



# Notice of Intent to Adopt Rules

A copy of the proposed rules may be obtained at <http://rules.wyo.gov>

Revised July 2019

## 1. General Information

a. Agency/Board Name*		
b. Agency/Board Address	c. City	d. Zip Code
e. Name of Agency Liaison	f. Agency Liaison Telephone Number	
g. Agency Liaison Email Address		
h. Date of Public Notice	i. Comment Period End Date	
j. Public Comment URL or Email Address:		
k. Program		

\*  By checking this box, the agency is indicating it is exempt from certain sections of the Administrative Procedure Act including public comment period requirements. Please contact the agency for details regarding these rules.

## 2. Legislative Enactment

For purposes of this Section 2, "new" only applies to regular non-emergency rules promulgated in response to a Wyoming legislative enactment not previously addressed in whole or in part by prior rulemaking and does not include rules adopted in response to a federal mandate.

a. Are these non-emergency regular rules new as per the above description and the definition of "new" in Chapter 1 of the Rules on Rules?

No.  Yes. If the rules are new, please provide the Chapter Numbers and Years Enacted (e.g. 2015 Session Laws Chapter 154):

## 3. Rule Type and Information

For purposes of this Section 3, "New" means an emergency or regular rule that has never been previously created.

a. Provide the Chapter Number, Title\* and Proposed Action for Each Chapter. Please use the "Additional Rule Information" form to identify additional rule chapters.

Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed

\* If the name of a chapter of rules is changing, please provide the NEW chapter name in parenthesis following the OLD chapter name. Example: Old Chapter Name: General Provisions; New Chapter Name: General Provisions and Requirements. This would appear as "General Provisions (General Provisions and Requirements)."

**4. Public Comments and Hearing Information**

a. A public hearing on the proposed rules has been scheduled.  No.  Yes. Please complete the boxes below.

Date:	Time:	City:	Location:
-------	-------	-------	-----------

b. What is the manner in which interested persons may present their views on the rulemaking action?

By submitting written comments to the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: \_\_\_\_\_

A public hearing will be held if requested by 25 persons, a government subdivision, or by an association having not less than 25 members. Requests for a public hearing may be submitted:

To the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: \_\_\_\_\_

c. Any person may urge the Agency not to adopt the rules and request the Agency to state its reasons for overruling the consideration urged against adoption. Requests for an agency response must be made prior to, or within thirty (30) days after adoption, of the rule, addressed to the Agency and Agency Liaison listed in Section 1 above.

**5. Federal Law Requirements**

a. These rules are created/amended/revoked to comply with federal law or regulatory requirements.  No.  Yes. Please complete the boxes below.

Applicable Federal Law or Regulation Citation:
--

Indicate one (1):

The proposed rules meet, but do not exceed, minimum federal requirements.

The proposed rules exceed minimum federal requirements.

Any person wishing to object to the accuracy of any information provided by the Agency under this item should submit their objections prior to final adoption to:

To the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: \_\_\_\_\_

**6. State Statutory Requirements**

a. Indicate one (1):

The proposed rule change *MEETS* minimum substantive statutory requirements.

The proposed rule change *EXCEEDS* minimum substantive statutory requirements. Please attach a statement explaining the reason that the rules exceed the requirements.

b.  The Agency has completed a takings assessment as required by W.S. 9-5-304. A copy of the assessment used to evaluate the proposed rules may be obtained:

By contacting the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: \_\_\_\_\_

**7. Additional APA Provisions**

a. Complete all that apply in regards to uniform rules:

These rules are not impacted by the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j).

The following chapters do not differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j):

\_\_\_\_\_ (Provide chapter numbers)

These chapters differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j) (see Statement of Principal Reasons).

\_\_\_\_\_ (Provide chapter numbers)

b. Checklist

The Statement of Principal Reasons is attached to this Notice and, in compliance with *Tri-State Generation and Transmission Association, Inc. v. Environmental Quality Council*, 590 P.2d 1324 (Wyo. 1979), includes a brief statement of the substance or terms of the rule and the basis and purpose of the rule.

If applicable: In consultation with the Attorney General's Office, the Agency's Attorney General representative concurs that strike and underscore is not required as the proposed amendments are pervasive (Chapter 3, *Types of Rules Filings*, Section 1, Proposed Rules, of the Rules on Rules).

**8. Authorization**

a. I certify that the foregoing information is correct.

<i>Printed Name of Authorized Individual</i>	
<i>Title of Authorized Individual</i>	
<i>Date of Authorization</i>	

**STATEMENT OF REASONS  
FOR ADOPTING RULES**

Changes listed below are to update the incorporation by reference and clarify language related to CPE extensions and activating a certificate. Further updates to this chapter will be proposed later in the year.

