



Pete Ricketts
Governor

STATE OF NEBRASKA
BOARD OF PUBLIC ACCOUNTANCY
P.O. Box 94725, Lincoln NE 68509
(402) 471-3595 or (800) 564-6111
Fax (402) 471-4484
Home Page: www.nbpa.ne.gov

December 28, 2017

Senator Dan Watermeier
Chair - Executive Board
Nebraska Legislature
PO Box 94604
Lincoln, NE 68509

Dear Sen. Watermeier,

In accordance with LB867, please find the following attached from the Nebraska State Board of Public Accountancy (Agency #63):

- Current Index of Rules and Regulations/NAC Title 288
- Current Guidance Documents
- Current Guideline Index

These documents are available for inspection within the Board office and available on the Board's website at www.npba.ne.gov. Board staff will continue to review and update these documents as identified for the Board to review and approve in accordance with the provisions listed within LB867.

Do not hesitate to contact our office with any questions or concerns at #1-3595 or at Dan.Sweetwood@nebraska.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Sweetwood".

Dan Sweetwood
Executive Director

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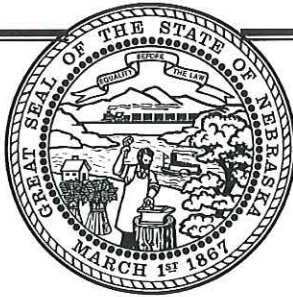


**STATE OF NEBRASKA
BOARD OF PUBLIC ACCOUNTANCY**

Continuing Education Guidelines

Notice: Guidance Document

This guidance document is advisory in nature but is binding on an agency until amended by such agency. A guidance document does not include internal procedural documents that only affect the internal operations of the agency and does not impose additional requirement or penalties on regulated parties or include confidential information or rules and regulations made in accordance with the Administrative Procedure Act. If you believe that this guidance document imposes additional requirements or penalties on regulated parties, you may request a review of the document.



**STATE OF NEBRASKA
BOARD OF PUBLIC ACCOUNTANCY**

January 2017

Continuing Education Guidelines

The Guidelines contain the Board's most current continuing education requirements which are effective January 2017. Please retain this document for future reference.

You should apply to the Board office for PRE-APPROVAL of any courses you plan to complete to be sure that the credit will qualify for continuing professional education. A **Program Qualification Form** is attached to these Guidelines for your use in submitting courses for approval to the Board or available on our website http://www.nbpa.ne.gov/cpe_menu.htm. Programs selected should contribute directly to the permit holder's professional competency to practice public accountancy. The Board recommends, but does not require, that any permit holder performing audits, reviews or compilations obtain a minimum of forty percent (40%) of the required hours in accounting and auditing subjects. **ALTHOUGH NOT A REQUIREMENT, THE BOARD DECIDED 16 HOURS (20%) OF SELF DETERMINED PERSONAL DEVELOPMENT COURSES THAT RELATE TO THE CPA'S CURRENT EMPLOYMENT CAN BE REPORTED AS LONG AS THE REMAINING 64 HOURS (80%) ARE COMPLETED IN TECHNICAL AREAS DIRECTLY RELATED TO THE PRACTICE OF PUBLIC ACCOUNTANCY.** Staying abreast of the technical aspects of the profession should always be of first consideration for CPE. However, courses in personal development are not discouraged and assist in developing a better manager, employee, and well rounded person.

The CPE Report of Attendance is due to the Board by January 31. Failure to submit the report will not allow the permit holder to renew their permit. If a permit holder does not meet the continuing education requirements for permit issuance, they must write to the Board prior to January 31 stating the reasons the CPE could not be completed. If the Board office does not receive a letter or report from an individual by the January 31st deadline, the individual is subject to the signing of a Stipulation and Consent Order which will include an administrative fee or a hearing before the Board.

PLEASE RETAIN A COPY OF YOUR CPE REPORT FOR YOUR PERMANENT CPE RECORDS.

