant was not issued by a State which the NASBA National Qualification Appraisal Service states is not in substantial equivalence, the applicant must:
 - i. Meet all current requirements in the Commonwealth for issuance of a certificate at the time application is made; or
 - ii. At the time of issuance of the applicant's certificate in the other state, have met all requirements then applicable in the Commonwealth; or
 - iii. The applicant must demonstrate that he or she has met the education requirements of 252 CMR 2.07 and has been engaged in the full time practice of public accountancy as a Licensed Certified Public Accountant in said state for five of the ten years preceding the date of application for Commonwealth of Massachusetts reciprocal licensure.
- (b) Canadian Chartered Accountants. Canadian Chartered Accountants (CA) who have successfully completed the Canadian Uniform Final Examination are not required to complete the Uniform CPA Examination in order to achieve the CPA designation. CA applicants for reciprocity shall meet the following requirements:
 1. CA applicants shall have passed the International Uniform CPA Qualification Examination (IQEX) designed to ensure that they have satisfactory knowledge of relevant U.S. legislation, standards, and practices. In addition to passing IQEX, licensure applicants must satisfy the requirements of 252 CMR 2.07(2)(b) regarding experience in order to obtain the CPA designation.
 2. CA applicants must hold a valid, current license to practice in Canada.
 3. CA applicants shall furnish written credentials in regard to education, character, and general qualifications in the same form as is required of all other applicants.
- (c) Other Foreign Licensed Chartered Accountants. The Board in its discretion and on a case by case basis, will accept applications for other foreign licensed Charter Accountants or CPAs to sit for and pass the IQEX and apply for reciprocity based upon their compliance with the education and experience requirements of 252 CMR 2.07. All applicants must hold a current license to practice in these other jurisdictions. These applicants shall furnish written credentials with regard to character and general qualifications in the same form as is required for all other applicants.

2.09: Destroying Examination Papers

The Board in its discretion may authorize examination papers to be destroyed six months after the examination.

2.10: Code of Ethics and Rules of Professional Conduct

The Board has adopted and published 252 CMR 3.00: *Code of Ethics Rules of Professional Conduct* for fixing and maintaining high standards of integrity and dignity in the profession of public accounting in Massachusetts. Such Code and Rules apply in equal measure to all certified public accountants and public accountants licensed under M.G.L. c. 112, §§ 87A through 87E½.

The Board also adopts by reference the *Code of Professional Conduct of the American Institute of Certified Public Accounts* as published by the American Institute of Certified Public Accountants as of June 1, 2004 to the extent that the applicable provisions thereof do not conflict with the Code and Rules of 252 CMR 3.00

2.11: Affirmative Action Against Unlawful Discrimination

(1) Purpose. 252 CMR 2.00 is adopted to assure that every person licensed by the Board complies with the equal employment, housing, public accommodations and fair business practices provisions of M.G.L. c. 151B in the conduct of his or her profession.

(2) Authority. 252 CMR 2.00 is adopted pursuant to M.G.L. c. 30A, § 2; Executive Order 74 as amended by Executive Order 116; and M.G.L. c. 112, § 87A½ (the statutory authority of the Board to regulate the standard of conduct for this profession).

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(3) Standard of Conduct. The standard of conduct of this profession requires that every applicant or licensee comply with the equal employment, housing, public accommodations and fair business practices provisions of M.G.L. c. 151B in the conduct of his or her profession.

(4) Disclosure of Unlawful Practices. Every applicant for registration and every applicant for renewal of a license shall disclose as part of the application, any finding of any unlawful practice which has been made by the Massachusetts Commission Against Discrimination or by a court pursuant to M.G.L. c. 151B, §§ 5 and 9.

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(5) Adjudicatory Hearing. The Board may conduct an adjudicatory hearing to consider the fitness of an applicant or licensee to practice or to continue to practice the profession after a finding of an unlawful practice which has been made by the Massachusetts Commission Against Discrimination or by a court.