Chapter 5

- In 2019, the Board adopted incorporating by reference the statement on standards for continuing professional education and the fields of study that qualify for continuing professional education, that helped to homogenize CPE requirements for all certificate holders. Those documents were updated in December 2019. The changes listed in section 10 of this chapter are to incorporate the latest version of both documents.
- Changes to section 3(a)(i) of this chapter are to update the fields of study incorporated by reference.
- Changes to section 3(c)(iv) are to correct the section referenced.
- Changes to section 4(b) are to remove the effective date since it has passed.
- Changes to section 6 include additional clarifying language regarding CPE requirements for activating a certificate.
- Changes to section 8 include clarifying language regarding CPE extensions.

## **Chapter 5 Continuing Professional Education**

**Section 1. Authority.** These rules are promulgated pursuant to Wyoming Statute § 33-3-108(a)(iii).

**Section 2. Definitions.**

(a) “Renewal Year” means the calendar year following any year in which a registrant holds an active certificate.

(b) “Third Party” means a person associated with or duly authorized by a CPE vendor or sponsor to represent that vendor or sponsor.

**Section 3. General Requirements.**

(a) A Continuing Professional Education (CPE) program qualifies as acceptable continuing education if it is a formal program of learning that contributes directly to the professional competence of a certificate holder in the practice of accounting as a CPA regardless of whether the holder practices in a public firm, in industry, in government, or in academia and verification of attendance or completion can be provided by a third party. Selection of the appropriate courses will be at the discretion of the certificate holder and may be selected from any of the Fields of Study issued by NASBA’s Registry of CPE Sponsors. Holders may not report credits earned through completion of multiple identical courses completed within the same calendar year, whether the courses are offered by the same vendor or a closely related vendor. Holders shall be required to provide evidence that courses are different if the Board requires it.

(i) At least sixty-six (66%) (80 of the 120 credit requirement or 40 of the 60 credit requirement found in subsection (c) of this section) of the credits shall be earned in fields of study that directly relate to a holder’s field of business as a CPA in the technical learning categories found in the Fields of Study That Qualify For Continuing Professional Education document incorporated by reference:

- (A) Accounting;
- (B) Accounting (Governmental);
- (C) Auditing;
- (D) Auditing (Governmental);
- (E) Business Law;
- (F) Economics;
- (G) Finance;

- (H) Information Technology;
- (I) Management Services;
- (J) Regulatory Ethics;
- (K) Specialized Knowledge;
- (L) Statistics; or
- (M) Taxes.

(ii) The balance of credits may be earned in non-technical learning activities that contribute to the professional competence of a CPA in fields of study that indirectly relate to the CPA's field of business in categories found in the Fields of Study That Qualify For Continuing Professional Education document incorporated by reference:

- (A) Behavioral Ethics;
- (B) Business Management & Organization;
- (C) Communications and Marketing;
- (D) Computer Software & Applications;
- (E) Personal Development;
- (F) Personnel/Human Resources; or
- (G) Production.

(b) Programs must be developed and conducted in compliance with the Statement on Standards for Continuing Professional Education (CPE) Programs incorporated by reference. If called upon to do so by the Board, certificate holders must be prepared to demonstrate that providers/sponsors have complied with the Statement on Standards for Continuing Professional Education (CPE) Programs.

(c) Certificate holders are required to comply with the CPE requirements in the three (3) full calendar years immediately preceding the renewal year as set forth below:

<b>Rolling CPE Reporting Requirements</b>			
Renewal Year	First Calendar Year	Second Calendar Year	Third Calendar Year
First Renewal Reporting Requirement	0 credits to be reported for this first certificate year		
Second Renewal Reporting Requirement	60 credits completed during this two calendar year period		
Thereafter	120 credits in this rolling three year period		

(i) With the exception of the requirement stipulated in sub-section (iv)(A) below, certificate holders renewing an active certificate for the first time are excepted from the continuing professional education reporting requirements;

(ii) To renew an active certificate for the second time, a holder shall complete 60 credits in the two calendar years immediately preceding the renewal year as reported and evidenced by the holder using the Board’s online CPE reporting tool;

(iii) To renew an active certificate thereafter, a holder shall complete 120 credits in the three calendar years immediately preceding the renewal year as reported and evidenced by the holder using the Board’s online CPE reporting tool.

(iv) All certificate holders who maintain their principal place of business in Wyoming are required to complete, as scheduled by the Board, and at least once every three-year continuing education period, four credits of continuing education in regulatory/professional ethics as approved by the Board. Credits may be earned at separate courses but all four credits must be completed in the same calendar year. To qualify for credit, the course must include a Wyoming statutes and rules element and other topics such as ethical reasoning or standards of professional conduct including those of other applicable regulatory bodies with a passing score of 80% unless satisfaction of the requirement is through participation in a group program. Holders who obtain initial certificates shall complete an approved regulatory/professional ethics course as set forth in section 3(c)(iv) of this chapter within six (6) months (month-end of date of initial certificate) of obtaining the initial certificate and every three year renewal period thereafter.