**CPE MUST BE EARNED BY DECEMBER 31st
AND
REPORTED BY JANUARY 31st!**

CONTINUING EDUCATION GUIDELINES
(Effective May 2016)

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CONTINUING EDUCATION GUIDELINES

I. BASIC REQUIREMENTS

- A. Applicants for the renewal of an active permit shall have completed 80 hours of acceptable continuing education within the preceding two calendar years. CPE taken in a calendar year must be reported by January 31 of the following year.
- B. The Board of Accountancy shall have authority for good cause to waive the requirement. (see Board Rule Chapter 8.009.04)
- C. All holders of an active permit to practice public accountancy are required to comply with the continuing education requirements.
- D. Inactive Registrants and "Inactive-Retired" certificate holders are not required to report continuing education.
- E. The applicant for renewal of an active permit to practice shall, by January 31st of each year, provide a report of the continuing education in which he or she has participated in the preceding calendar year. If a permit holder has a valid reason they cannot report by January 31, they shall communicate the reason to the Board in writing before January 31.

II. TYPES OF PROGRAMS WHICH QUALIFY

The overriding consideration in determining whether a specific program qualifies is that it shall be a program of learning directly related to the **practice of public accountancy** including, but not limited to information or skills reasonably calculated to be utilized by a participant in the practice of public accountancy. Courses should contribute to professional development and technical competence of a permit holder. **Pre-approval of the program by the Board is encouraged through the use of a "Program Qualification Form" (See page 8 of these Guidelines).**

THE BOARD CURRENTLY ACCEPTS COURSES APPROVED BY THE NATIONAL ASSOCIATION STATE BOARDS OF ACCOUNTANCY (NASBA) AND THE QUALITY ASSURANCE STANDARDS (QAS). To review the approved sponsors go to www.nasba.org

- A. **Formal Programs** (Code "F" on report) requiring class attendance shall qualify if, (i) the program is conducted by a qualified instructor; (ii) the attendee must maintain a record of registration and proof of attendance; (iii) the program is at least one hour (50 minute period) in length; (iv) an outline of the program with a detailed timeline is prepared in advance; and (v) the program contributes directly to the professional skills and competence of the permit holder. The following are deemed to be acceptable as formal programs:
 1. Professional development programs of national and state professional societies.
 2. Technical sessions at meetings of national and state professional societies and chapters.
 3. Webinars/Internet based learning in a formal setting with periodic demonstration of participation or the ability to ask questions of the instructor.
 4. Formal, organized, in-firm educational programs. Firm meetings will qualify only if the program is conducted by a qualified instructor, AND an outline of the program with a detailed timeline is prepared in advance and preserved. **Program must consist of at least 50 minutes of continuous instruction.** Portions of such meetings devoted to administrative and firm matters cannot be included to count as CPE.
 5. Programs in other organizations (accounting; professional; appropriate private sector). Dinner, luncheon and breakfast meetings of recognized accounting organizations may qualify, if they meet the appropriate requirements and have at least one hour of presentation on professional topics.

6. Blended Learning – involves combining internet and digital media with traditional classroom methods that require physical presence of both teach and students.

- B. Self-Study Programs** (Code “S” on report) which require registration and provide evidence of satisfactory completion. Permit holders claiming credit for such courses may be required to furnish evidence of satisfactory completion of the course.

Nano learning will be considered a form of self-study, therefore would be limited to no more than 40 hours during a licensing period. Nano learning will be reported to the Board in 50 minute increments. 50 minutes must be earned from the same sponsor. Certificates of completion issued by a sponsor must be available by request.

No more than 40 hours during a licensing period or 60 hours for a reinstatement period shall be represented by self-study courses or programs. A certificate of completion designating the number of hours must be attached before any credit will be allowed.

- C. University and college courses** (Code “C” on report) require

(i) the program must be conducted by a qualified instructor; (ii) the attendee must maintain a record of registration and proof of attendance (iii) an outline of the course; and (iiii) the course contributes directly to the professional skills and competence of the permit holder. Credit will be granted as follows:

1. Each semester hour credit shall equal 15 hours CPE credit. A quarter hour credit shall equal 8 hours. **No more than 40 hours during a licensing period or 60 hours for a reinstatement period shall be given for college credit. The course must be completed with a passing grade before credit is allowed.**
2. Non-credit short courses: contact hours only; must obtain a signed statement of attendance from instructor.