(6) Disciplinary Action. After an adjudicatory hearing, the Board shall consider and may take appropriate disciplinary action including censure, suspension, revocation or denial of licensure or fine against an applicant or licensee who is the subject of a finding of unlawful practice which has been made by the Massachusetts Commission Against Discrimination or by a court.

2.12: Communications

A certified public accountant, or CPA Firm when requested, shall respond to communications from the Board within 30 days of the mailing of such communications by regular mail, registered or certified mail. A certified public accountant or licensed firm shall notify the Board, in writing, within 30 days of any change in the licensee's name, or legal address.

2.13: Non-prohibited and Prohibited Services

As provided in M.G.L. c. 112, § 87D, subsections (a), (b), and (c), no person or firm not holding a valid license shall issue a report (audit, review or compilation) on financial statements of any person, firm, organization or governmental unit. This prohibition does not apply to an officer, partner, shareholder or member or employee of any firm or organization affixing a signature to any statement or report in reference to the financial affairs of such firm or organization or subsidiary or franchise of said organization with any wording designating the position, title or office held therein; nor does it apply to any act of a public official or employee in the performance of official duties as such; nor does it apply to the performance by persons other than licensees of other services involving the use of accounting skills, including the preparation of tax returns and the preparation of financial statements without the issuance of reports thereon.

2.14: Mandatory Continuing Professional Education

(1) Purpose. 252 CMR 2.14 may be cited and referred to as the "Public Accountancy Continuing Education Rules". They are subject to amendment, modification, revision, supplement, repeal or other change by appropriate action in the future. The purpose of these rules is to require all certified public accountants licensed under the Massachusetts Public Accountancy Act to comply with continuing education requirements. The Board anticipates that licensees will maintain the high standards of the profession in selecting quality educational programs to fulfill the continuing education requirement.

(2) Effective Date. The Continuing Education Rules became effective July 1, 1979.

(3) Basic Requirements. During the two-year period immediately preceding re-licensing, applicants for biennial license renewal must complete 80 hours of acceptable continuing education, except as stated in 252 CMR 2.14(6). Effective for all licenses expiring on or after June 30, 2007, four hours of acceptable continuing education shall be in the area of professional ethics. Although 80 hours acquired in one of the two years covered by the registration period qualifies a registrant for the two-year period, no carryover is permitted from one two-year period to another. Only class hours or the equivalent (and not student hours devoted to preparation) will be used to measure the hours of continuing education submitted by individual candidates to the Continuing Education Committee, appointed by the Board. The Board may provide for prorated continuing professional education requirements to be met by applicants whose initial licenses were issued substantially less than two years prior to the renewal date.

(4) Programs Which Qualify.

(a) A specific program qualifies as acceptable continuing education if it is a formal program of learning which contributes directly to the professional competence of a licensee in public practice. Each individual licensee will determine the course of study to be pursued.

(b) The following are deemed to qualify as acceptable continuing education programs, provided the standards outlined in 252 CMR 2.14(4)(c) are maintained. The Board may require that sponsors of continuing education programs be pre-approved by registering with the Board or its designee.

1. Professional development programs of national and state accounting organizations.
2. Technical sessions at meetings of national and state accounting organizations and their chapters.
3. University or college courses:
 - Credit courses - each semester hour credit shall equal 15 hours toward the requirement.
 - Non-credit courses - each classroom hour will equal one qualifying hour.
4. Programs in other organizations (accounting, industrial, professional, etc.).
5. Other organized educational programs on technical and other practice subjects.

(c) In order to qualify under 252 CMR 2.14(4)(b), a program must:

1. require attendance;
2. be at least one class hour (50-minute period) in length;
3. be conducted by a qualified instructor or discussion leader;
4. require a maintained record of attendance; and
5. require a written outline to be retained.