(v) If a reported/planned course as of the date of processing an online certificate renewal application is not completed by December 31st, an amended program attendance record must be submitted in the Board’s online licensing renewal/CPE reporting system reflecting the change. If reported/planned courses are not completed by December 31<sup>st</sup> and are required to meet minimum CPE requirements, holders may request an extension of the CPE deadline in accordance with section 8 of this chapter and shall pay required fees at the time of the request.

(d) The continuing professional education requirement of a non-resident certificate holder not using practice privileges is met if the individual meets the continuing education requirement for renewal of a certificate, permit, or license in the state in which the individual's principal office is located. These individuals must, during the applicable renewal period imposed by the state where the principal office is located, complete four credits of continuing education in regulatory/professional ethics covering state specific statutes and rules and such topics as ethical reasoning or standards of professional conduct including those of other applicable regulatory bodies. The non-resident must certify that the continuing professional education requirement has been met in another state. If there is no continuing education requirement in the non-resident's principal place of business or the individual is not licensed in his principal place of business, the individual must comply with the requirements as though he was a resident of Wyoming. Non-resident certificate holders are subject to the audit provisions of this chapter to verify the continuing professional education status of a non-resident.

(e) Courses offered by a single course sponsor or multiple course sponsors repeated during a renewal year are ineligible to be counted towards meeting minimum requirements. Holders are responsible for providing evidence that courses are different if the Board requires it.

(f) Inactive and Retired certificate holders are excepted from the continuing education requirements until such a time as they enter or re-enter practice under the provisions of the Act and the rules.

(g) The Board may suspend, relax, or grant exceptions to the continuing education requirements for instances of individual hardship or other good cause shown.

#### **Section 4. Credit.**

(a) Continuing Professional Education will be measured by program length with one fifty (50) minute period constituting one (1) credit unless the course is offered as a nano learning course. Total credits will be determined based on the sum of segments with credits rounded down to the nearest half credit when the total is not divisible by 50 (180 minutes = 3.5 credits). Credit is granted in the calendar year in which the course is attended or completed unless the Board determines otherwise. Credits reported in one certificate of completion or other evidence of completion may not be split between multiple calendar years. Credit granted through the extension process will be granted in one year only to satisfy minimum CPE requirements and cannot be carried forward to meet future requirements.

(b) A nano learning program is a formal tutorial program designed to permit a participant to learn a given subject in 10-minute increments through the use of electronic media (including technology applications and processes and computer-based or web-based technology) and without interaction with a real-time instructor. A holder shall not claim more than ten (10) full CPE credits (maximum of fifty (50) ten (10) minute nano learning programs) earned through nano learning programs within one (1) calendar year and all nano learning credits shall be offered through course sponsors listed on NASBA's Learning Registry.



(c) Instructors, lecturers, discussion leaders, and speakers earn credit for the actual presentation period plus an additional two credits for each period for preparation (three (3) credits for each presentation credit). The maximum credit allowed in this category will be 50% of the total renewal requirement (no more than 60 credits in any three-year period). Repetitious presentations will not qualify unless substantive changes requiring significant additional research and study have been made to the course.

(d) Published articles, books, etc. authored by the certificate holder: Credit may be awarded for published articles or books for up to 25% of the renewal requirement (no more than 30 credits). Copies of articles or books must be provided at the holder's expense.

(e) University or college courses: Each semester hour credit will equal fifteen (15) credits towards the requirement. A quarter hour will equal ten (10) credits. Credit earned for courses taken to obtain an initial baccalaureate degree that qualifies an individual to sit for the examination do not qualify under this section.

(f) Independent Study: Credit in this area is limited to twelve (12) credits in any renewal period.

(g) Non-degree certificate programs: Accredited colleges and universities that offer certificate programs but do not post credit for the program on the official transcript must either provide a completion certificate to the participant or maintain an attendance log of participants, prepare and preserve an outline of the course, and ensure the course is led by a qualified instructor. One (1) CPE credit shall be awarded for every 50 minutes of class time.

(h) When credits are limited by section 4(b), (c), (d), (e), or (f) no future adjustments may be made to use credits previously limited.

**Section 5. Evidence of Completion — Retention.** Primary responsibility for documenting that requirements have been met rests with the certificate holder. Evidence to support fulfillment of those requirements shall be retained for a period of four (4) years after the completion of the course.

Certificate holders shall retain an outline or program for each course and evidence of attendance. Holders shall report coursework and upload certificates of completion and other documentation as required into the online system provided by the Board. All documents uploaded to the online CPE reporting system shall be associated only with the course to which it pertains. Documentation shall include the holder's name; sponsor/provider name; course title, date and timeframe of the course; and the amount of credit granted as applicable calculated based upon a 50-minute hour. Satisfaction of completion of the requirements may be accomplished as follows:

(a) College or university courses: transcripts verifying completion or other verified documentation from an institution.