- D. Service on technical committees of professional organizations** (Code “CT” on report). Participation in technical committee meetings of recognized professional societies will qualify, if the subject matter has relevance to the practice of public accountancy, and must be at least one hour in length. **No more than 16 hours will be allowed for any renewal or reinstatement period.**

- E. Instruction or Presentation of Programs** (Code “I” on report). Credit for one hour of continuing education will be awarded for each hour completed as an instructor or discussion leader to the extent that the particular activity contributes to the professional competence of the permit holder as it relates to the practice of public accountancy. Credit as an instructor, discussion leader, or speaker will be allowed for any meeting or engagement provided that the session is one which would meet the continuing education requirements of those attending. The credit allowed an instructor, discussion leader or speaker will be on the basis of a maximum of two hours for subject preparation for each hour of presentation. **No more than 40 hours for preparation and instruction will be allowed for any renewal or 60 hours for a reinstatement. No more than 40 hours for preparation and instruction of a college or University course will be allowed for any renewal or reinstatement.** Repetitious presentations of the same material within the renewal period will not be counted. Credit for permit holders attending not as instructors, discussion leaders, or speakers is limited to the

actual meeting time. A total of no more than 10 hours may be granted for updating material for previously presented courses.

- F. **Published Articles, Books, etc.** (Code "P" on report). No more than 16 hours of credit for preparation of materials for publication may be given on a self-declaration basis for any renewal or reinstatement period.
- G. **Ethics (Code "E" on report)** A permit holder must complete 4 hours of ethic courses in every renewal period or reinstatement. The Board's policy is to remain flexible with the types of ethics completed including general and professional ethics, Independence training, Circular 230 courses, Sarbanes Oxley course material, and other state specific required courses. You are not required to complete the 4-hour requirement within one course.

III. CREDIT HOURS GRANTED

A. Acceptable Subject Matter and Programs

The purpose of continuing professional education is to assist the practitioner in maintaining professional knowledge and competence. Programs selected should contribute directly to his or her professional competency to practice public accountancy. Programs can be approved, partially approved or not approved for CPE credit based upon the relevance to the practice of public accountancy as determined by the Board.

Acceptable programs include those related to the performance or offer to perform professional services. The responsibility for substantiating that a particular program is acceptable and meets the requirements rests upon the permit holder and is subject to approval by the Board.

The Board currently accepts NASBA approved sponsors for acceptable subject matter and programs. To view the approved sponsors go to www.nasba.org.

B. Credit Hour Approval

The Board accepts .5 hour increments under the regulation below:

Chapter 8.002.06 "Hour" shall mean fifty minutes of continuing participation in the program of instruction. Increments of 25 minutes (a half-hour) shall count towards participation after the completion of the first hour earned.

Continuing education credit will be given with a minimum of 50 minutes constituting one hour. As an example, 100 minutes of continuous instruction would count for two hours. As an example, 75 minutes of continuous instruction would count for 1.5 hours. Travel time cannot be claimed. **Credit may not be claimed for advance reading, homework, etc.**

IV. WHAT IS A QUALIFIED INSTRUCTOR?

A qualified instructor or discussion leader is anyone whose background training, education or experience makes it appropriate for them to lead a discussion on the subject matter of the particular program.

V. EVIDENCE OF COMPLETION OF COURSE MATERIAL – RETENTION

Sole responsibility for documenting the requirements rests with the permit holder and evidence to support fulfillment of those requirements must be retained for a period of six years after the completion of educational courses. Satisfaction of the requirements could include but is not limited to the retention of attendance records and written outlines, and may be accomplished as follows:

- A. In the case of courses taken for scholastic credit in accredited two and four-year institutions (state, community or private) or high school districts, evidence of satisfactory completion of the course will be sufficient by attaching either a grade report or a transcript from the institution.
- B. In all other instances, the permit holder must retain an outline or program and evidence of Attendance/completion; i.e. sign-in sheet*, certificate of attendance or certificate of satisfactory completion, etc. In the case of non-credit courses taken in educational institutions, a signed statement of the hours of attendance must be obtained from the instructor.

* See attached a sample sign-in sheet

VI. CONTROLS AND REPORTING

A. Annual Reporting

The Board will notify permit holders on December 1 of each year their “Report of Continuing Education Attendance” is due to the Board **by January 31**. Permit Holders may submit CPE online to the Board throughout the year by reporting CPE to www.nbpa.ne.gov. Reporting and submitting CPE online meets the reporting requirement.

B. Verification

The Board will review information submitted by permit holders. If a permit holder does not meet the continuing education requirements for permit issuance, they must write to the Board prior to January 31 indicating a plan on how they will return to compliance. The decision of the Board on the amount of credit granted for participation in continuing education programs is final.