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(d) Formal correspondence or other individual study programs which provide evidence of satisfactory completion may qualify, with the amount of credit to be determined by the Continuing Education Committee. The Continuing Education Committee will not approve any program of learning that does not offer sufficient evidence that the work has actually been accomplished.

(e) Credit for one hour of continuing education will be awarded for each presentation hour completed as an instructor or discussion leader to the extent that the particular activity contributes to the professional competence of the registrant as determined by the Continuing Education Committee. Two hours of credit for preparation time will be allowed for each presentation hour. The maximum credit for such preparation and teaching shall not exceed a maximum of 50% of the renewal period requirement.

(f) Credit may be awarded for published articles and books. The amount of credit so awarded will be determined by the Continuing Education Committee and shall not exceed a maximum of 25% of the renewal period requirement.

(5) Control and Reporting. Candidates for biennial license renewal must provide a signed statement, under penalty of perjury, supported by documentation disclosing the following information pertaining to the education programs submitted for qualification under the Public Accountancy Continuing Education Rules:

- (a) school, firm or organization conducting course;
- (b) location of course;
- (c) title of course or description of content;
- (d) dates attended; and
- (e) hours claimed.

The Continuing Education Committee will verify, on a test basis, information submitted by licensees. If a Continuing Education Statement submitted by an applicant for biennial license renewal as required by 252 CMR 2.00 is not approved, the applicant shall be so notified and the applicant may be granted a period of time by the Board in which to correct the deficiencies noted.

(6) Exceptions. The Board may make exceptions from the Public Accountancy Continuing Education Rules where:

- (a) reasons of health, certified by a medical doctor, prevent compliance by the licensee;
- (b) the licensee is on active duty with the Armed Services of the United States; or
- (c) other good cause exists.

No exception shall be made solely because of age.

(7) Fees. The Board shall establish a biennial fee for processing and maintaining licensees' Continuing Education Statements and other related documents.

2.15: Quality Review Requirement

(1) Definitions.

(a) Board, Licensee, Practice of Public Accountancy, and Quality Review are defined as set forth in M.G.L. c. 112, § 87A.

(b) Practice Unit means:

- 1. Each individual licensed by the Board who is engaged in the practice of public accountancy as a sole proprietor; or
- 2. Each firm licensed by the Board to engage in the practice of public accountancy.

(c) Multi-jurisdictional Practice Unit means a practice unit with some members or employees who hold licenses issued by the Board and with other members or employees who have similar authority to practice public accountancy in one or more other jurisdictions.

(d) Approved Reviewer means an individual licensed by the Board who has been approved by a report acceptance body to be responsible for conducting quality reviews of practice units. Qualifications of approved reviewers are stated in 252 CMR 2.15(3).

(e) Report Acceptance Body means practice units, professional societies, or other organized groups of public accountants approved by the Board to be responsible for the selection of approved reviewers, the acceptance of quality reviews and letters of comments conducted by approved reviewers, and the consideration of any responses of a reviewed practice unit to its quality review.

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(f) Review Oversight Board means a committee of individuals licensed and appointed by the Board to oversee the work of approved reviewers and report acceptance bodies.

(g) Compilation Engagement means an engagement undertaken by a practice unit in accordance with AICPA standards with the objective of presenting data supplied by the client in financial statement format without expressing an opinion or any other form of assurance on them.

(h) Review Engagement means an engagement undertaken by a practice unit in accordance with AICPA standards with the objective of reviewing financial statements to obtain a reasonable basis, usually by making inquiries and performing analytical procedures, for expressing limited assurance that there are no material modifications that should be made for the financial statements to conform with generally accepted accounting principles or other comprehensive basis for accounting.

(i) Audit Engagement means an engagement undertaken by a practice unit in accordance with AICPA standards with the objective of providing a reasonable basis for expressing an opinion that the financial statements are, in all material respects, in conformity with generally accepted accounting principles or other comprehensive basis for accounting by performing procedures in accordance with generally accepted auditing standards.