(b) Individual or independent study: Certificates of completion, signed statements from vendors or sponsors, copies of the applicable independent study contracts, or other acceptable documentation as determined by the Board.

(c) Group study: Sign in sheets, certificates of attendance, firm rosters signed by participants and attested to by the appropriate firm officials, other third party verification, or other acceptable documentation as determined by the Board.

(d) Instructor/lecturer: a signed statement from the course provider or other appropriate official verifying the services were provided shall be obtained.

(e) Board approved regulatory/professional ethics course: Upon request all certificate holders shall submit a certificate of completion or certificate of attendance to the Board office using the online CPE reporting system.

#### **Section 6. Activation.**

(a) Before providing accounting services, an individual who has been excepted from the requirements or has otherwise not provided evidence of compliance with the CPE requirements shall make appropriate application and show compliance with the continuing education requirements.

(b) If applying for activation within 120 days of the date of the license expiration, the applicant shall comply with section 8(e) of this chapter and pay the applicable \$150 CPE Extension Processing Fee. Any CPE credits taken during the 120-day period will be credited to the previous calendar year.

(c) The Board may waive the requirement to complete requirements in a given calendar year period and consider a combination of 120 hours completed within a three (3) year period other than calendar years.

(d) The Board may allow a certificate holder to re-enter active practice without providing compliance with the continuing education requirements upon the condition that the applicant follow a particular future program or schedule of continuing education.

(e) The applicant shall document that an approved ethics course as set forth in section 3 of this chapter has been completed within the three (3) years prior to re-entry.

**Section 7. Controls and Reporting.** To renew an active certificate, on the online licensing renewal system and CPE reporting tool provided by the Board, each holder or each non-resident who does not report CPE to another state shall provide the following by reporting course details and uploading certificates of completion to the Board's online licensing system:

(a) The number of CPE credits completed as requested;

(b) A list of the individual courses completed or to be completed prior to December 31<sup>st</sup> of the calendar year subject to renewal including the following information:

- (i) Sponsoring organization/provider/contractor;
- (ii) Title of program or description of content;
- (iii) Course type (individual, group, lecture, etc.);
- (iv) Dates attended or completed; and
- (v) Credit claimed.

**Section 8. Extensions.** The Board may, upon written request, extend the time within which certificate holders must comply with the requirements of this chapter for good cause.

(a) An applicant may request a ninety (90) day extension at the time of renewal upon payment of the required \$150.00 CPE Extension Processing Fee in addition to the certificate renewal fee. All requests for 90-day extensions are subject to the \$150.00 CPE Extension Processing Fee regardless of whether the request was intended or not. There shall be no refunds of the CPE Extension Processing Fee.

(b) Any CPE taken as part of the ninety (90) day extension, will be counted in the prior calendar year.

(c) Any request for an additional extension in excess of ninety (90) days shall be submitted to the Board in writing no later than March 1<sup>st</sup> and outline good cause for granting the extension.

(d) Any applicant who requests or is granted an extension of time under this section shall submit documentation of completing the applicable course work no later two weeks after the expiration of the extension deadline and shall be audited under section 9 of this chapter.

(e) Any applicant who fails to complete the CPE requirement by the extended deadline shall be required to complete additional CPE credits equal to either the lesser of the shortage of credits or no more than sixteen (16) additional CPE credits. The additional credits shall be completed no later than thirty (30) days from the extended deadline and shall not qualify for purposes of meeting any future CPE renewal requirement. Failure to submit documentation of completion of the additional credits by the deadline shall result in the initiation of an investigation and possible disciplinary action in accordance with chapter 7 of the rules.

**Section 9. Verification.** The Board shall verify compliance with the CPE requirements on a test basis (to a maximum of 20% audit) or as otherwise necessary. Board staff or Board members shall determine whether CPE credits claimed meet the requirements set forth in this chapter. Upon a finding that CPE credits or the documentation provided to evidence CPE

credits do not meet the requirements set forth in this chapter, the Board staff or Board members may disqualify course credits claimed and shall notify the holder of the findings.

(a) In the form requested by the Board, holders shall submit evidence of compliance with the CPE requirements.

(b) Non-resident certificate holders not using practice privileges shall comply by providing evidence and reporting of continuing professional education in a form required by the Board and by submitting a copy of the applicable renewal application in the state of residence and evidence of completion of all courses required by the residency state, to include the completion of the ethics course required in section 3(e) of this chapter for the applicable renewal period or through another Board approved CPE audit process. All CPE documentation required must be recorded in the Board's CPE reporting system. If no documents were submitted to the state of residence, the holder shall comply with subsection (a) above.