C. Audit Process:

Annually the Board will select permit holders at random for specific evidence of completion of required continuing professional education courses as reported by the permit holder. Those permit holders that have requested extensions previously shall come under the requirement to prove evidence of attendance/completion in the next reporting period. *Hours utilized within the extension request cannot be utilized in the permit holders next reporting period.* Be prepared to provide requested information to the Board office if selected. Refer to section V within these Guidelines.

D. Course Disapproval

An applicant has thirty (30) days from date of notification to request re-evaluation of disapproved courses.

E. Failure to Comply

If a permit holder is unable to meet the required Continuing Education hours by December 31, they must request an extension in writing indicating a plan on how they will return to compliance to the Board prior to January 31. An additional amount of time to complete the required CPE may be allowed. The required hours need to be completed by June 1st and the CPE hours utilized for the extension cannot be reported within the next reporting period.

If a permit holder does not report CPE by January 31st of their renewal period they will be subject to a stipulation/consent order as offered by the Board that will include a \$100 administrative fee or the permit holder may request a hearing before the Board. Failure to submit evidence of completion will not allow a permit holder to renew their permit.

F. Request for Waiver

The Board may waive compliance with the Rule for good cause shown in cases involving illness or other hardship or extenuating circumstances beyond the control of the permit holder (See Board regulations under Chapter 8.009.04).

VII. RECIPROCITY

An individual who holds a valid and unrevoked certified public accountant certificate from another state or other political subdivision of the United States, or comparable certificate or degree issued by any foreign country, and who received a permit to practice in this state under the appropriate provisions of the Public Accountancy Act, will be required to comply with the continuing education requirement when their permit is next renewed and each succeeding renewal thereafter.

VIII. RE-ENTRY TO PUBLIC PRACTICE (REINSTATEMENT OF ACTIVE PERMIT)

An individual wishing to re-enter public practice or reinstate an active permit must satisfy the 120 CPE hour requirement including 4 hours of ethics prior to issuance of the permit to practice. The CPE must be taken in the prior three calendar years. For example, if an individual applies to reinstate in 2014, they would need 120 CPE hours in 2013, and/or 2012, and/or 2011. The hours used for reinstatement may not be used to renew their permit to practice. The calendar year requirement may be waived for good cause shown in cases involving illness or other hardship or extenuating circumstances beyond their control. For assistance with a reinstatement it is strongly recommended to contact the Board office.

To review the CPE rules within NAC Title 288- Chapter 8 go to www.nbpa.ne.gov. Questions and concerns regarding CPE can be directed to the Board's CPE Committee through the CPE Coordinator, Ms. Heather Myers at (402) 471-3595 or Heather.Myers@Nebraska.gov or Dan.Sweetwood@Nebraska.gov.

**STATE OF NEBRASKA
BOARD OF PUBLIC ACCOUNTANCY
P.O. Box 94725, Lincoln, NE 68509
www.nbpa.ne.gov**

**Program Qualification Form
USE A SEPARATE FORM FOR EACH QUALIFICATION REQUESTED**

A. Please answer items 1 through 12:

1. Name of requesting person/firm: _____

Organization of person/firm: _____

Certificate # (If applicable) _____ E-mail: _____

Address: _____

City: _____ State: _____ Zip: _____

2. Course Title: _____

3. Requested number of CPE hours of credit: _____

Note: Hours should be based on 50-minute hour and must be rounded DOWN to nearest whole number.

4. If all or part of this course contains ethics hours, record the # of hours requested here: _____

5. Date(s) of course/presentation: _____

6. Subject Matter: (Please circle all that apply)

Acct. & Auditing	Tax	Software Training	Management
Investments	Consulting	Personal Development	Fraud Insurance
Medicare/Medicaid	Human Resource	Ethics	Specialized Knowledge
Other: (please specify) _____			

7. Method of Delivery: (Please circle all that apply)

Formal (live)	Web-cast (interactive-formal)	Self Study	Web-cast (self-study)
Publication	Instruction/Presentation	College Course	Video-conference
Audio-conference	Tele-conference	Other: (please specify) _____	