(j) On-site Quality Review means a quality review conducted at the office of a reviewed practice unit, which includes testing compliance of the practice unit's quality control policies and procedures and a review of selected accounting and auditing engagements, sufficient to provide the approved reviewer with a reasonable basis upon which to issue a quality review report meeting the requirements of 252 CMR 2.15(4).

(k) Off-site Quality Review means a quality review conducted outside the office of a reviewed practice unit, which consists of reviewing selected financial statements, the reports thereon, and related documents to determine compliance with professional standards, sufficient to provide the approved reviewer with a reasonable basis upon which to issue a quality review report meeting the requirements of 252 CMR 2.15(4).

(2) Quality Review Certification and Compliance of Requirements.

(a) EFFECTIVE JUNE 1, 1997, every licensee, as a condition for the renewal of a license to practice public accountancy, must certify under the pains and penalties of perjury either:

1. That the practice unit or, for individuals, the practice unit by which the individual is employed or is a member, partner or shareholder, has, within the three years immediately preceding the application for renewal, completed a quality review which has been accepted by a report acceptance body (or, for multi-jurisdictional practice units, a quality review which meets the requirements of 252 CMR 2.15(10)) and that such practice unit is in compliance with the terms of any quality review report and letter of comments accepted by, and any actions mandated by, the report acceptance body; or

2. That the practice unit, or for individuals, the practice unit by which the individual is employed or is a member, partner or shareholder, has conducted no audit, review or compilation engagements during the three years preceding the application for license renewal; and that the practice unit or individuals who are members, partners or shareholders of a practice unit will inform the Review Oversight Board if the practice unit undertakes an audit, review or compilation engagement and the practice unit, or, for individuals, the practice unit in which the individual is a member, partner or shareholder will undergo a quality review within one year of undertaking any such engagement.

(b) If a practice unit by which an individual licensee is employed or is a member, partner or shareholder has conducted an audit engagement during the three years preceding the application for license renewal, the licensee must further certify under the pains and penalties of perjury that the quality review completed was an on-site quality review.

(c) Every practice unit must cooperate with the approved reviewer, the report acceptance body, and the Review Oversight Board and take all steps necessary, including the payment of all costs and fees relating to the quality review, to comply with the quality review requirement.

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(d) A practice unit and the members, partners or shareholders of a practice unit, that, after the date of renewal of a license, fails to continue to comply with the terms of the quality review report or letter of comments accepted by a report acceptance body, must promptly inform the Board of any non-compliance by the practice unit. Such non-compliance failure to report same promptly to the Board, failure to cooperate with the approved reviewer, the report acceptance body or the Review Oversight Board, or any other failure to comply with the quality review requirements of 252 CMR 2.15, shall be grounds for license revocation, suspension or other disciplinary action under M.G.L. c. 112, § 87C½ of any practice unit and any member, partner or shareholder thereof failing to comply or failing to report such non-compliance to the Board.

(3) Qualifications of Approved Reviewers.

(a) An approved reviewer must meet the following minimum qualifications:

1. hold a current individual license issued by the Board;
2. possess at least five years of current experience in the practice of public accountancy in the accounting and auditing function;
3. be independent from, and have no conflict of interest with, the licensees or practice unit being reviewed; and
4. be familiar with all specialized services in the area of accounting and auditing provided by the practice unit being reviewed.

(b) To be qualified as an approved reviewer, an individual licensed by the Board must provide a report acceptance body with documentation of his or her qualifications, as listed in 252 CMR 2.15(3)(a) and such other information requested by the report acceptance body.

(c) A report acceptance body, in its discretion, may terminate the appointment of an individual to act as an approved reviewer.

(4) Conduct of Quality Reviews.