(c) A holder shall remedy any deficiency discovered within ninety (90) days of formal notification by the Board. Deficiency credits shall qualify for credit in the initial reporting period and cannot be duplicated for purposes of determining the applicable requirement in any other reporting period.

(d) Any certificate holder found deficient shall be required to complete additional CPE credits equal to the lesser of the shortage of credits but not more than sixteen (16) additional CPE credits. The additional credits shall be completed within thirty (30) days of the date advised of the deficiency. Deficiency credits shall not qualify for purposes of meeting any future CPE renewal requirement. Failure to submit documentation of completion by the deadline shall result in the initiation of disciplinary action.

(e) Programs found to be out of compliance with the general standards may be disqualified and result in the requirement that the holder remedy any deficiency caused pursuant to subsections (c) and (d) of this section.

(f) Certificate holders found deficient shall be included in the CPE audit for two renewal cycles following the deficiency.

#### **Section 10. Incorporation by Reference.**

(a) For these rules incorporated by reference:

(i) The Board has determined that incorporation of the full text in these rules would be cumbersome or inefficient given the length or nature of the rules:

(ii) The incorporation by reference does not include any later amendments editions of the incorporated matter beyond the applicable date identified in subsections (a)(i) and (ii) of this section; and

(iii) The incorporated rules are maintained at 325 West 18th Street, Ste. 4, Cheyenne, Wyoming, 82002 and are available for public inspection and copying at cost at the same location.

(b) The following are incorporated by reference:

(i) The Statement on Standards for Continuing Professional Education (CPE) Programs adopted by the National Association of State Boards of Accountancy and the American Institute of Certified Public Accountants and last revised December 19, 2019, found at: <https://drive.google.com/open?id=10KZ1kIRwJpNSniUYv23BXTF0L0n8DFSe>

(ii) Fields of Study That Qualify For Continuing Professional Education adopted by the National Association of State Boards of Accountancy and last revised December 19, 2019, found at: <https://drive.google.com/open?id=1naKGY4FCC-FE5BwP-Sa34ultVxmwiSq>

## Chapter 5 Continuing Professional Education

**Section 1. Authority.** These rules are promulgated pursuant to Wyoming Statute § 33-3-108(a)(iii), and ~~W.S. 33-3-109(e)~~.

### **Section 2. Definitions.**

(a) “Renewal Year” means the calendar year following any year in which a registrant holds an active certificate.

(b) “Third Party” means a person associated with or duly authorized by a CPE vendor or sponsor to represent that vendor or sponsor.

### **Section 3. General Requirements.**

(a) A Continuing Professional Education (CPE) program qualifies as acceptable continuing education if it is a formal program of learning that contributes directly to the professional competence of a certificate holder in the practice of accounting as a CPA regardless of whether the holder practices in a public firm, in industry, in government, or in academia and verification of attendance or completion can be provided by a third party. Selection of the appropriate courses will be at the discretion of the certificate holder and may be selected from any of the Fields of Study issued by NASBA’s Registry of CPE Sponsors. Holders may not report credits earned through completion of multiple identical courses completed within the same calendar year, whether the courses are offered by the same vendor or a closely related vendor. Holders shall be required to provide evidence that courses are different if the Board requires it.

(i) At least sixty-six (66%) (80 of the 120 credit requirement or 40 of the 60 credit requirement found in subsection (c) of this section) of the credits shall be earned in fields of study that directly relate to a holder’s field of business as a CPA in the technical learning categories found in the Fields of Study That Qualify For Continuing Professional Education document incorporated by reference:

- (A) Accounting;
- (B) Accounting (Governmental);
- (C) Auditing;
- (D) Auditing (Governmental);
- ~~(D)~~(E) Business Law;
- ~~(E)~~(F) Economics;
- ~~(F)~~(G) Finance;

~~(G)~~(H) Information Technology;

~~(H)~~(I) Management Services;

~~(I)~~(J) Regulatory Ethics;

~~(J)~~(K) Specialized Knowledge;

~~(K)~~(L) Statistics; or

~~(L)~~(M) Taxes.

(ii) The balance of credits may be earned in non-technical learning activities that contribute to the professional competence of a CPA in fields of study that indirectly relate to the CPA's field of business in categories found in the Fields of Study That Qualify For Continuing Professional Education document incorporated by reference:

(A) Behavioral Ethics;

(B) Business Management & Organization;

(C) Communications and Marketing;

(D) Computer Software & Applications;

(E) Personal Development;

(F) Personnel/Human Resources; or

(G) Production.

(b) Programs must be developed and conducted in compliance with the Statement on Standards for Continuing Professional Education (CPE) Programs incorporated by reference. If called upon to do so by the Board, certificate holders must be prepared to demonstrate that providers/sponsors have complied with the Statement on Standards for Continuing Professional Education (CPE) Programs.