8. Location of Course: _____

9. Sponsoring Organization: _____

10. Is the Sponsor registered with NASBA? Registry # Yes No

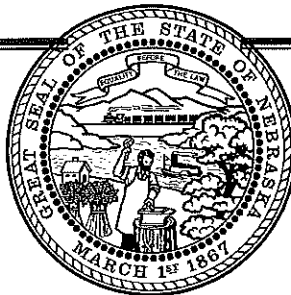
11. Business address of Sponsoring Organization: _____

12. Contact Person: _____ Phone #: _____

13. **ATTACH A STATEMENT ON HOW THIS COURSE RELATES TO YOUR PRACTICE OF PUBLIC ACCOUNTANCY. DESCRIBE HOW THE COURSE CONTRIBUTES TO THE PROFESSIONAL AND TECHNICAL COMPETANCY OF A CPA IN PUBLIC PRACTICE.**

B. You **Must** Include:

- Course outline/syllabus Course timeline
 Name and background of Instructor/Speaker



**STATE OF NEBRASKA
BOARD OF PUBLIC ACCOUNTANCY**

EDUCATIONAL REQUIREMENTS GUIDELINES

Notice: Guidance Document

This guidance document is advisory in nature but is binding on an agency until amended by such agency. A guidance document does not include internal procedural documents that only affect the internal operations of the agency and does not impose additional requirement or penalties on regulated parties or include confidential information or rules and regulations made in accordance with the Administrative Procedure Act. If you believe that this guidance document imposes additional requirements or penalties on regulated parties, you may request a review of the document.

NEBRASKA BOARD OF PUBLIC ACCOUNTANCY
P.O. Box 94725, Lincoln, NE 68509
(402) 471-3595 or (800) 564-6111; FAX (402)471-4484

EDUCATIONAL REQUIREMENTS GUIDELINES

These Guidelines are meant to be of assistance to candidates and educational institutions in attempting to determine qualifications under the Educational Requirements of Section 1-116 of the Public Accountancy Act (also known as the "150 Semester Hour Education Requirement"). However, they are not all inclusive of all the laws, rules and policies that may be applied to each application and Chapter 9 of **Title 288 (Nebraska Administrative Code), Revised and Substituted Rules of the Board** should also be consulted. It is suggested that the candidate wishing to sit for the Uniform CPA Examination or applying for a Reciprocal Nebraska CPA certificate contact the Board's office for specific guidance with respect to his/her filed application. **Please check the Board's homepage (www.nbpa.ne.gov) for the latest version of these guidelines.**

GENERAL GUIDELINES

1. Title 288 NAC, Chapter 9, Section 004.04 Review of Transcript: Appropriate level of course work; transfer hours means that credit hours transferred from non-four year institutions to four year institutions shall be acceptable for purposes of satisfying the required 150 semester hour requirement solely to the extent the four year institution "accepts" the transferred hours for the purposes of awarding a degree. Credits earned after the awarding of a baccalaureate degree must be earned at a four-year institution.

2. **TRANSCRIPTS:** A transcript is required to be sent directly from each and every post-secondary institution you have attended. If you attended a community college and transferred those hours to a four-year institution, you must have the community college AND the four-year college each send a transcript directly to the Board's office or it's designee. If you attended more than one four-year institution, you must have each institution attended send a transcript directly to the Board's or its designee's office. A transcript must be received from each institution attended, regardless of hours that may have been transferred to another institution and regardless of the number of hours taken/earned. If you attended five different institutions (two- or four-year), you must have five transcripts on file with the Board. Since the transcripts must be received to complete the evaluation of the application form, they are considered to be part of the application and due by the application deadline.

3. **DEADLINES:** Deadlines cannot be waived by the Board and will be adhered to in evaluating applications. All information required for evaluation of an application must be received by the stated application deadline. This includes transcripts, syllabi, course catalog descriptions, letters from professors, and any other information needed by the Board or its designee in order to make a determination as to qualifications to sit for the examination.

4. **60/90 Day Provision:** A person who expects to complete the credit and earn the degree within 60 days following when the examination is held shall be eligible to take the exam, but

shall not receive credit for it unless evidence satisfactory to the Board showing the completion of the credit and degree is received by the Board within 90 days following when the exam is held. If you mark on the application that you have not yet completed the hours or degree, then a transcript(s) must be provided as evidence that you are enrolled in a course(s) that will complete the missing requirements and that everything will be accomplished within the 60 day timeframe. If the course(s) does not appear on a transcript, you will be required to provide other evidence of how you are fulfilling any missing requirements under the 60/90 day provision. The deadlines for submitting information under the 60/90 day provision can not be waived either. **The burden of supplying information satisfactory to the Board as evidence of completion of coursework or a degree rests with the applicant.**

5. Credit will not be allowed for courses that are only audited.

6. Courses in taxation and business law through the College of Law would be acceptable to meet the 150 Semester Hour Education requirement.