(a) In the case of a practice unit which undergoes a quality review, upon completion of the review, the approved reviewer shall write a quality review report which, at a minimum, sets forth the nature (on-site or off-site) and scope of the quality review, including any limitations thereon, and the AICPA standards under which the quality review was performed. On-site quality review reports shall, at a minimum, set forth an opinion on whether, during the period under review, the system of quality control for the accounting and auditing practice of the reviewed practice unit met AICPA quality control standards and whether that system of quality control was being sufficiently complied with so as to provide the approved reviewer with reasonable assurance that the practice unit was conforming with AICPA quality control and professional standards. Off-site quality review reports shall disclaim an opinion or any form of assurance about the reviewed practice unit's quality control standards and procedures, and indicate if the financial statements and compilation or review reports submitted for review did not conform with AICPA requirements and describe significant departures from those standards.

(b) The quality review report shall also describe the reason for any qualification or limitation of the report and set forth any corrective measures to be undertaken by the practice unit to address any issues identified by the quality review.

(c) Upon completion of the quality review and preparation of the quality review report, the approved reviewer shall issue a copy of the quality review report to the practice unit and a report acceptance body.

(5) Qualifications of Report Acceptance Bodies.

(a) The Board, or, in the Board's discretion, the Review Oversight Board, shall approve one or more practice units, professional societies or other organized group of certified public accountants and/or public accountants to function as report acceptance bodies.

(b) The Board may, in its discretion, terminate its approval of a report acceptance body.

(6) Authority and Function of Report Acceptance Bodies.

(a) Within 30 days after an approved reviewer issues a quality review report, the reviewed practice unit must file a letter of response with the report acceptance body for consideration of the results of the review by the approved reviewer, unless the quality review report was not accompanied by a letter of comments.

2.15: continued

(b) If a quality review report is accompanied by a letter of comments and no letter of response is received, then the report acceptance body may conduct a limited review of the quality review report and such other documents as deemed appropriate, and determine whether to accept, alter, or reject and return the quality review report for further review.

(c) A report acceptance body may mandate that corrective action be taken by the reviewed practice unit or that a further quality review of the practice unit be performed, or may recommend to the Review Oversight Board that limits be placed on the public accountancy practice of the reviewed practice unit.

(7) Authority and Function of Review Oversight Board.

(a) The Board may appoint up to five individual licensees to a Review Oversight Board to monitor programs administered by the report acceptance bodies and report periodically to the Board. Review Oversight Board members shall not be current members of the Board and may be removed or replaced by the Board in its discretion.

(b) A reviewed practice unit may request reconsideration of the action of a report acceptance body by the Review Oversight Board, which may accept, alter or reject and return for further review any action of a report acceptance body, and may mandate corrective action or impose other restrictions.

(c) Following reconsideration by the Review Oversight Board, a reviewed practice unit may request Board review of the action of the Review Oversight Board.

(d) During the pendency of a request for reconsideration by the Review Oversight Board or the Board, the reviewed practice unit must comply with the terms of a quality review report as accepted or altered by a report acceptance body.

(8) Confidentiality of Quality Review Reports.

(a) All quality review reports and related materials shall remain confidential, as provided in M.G.L. c. 112, § 87E½.

(b) Notwithstanding the provisions of 252 CMR 2.15(8) and M.G.L. c. 112, § 87E½, the Board shall have the right to inquire of a report acceptance body or the Review Oversight Board as to whether a quality review report has been accepted.

(9) Waiver of Quality Review.

(a) The Review Oversight Board may grant a waiver of or extension of time to meet the quality review requirement for the following reasons:

1. health;
2. military service; or
3. other good cause, as determined by the Review Oversight Board.

(b) Requests for waivers or extension of time shall be in writing, under oath, and submitted with the renewal form or as soon as practicable after the circumstances arise which are the basis for the request.

(c) Any practice unit which has been granted a waiver or extension of time shall immediately notify the Review Oversight Board when the basis upon which such waiver or extension of time was granted has ceased to exist. When the circumstances upon which such a waiver was granted cease to exist, the Review Oversight Board may require the practice unit to undergo a quality review at such time as the Review Oversight Board deems appropriate. A waiver shall only be effective for the calendar year for which it has been granted.