(c) Certificate holders are required to comply with the CPE requirements in the three (3) full calendar years immediately preceding the renewal year as set forth below:

<b>Rolling CPE Reporting Requirements</b>			
Renewal Year	First Calendar Year	Second Calendar Year	Third Calendar Year
First Renewal Reporting Requirement	0 credits to be reported for this first certificate year		
Second Renewal Reporting Requirement	60 credits completed during this two calendar year period		
Thereafter	120 credits in this rolling three year period		

(i) With the exception of the requirement stipulated in sub-section (iv)(A) below, certificate holders renewing an active certificate for the first time are excepted from the continuing professional education reporting requirements;

(ii) To renew an active certificate for the second time, a holder shall complete 60 credits in the two calendar years immediately preceding the renewal year as reported and evidenced by the holder using the Board’s online CPE reporting tool;

(iii) To renew an active certificate thereafter, a holder shall complete 120 credits in the three calendar years immediately preceding the renewal year as reported and evidenced by the holder using the Board’s online CPE reporting tool.

(iv) All certificate holders who maintain their principal place of business in Wyoming are required to complete, as scheduled by the Board, and at least once every three-year continuing education period, four credits of continuing education in regulatory/professional ethics as approved by the Board. Credits may be earned at separate courses but all four credits must be completed in the same calendar year. To qualify for credit, the course must include a Wyoming statutes and rules element and other topics such as ethical reasoning or standards of professional conduct including those of other applicable regulatory bodies with a passing score of 80% unless satisfaction of the requirement is through participation in a group program. Holders who obtain initial certificates shall complete an approved regulatory/professional ethics course as set forth in section ~~3(d)(iv)(c)(iv)~~ of this chapter within six (6) months (month-end of date of initial certificate) of obtaining the initial certificate and every three year renewal period thereafter.

(v) If a reported/planned course as of the date of processing an online certificate renewal application is not completed by December 31st, an amended program attendance record must be submitted in the Board’s online licensing renewal/CPE reporting system reflecting the change. If reported/planned courses are not completed by December 31<sup>st</sup> and are required to meet minimum CPE requirements, holders may request an extension of the CPE deadline in accordance with section 8 of this chapter and shall pay required fees at the time of the request.



(d) The continuing professional education requirement of a non-resident certificate holder not using practice privileges is met if the individual meets the continuing education requirement for renewal of a certificate, permit, or license in the state in which the individual's principal office is located. These individuals must, during the applicable renewal period imposed by the state where the principal office is located, complete four credits of continuing education in regulatory/professional ethics covering state specific statutes and rules and such topics as ethical reasoning or standards of professional conduct including those of other applicable regulatory bodies. The non-resident must certify that the continuing professional education requirement has been met in another state. If there is no continuing education requirement in the non-resident's principal place of business or the individual is not licensed in his principal place of business, the individual must comply with the requirements as though he was a resident of Wyoming. Non-resident certificate holders are subject to the audit provisions of this chapter to verify the continuing professional education status of a non-resident.

(e) Courses offered by a single course sponsor or multiple course sponsors repeated during a renewal year are ineligible to be counted towards meeting minimum requirements. Holders are responsible for providing evidence that courses are different if the Board requires it.

(f) Inactive and Retired certificate holders are excepted from the continuing education requirements until such a time as they enter or re-enter practice under the provisions of the Act and the rules.

(g) The Board may suspend, relax, or grant exceptions to the continuing education requirements for instances of individual hardship or other good cause shown.

#### **Section 4. Credit.**

(a) Continuing Professional Education will be measured by program length with one fifty (50) minute period constituting one (1) credit unless the course is offered as a nano learning course. Total credits will be determined based on the sum of segments with credits rounded down to the nearest half credit when the total is not divisible by 50 (180 minutes = 3.5 credits). Credit is granted in the calendar year in which the course is attended or completed unless the Board determines otherwise. Credits reported in one certificate of completion or other evidence of completion may not be split between multiple calendar years. Credit granted through the extension process will be granted in one year only to satisfy minimum CPE requirements and cannot be carried forward to meet future requirements.

(b) A nano learning program is a formal tutorial program designed to permit a participant to learn a given subject in 10-minute increments through the use of electronic media (including technology applications and processes and computer-based or web-based technology) and without interaction with a real-time instructor. A holder shall not claim more than ten (10) full CPE credits (maximum of fifty (50) ten (10) minute nano learning programs) earned through nano learning programs within one (1) calendar year and all nano learning credits shall be offered through course sponsors listed on NASBA's Learning Registry. ~~This subsection is effective January 1, 2020.~~

(c) Instructors, lecturers, discussion leaders, and speakers earn credit for the actual presentation period plus an additional two credits for each period for preparation (three (3) credits for each presentation credit). The maximum credit allowed in this category will be 50% of the total renewal requirement (no more than 60 credits in any three-year period). Repetitious presentations will not qualify unless substantive changes requiring significant additional research and study have been made to the course.