7. It is the responsibility of the candidate to prove that each subject matter has been met by a valid credit course supported by a transcript.

8. A foreign candidate's transcript is required to be evaluated in such a manner as to determine that the accounting and business required subject matters are equivalent to the requirements for U.S. candidates. In addition, the foreign credits may be acceptable for purposes of satisfying the required 150 semester hour requirement only to the extent the four year institution "accepts" the transferred hours for the purpose of awarding a degree. The foreign credits may be acceptable for specific subject requirements only to the extent the four year institution "accepts" the transferred hours towards their subject matter requirements for awarding a degree. Foreign transcripts evaluated in a manner other than by a foreign credential evaluation service are subject to Board approval. It is the responsibility of the candidate to timely provide information substantiating the process used in lieu of a foreign credential evaluation service.

9. For Title 288 NAC, Chapter 9, Section 003.03A, a candidate with a graduate degree in accounting or a concentration in accounting from an institution whose **accounting program** is not accredited by the "AACSB International" (The Association to Advance Collegiate Schools of Business) must be able to demonstrate that the candidate has completed all the subject matter requirements in Chapter 9, Sections 003.02A&B.

10. Candidates who have sat for the Uniform CPA Examination as a candidate of another state and who wish to transfer their grades to Nebraska **must** fulfill Nebraska's 150 Semester Hour Education requirement, unless they have passed the Exam.

30 Semester Hours in Accounting Beyond Principles

1. Accounting courses, regardless of the level at which taken (upper level undergraduate or graduate level), will be evaluated to determine if they are in fact equivalent to an accounting **principles** course and therefore would **not** be acceptable in satisfaction of the thirty semester hour requirement.

2. **Graduate** Independent/self study courses proposed to satisfy an accounting "core subject matter" requirement must essentially be equivalent to the requirements of the course for which it is being substituted. The student would be required to attend all class meetings, complete all assigned readings and course work, and to take all exams. Auditing of a course would not be sufficient.

A "core subject matter" refers to the specific subjects identified in Title 288, Chapter 9, Section 004.02 (i.e., "Financial accounting theory and problems," "Macroeconomics," etc.)

3. Information systems included in the thirty semester hour **accounting** core subject matter must be **accounting information systems** rather than general information systems.

4. Accounting subject matter must be satisfied by courses designated by the institution as an accounting course.

5. There is a limit of three credit hours for an accounting internship within the thirty semester hour Accounting Requirement. If the internship does not have an accounting prefix, i.e. "ACC," then the student will have to provide verification that it was an accounting internship.

6. There is a limit of three hours for independent/self study within the thirty semester hour Accounting Requirement. If the independent/self study does not have an accounting prefix, i.e. "ACC," then the student will have to provide verification that it was an accounting course.

7. Special topics and seminars may be used to meet the core subject matter requirement within the thirty semester hour Accounting requirement as long as the class meets regularly with a professor, is not a "self-paced" course, and at least 25% or more of the proposed course, **by content and grade**, covers the subject matter. This could be evidenced by a course syllabus and/or a letter from the instructor. The course cannot cover more than two subject matter requirements.

8. Internships and Independent/self study courses are **not** acceptable in satisfaction of the core subject matter requirements in the thirty semester hour Accounting area, but **may be used as electives** to fulfill the thirty hour requirement.

9. CPA Exam Review courses are not acceptable in satisfaction of the core subject matter requirements in the thirty semester hour Accounting area, but may be used as electives to fulfill the thirty hour requirement.

36 Semester Hours in General Business

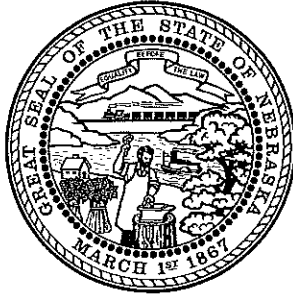
1. Non-business courses proposed as substitutes for coursework in the required subject matter areas of Business Communication, Business Ethics, and Quantitative Applications in Business (Board minutes 3-09) will require the applicant to provide documentation that at least 25% or more of the proposed course, **by content and grade**, covers the subject matter. This could be

evidenced by a course syllabus and/or a letter from the instructor. The course cannot cover more than two subject matter requirements.