(d) A practice unit may request the Board to review a decision of the Review Oversight Board regarding a waiver or extension. Such request must be filed with the Board in a timely manner.

(10) Review of Multi-jurisdictional Practice Units. The Review Oversight Board may accept a quality review of a multi-jurisdictional practice unit which is based solely upon work conducted outside of Massachusetts as satisfying the quality review requirement if:

- (a) the quality review was conducted within three years of the renewal application;
- (b) the quality review is performed in accordance with requirements equivalent to those of the Board;
- (c) the quality review studies, evaluates and reports on the financial reporting practice of the practice unit as a whole; and

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2.15: continued

(d) At the conclusion of the quality review, the quality reviewer issues a report meeting the requirements of 252 CMR 2.15(4).

2.16: Requirements for Reinstatement of Lapsed/Expired License

- (1) A license which has lapsed for one renewal cycle or less may be reinstated upon:
 - (a) payment of the back license fee, a late fee and the current license fee;
 - (b) presentation of evidence satisfactory to the Board of having completed all required continuing professional education credits, as provided in 252 CMR 2.14; and
 - (c) completion of any other Board requirements.

- (2) A license which has lapsed for more than one renewal cycle may be reinstated upon:
 - (a) If practicing in Massachusetts during the period the license was expired:
 1. payment of all back license fees, a late fee and the current license fee;
 2. presentation of evidence, satisfactory to the Board, of having completed all required continuing education credits, as provided in 252 CMR 2.14; and
 3. completion of any other Board requirements, including re-examination and acknowledgment of practice during the period the license was expired.
 - (b) If not practicing during the period the license was expired:
 1. payment of the current license renewal fee and a late fee;
 2. presentation of evidence, satisfactory to the Board, of having completed all required continuing professional education credits, as provided in 252 CMR 2.14;
 3. completion of any other Board requirements, including re-examination; and
 4. submission of an affidavit signed under the pains and penalties of perjury that the individual has not been practicing during the period the license was expired.
 - (c) If practicing in another state during the period the Massachusetts license was expired:
 1. payment of the current license renewal fee and a late fee;
 2. submission providing to the Board of an official record of good standing or certified statement from other licensing authority indicating the license is in good standing in the state of current licensure; and
 3. presentation of evidence, satisfactory to the Board, of having completed all required continuing professional education credits, as provided in 252 CMR 2.14.

- (3) Notwithstanding the provisions of 252 CMR 2.16, the Board may refer cases of unlicensed practice to appropriate law enforcement authorities for prosecution.

2.17: Conversion of Public Accountant License to Certified Public Accountant License

- (1) Pursuant to the M.G.L. c. 112, § 87C(a) and (b), the Board may issue the certificate and license to practice as a Certified Public Accountant (CPA) to an individual licensed as a Public Accountant (PA) by the Board who meets all the following requirements:
 - (a) The PA files an application with the Board for the conversion of the PA certificate and license to a CPA certificate and license;
 - (b) At the time of application for conversion of the PA certificate and license, the PA holds a current license issued by the Board;
 - (c) At the time of application for conversion of the PA certificate and license, any public accounting firm that employs the PA or in which the PA has an interest holds a current license issued by the Board and meets the quality review requirements of M.G.L. c. 112, § 87B½ and 252 CMR 2.15; and
 - (d) For the five year period prior to July 1, 1998 (or for the duration of licensure as a PA by the Board, if less than five years), the PA maintained a current PA license issued by the Board and completed all continuing education hours required pursuant to M.G.L. c. 112, § 87B(e) and 252 CMR 2.14.

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2.17: continued

(2) Subsequent to the approval of the application for conversion from a PA certificate and license to a CPA certificate and license, the licensee must cease to utilize the designation "PA" in all forms of practice and is limited to utilizing the designation "CPA" in all forms of practice.

REGULATORY AUTHORITY

252 CMR 2.00: M.G.L. c. 112, § 87A½.