(d) Published articles, books, etc. authored by the certificate holder: Credit may be awarded for published articles or books for up to 25% of the renewal requirement (no more than 30 credits). Copies of articles or books must be provided at the holder's expense.

(e) University or college courses: Each semester hour credit will equal fifteen (15) credits towards the requirement. A quarter hour will equal ten (10) credits. Credit earned for courses taken to obtain an initial baccalaureate degree that qualifies an individual to sit for the examination do not qualify under this section.

(f) Independent Study: Credit in this area is limited to twelve (12) credits in any renewal period.

(g) Non-degree certificate programs: Accredited colleges and universities that offer certificate programs but do not post credit for the program on the official transcript must either provide a completion certificate to the participant or maintain an attendance log of participants, prepare and preserve an outline of the course, and ensure the course is led by a qualified instructor. One (1) CPE credit shall be awarded for every 50 minutes of class time.

(h) When credits are limited by section 4(b), (c), (d), ~~or (e)~~, or (f) no future adjustments may be made to use credits previously limited.

**Section 5. Evidence of Completion - Retention.** Primary responsibility for documenting that requirements have been met rests with the certificate holder. Evidence to support fulfillment of those requirements shall be retained for a period of four (4) years after the completion of the course.

Certificate holders shall retain an outline or program for each course and evidence of attendance. Holders shall report coursework and upload certificates of completion and other documentation as required into the online system provided by the Board. All documents uploaded to the online CPE reporting system shall be associated only with the course to which it pertains.

Documentation shall include the holder's name; sponsor/provider name; course title, date and timeframe of the course; and the amount of credit granted as applicable calculated based upon a 50-minute hour. Satisfaction of completion of the requirements may be accomplished as follows:

(a) College or university courses: transcripts verifying completion or other verified documentation from an institution.

(b) Individual or independent study: Certificates of completion, signed statements from vendors or sponsors, copies of the applicable independent study contracts, or other acceptable documentation as determined by the Board.

(c) Group study: Sign in sheets, certificates of attendance, firm rosters signed by participants and attested to by the appropriate firm officials, other third party verification, or other acceptable documentation as determined by the Board.

(d) Instructor/lecturer: a signed statement from the course provider or other appropriate official verifying the services were provided shall be obtained.

(e) Board approved regulatory/professional ethics course: Upon request all certificate holders shall submit a certificate of completion or certificate of attendance to the Board office using the online CPE reporting system.

### **Section 6. Activation.**

(a) Before providing accounting services, an individual who has been excepted from the requirements or has otherwise not provided evidence of compliance with the CPE requirements shall make appropriate application and show compliance with the continuing education requirements.

(b) If applying for activation within 120 days of the date of the license expiration, the applicant shall comply with section 8(e) of this chapter and pay the applicable \$150 CPE Extension Processing Fee. Any CPE credits taken during the 120-day period will be credited to the previous calendar year.

~~(b)~~(c) The Board may waive the requirement to complete requirements in a given calendar year period and consider a combination of 120 hours completed within a three (3) year period other than calendar years.

~~(e)~~(d) The Board may allow a certificate holder to re-enter active practice without providing compliance with the continuing education requirements upon the condition that the applicant follow a particular future program or schedule of continuing education.

~~(d)~~(e) The applicant shall document that an approved ethics course as set forth in section 3 of this chapter has been completed within the three (3) years prior to re-entry.

**Section 7. Controls and Reporting.** To renew an active certificate, on the online licensing renewal system and CPE reporting tool provided by the Board, each holder or each non-resident who does not report CPE to another state shall provide the following by reporting course details and uploading certificates of completion to the Board's online licensing system:

(a) The number of CPE credits completed as requested;

(b) A list of the individual courses completed or to be completed prior to December 31<sup>st</sup> of the calendar year subject to renewal including the following information:

- (i) Sponsoring organization/provider/contractor;
- (ii) Title of program or description of content;
- (iii) Course type (individual, group, lecture, etc.);
- (iv) Dates attended or completed; and
- (v) Credit claimed.

**Section 8. Extensions.** The Board may, upon written request, extend the time within which certificate holders must comply with the requirements of this chapter for good cause.

(a) An applicant may request a ninety (90) day extension at the time of renewal upon payment of the required \$150.00 CPE Extension Processing Fee in addition to the certificate renewal fee. All requests for 90-day extensions are subject to the \$150.00 CPE Extension Processing Fee regardless of whether the request was intended or not. There shall be no refunds of the CPE Extension Processing Fee.

(b) Any CPE taken as part of the ninety (90) day extension, will be counted in the prior calendar year.

~~(b)~~(c) Any request for an additional extension in excess of ninety (90) days shall be submitted to the Board in writing no later than March 1<sup>st</sup> and outline good cause for granting the extension.