2. Non-business prefix courses will require evidence of how they meet the subject requirement within the business section. For example, computer courses could be used to meet General Business subject requirements, if the college or university classifies it as a business course.

3. An Independent/self study course is acceptable in satisfaction of a subject matter requirement or an elective. There is a credit limit of three hours in the General Business area.

4. Business internships are acceptable as an **elective** in the general business area and are limited to three hours of credit.



**STATE OF NEBRASKA
BOARD OF PUBLIC ACCOUNTANCY**

Guidelines for Firm Names and Advertising

Notice: Guidance Document

This guidance document is advisory in nature but is binding on an agency until amended by such agency. A guidance document does not include internal procedural documents that only affect the internal operations of the agency and does not impose additional requirement or penalties on regulated parties or include confidential information or rules and regulations made in accordance with the Administrative Procedure Act. If you believe that this guidance document imposes additional requirements or penalties on regulated parties, you may request a review of the document.

NEBRASKA BOARD OF PUBLIC ACCOUNTANCY

P.O. Box 94725, Lincoln, NE 68509
(402) 471-3595 or (800) 564-6111; FAX (402)471-4484
www.nbpa.ne.gov

Guidelines for Firm Names and Advertising

Pursuant to Title 288 Nebraska Revised Rules and Regulations, the Board has adopted this non-binding set of guidelines regarding the below named Rules on January 6, 2006. The Guidelines are subject to change.

In determining the acceptability of a name, the Board is obligated to protect the public, PAA 1-105.01. Licensees should be aware that they must receive the Board's approval before using an assumed name. These Guidelines are an interpretation of the Board's rules to prevent misleading and deceptive firm names.

Initial firm applications will be subject to review on a case by case basis. The Board staff is empowered to screen proposed names and recommend approval or denial. Applications will be presented to the Licensing Committee along with a staff recommendation. The Licensing Committee will review the applications and make recommendations to the full Board. The Board, in public session, will consider firm names and vote to approve, deny, or request additional information. Applicants who disagree with the Board's determination may request a hearing pursuant to the Administrative Procedures Act.

Rules Chapter 5 007.03 and Chapter 11 002:

Firm Names:

1. Firm names cannot contain words, abbreviations or language that are misleading to the public or may cause confusion as to the legal structure or ownership of the firm. The Supreme Court has upheld licensing restrictions on trade names. The Court reasoned that to some extent such names can be inherently deceptive. The burden of establishing that a firm name is not deceptive shall be upon the applicant.
2. A word, abbreviation, or other language is considered misleading if it:
 - a.) is a trade name or assumed name that does not comply with other subsections of this guideline.

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- b.) states or implies the quality of services offered, pricing differentiations, expectations of outcomes or favorable results, or states or implies a special expertise or a geographic area of service that cannot be substantiated on a long term basis. Terms such as “solutions” are unable to be substantiated. (*Licensing Committee Minutes 12-1-2005.*) *Key Advisors P.C. refers to the name of the original CPA - Alexander Key. (Licensing Committee Minutes 07-6-2006.)*
 - c.) states or implies educational, professional, or other licensing attainment or recognition for the firm or the owners not supported in fact. If the firm name includes a credential, evidence must be submitted with the firm initial/renewal application. (*Licensing Committee Minutes 12-13-2005.*)
 - d.) implies that the firm has more than one licensee unless there are at least two licensees practicing in the firm.
 - e.) states or implies a limitation on the type of service offered by the firm, if the firm does not limit the practice to the type of service indicated in the firm name.
 - f.) A “network firm* name” or a firm name that includes the name of a CPA membership association will NOT be considered misleading if:
 - 1. A CPA membership association meets the other criteria of these Guidelines, is not misleading, and is included in the firm name;
 - 2. The membership association does NOT provide any services to the public but only to the membership;
 - 3. The affiliation is disclosed on letterhead, business cards, engagement documents, and any other public displays. The Board may require additional disclosure(s) to further inform the public when deemed appropriate.
 - 4. The name does not include an actual non-CPA person who is an owner or associated with the firm. (*Board Meeting Minutes July 2007.*)
- *Network Firms should consult the AICPA Code of Professional Conduct, Section 100 Independence, Integrity, and Objectivity, specifically 101-17. (*Board meeting minutes March 2011.*)
3. **Additional Requirements Based on Legal Form of Ownership.**
- a.) The names of the legal form of business structure for the firm must conform to the Nebraska statutes authorizing the entity. Approve the name ____ Consulting as a sole proprietor firm name. Previously, only the name of the CPA has been allowed for sole proprietor firm name. (*Licensing Committee Minutes 2-2006.*)
 - b.) The legal form of business structure for the firm must be a type of legal entity, the formation of which is authorized under Nebraska law.