~~(c)~~(d) Any applicant who requests or is granted an extension of time under this section shall submit documentation of completing the applicable course work no later two weeks after the expiration of the extension deadline and shall be audited under section 9 of this chapter.

~~(d)~~(e) Any applicant who fails to complete the CPE requirement by the extended deadline shall be required to complete additional CPE credits equal to either the lesser of the shortage of credits or no more than sixteen (16) additional CPE credits. The additional credits shall be completed no later than thirty (30) days from the extended deadline and shall not qualify for purposes of meeting any future CPE renewal requirement. Failure to submit documentation of completion of the additional credits by the deadline shall result in the initiation of an investigation and possible disciplinary action in accordance with chapter 7 of the rules.

**Section 9. Verification.** The Board shall verify compliance with the CPE requirements on a test basis (to a maximum of 20% audit) or as otherwise necessary. Board staff or Board members shall determine whether CPE credits claimed meet the requirements set forth in this chapter. Upon a finding that CPE credits or the documentation provided to evidence CPE

credits do not meet the requirements set forth in this chapter, the Board staff or Board members may disqualify course credits claimed and shall notify the holder of the findings.

(a) In the form requested by the Board, holders shall submit evidence of compliance with the CPE requirements.

(b) Non-resident certificate holders not using practice privileges shall comply by providing evidence and reporting of continuing professional education in a form required by the Board and by submitting a copy of the applicable renewal application in the state of residence and evidence of completion of all courses required by the residency state, to include the completion of the ethics course required in section 3(e) of this chapter for the applicable renewal period or through another Board approved CPE audit process. All CPE documentation required must be recorded in the Board's CPE reporting system. If no documents were submitted to the state of residence, the holder shall comply with subsection (a) above.

(c) A holder shall remedy any deficiency discovered within ninety (90) days of formal notification by the Board. Deficiency credits shall qualify for credit in the initial reporting period and cannot be duplicated for purposes of determining the applicable requirement in any other reporting period.

(d) Any certificate holder found deficient shall be required to complete additional CPE credits equal to the lesser of the shortage of credits but not more than sixteen (16) additional CPE credits. The additional credits shall be completed within thirty (30) days of the date advised of the deficiency. Deficiency credits shall not qualify for purposes of meeting any future CPE renewal requirement. Failure to submit documentation of completion by the deadline shall result in the initiation of disciplinary action.

(e) Programs found to be out of compliance with the general standards may be disqualified and result in the requirement that the holder remedy any deficiency caused pursuant to subsections (c) and (d) of this section.

(f) Certificate holders found deficient shall be included in the CPE audit for two renewal cycles following the deficiency.

#### **Section 10. Incorporation by Reference.**

(a) For these rules incorporated by reference:

(i) The Board has determined that incorporation of the full text in these rules would be cumbersome or inefficient given the length or nature of the rules:

(ii) The incorporation by reference does not include any later amendments editions of the incorporated matter beyond the applicable date identified in subsections (a)(i) and (ii) of this section; and

(iii) The incorporated rules are maintained at 325 West 18th Street, Ste. 4, Cheyenne, Wyoming, 82002 and are available for public inspection and copying at cost at the same location.

(a)(b) The following are incorporated by reference:

(i) The Statement on Standards for Continuing Professional Education (CPE) Programs adopted by the National Association of State Boards of Accountancy and the American Institute of Certified Public Accountants and last revised August 4, 2016 December 19, 2019, found at:

[https://www.nasbaregistry.org/\\_\\_\\_media/Documents/Others/Statement\\_on\\_Standards\\_for\\_CPE\\_Programs-2016.pdf](https://www.nasbaregistry.org/___media/Documents/Others/Statement_on_Standards_for_CPE_Programs-2016.pdf):

<https://drive.google.com/open?id=10KZ1kIRwJpNSniUYv23BXTF0L0n8DFSe>

(b)(ii) Fields of Study That Qualify For Continuing Professional Education adopted by the National Association of State Boards of Accountancy and last revised July 1, 2016 December 19, 2019, found at:

[https://www.nasbaregistry.org/\\_\\_\\_media/Documents/RegistryPolicies/FieldsOfStudy2016.pdf](https://www.nasbaregistry.org/___media/Documents/RegistryPolicies/FieldsOfStudy2016.pdf):

<https://drive.google.com/open?id=1naKGY4FCC-FE5BwP-Sa34ultVxmwiSq>

(e) — For these rules incorporated by reference:

(i) — The Board has determined that incorporation of the full text in these rules would be cumbersome or inefficient given the length or nature of the rules:

(ii) — The incorporation by reference does not include any later amendments editions of the incorporated matter beyond the applicable date identified in subsections (a)(i) and (ii) of this section; and

(iii) — The incorporated rules are maintained at 325 West 18<sup>th</sup> Street, Ste. 4, Cheyenne, Wyoming, 82002 and are available for public inspection and copying at cost at the same location.