4. An abbreviated form of the firm's name may be used for advertising and marketing purposes, such as on logo shirts or specialty gift items. However, when using the abbreviated form of the firm name for business purposes, such as on letter head, the firm must have the full registered name visible to the public somewhere on the business material. (*Board Minutes 11-13-2008*)

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Rules Chapter 5 006:

Advertising:

1. A licensed CPA firm may advertise all of the services that the licensed CPA's provide.
2. A wholly owned subsidiary of a CPA firm or an affiliate under common ownership with a CPA firm, which subsidiary or affiliate is not a permit holder and which has any of the same contact information, i.e. phone number, door signage, mailing or street address, as the CPA firm is misleading to the public. If the subsidiary or affiliate does not become licensed as a CPA firm, the CPA firm shall cause such subsidiary or affiliate to use disclosure forms. The disclosure form will disclose to the client of such entities that such subsidiary or affiliate is not a CPA firm under Nebraska law, and disclose to such clients how they can know when they are receiving services by a non-CPA related entity rather than the CPA firm. The disclosure form shall be in a format approved by the Board of Public Accountancy. The CPA firm shall obtain and maintain for a reasonable time evidence of such compliance.
3. An entity that has one or more CPAs holding out to the public as a permit holder, as defined in 3.001.09 of the Regulations, must be licensed as a CPA firm to allow the CPAs to hold out in such firm.

Nebraska Board of Public Accountancy
Record of Board's Actions, Policies, Procedures Information

Guidance Number	Subject	Summary	Meeting Date
17.05	Peer Review Sponsoring Organization	The Board voted to approve AICPA <i>Standards for Performing and Reporting on Peer Reviews</i> and adopt the same professional standards to be used in administering, performing, and reporting peer reviews.	3/10/2017
17.04	Updated Surrender Affidavit	To return a surrendered certificate to good standing, the registrant may need to meet current educational requirements and re-take the CPA exam.	7/14/2017
17.03	Firm Guidelines	This document supplements Title 288 - Chapters 5 & 11 regarding acceptable firm names and forms of advertising.	1/6/2006
17.02	Education Guidelines	This document supplements Title 288 - Chapter 9 requirements for Education to qualify for the CPA Exam and/or Licensure, including: 1. Transcript Requirement 2. 60/90 Day Provision 3. Clarification on acceptable courses for the 30-hour Accounting Beyond Principles requirement 4. Clarification on acceptable courses for the 36-hour General Business requirement	
17.01	CPE Guidelines	This document supplements Title 288 - Chapter 8 requirements for Continuing Professional Education (CPE), including: 1. Basic Requirements for Renewal of Active Permit, Inactive Registrants and Ethics 2. Types of Programs which qualify 3. Credit Hours Granted - Including acceptable subject matter 4. Definition of a Qualified Instructor 5. Course completion evidence and retention policy 6. Controls and Reporting Policy 7. Policy for Reciprocal Certificate holders 8. Policy for Reinstating to an Active Permit	
16.03	Part-Time CPA in Firm Name	A part-time CPA of a CPA firm may be listed in the name of a firm as long as they are an active CPA.	9/9/2016
16.02	Electronic Transcripts & Residency Affidavits	Electronic Transcripts & Residency Affidavits are allowed when submitting CPA Exam application	9/9/2016
16.01	Non-Owner CPA in Firm Name	A non-owner of a CPA firm may be listed in the name of the firm as long as they are an active CPA.	11/10/2016

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12.01	Board Administrator Authorized to issue Certificates	The Board voted to approve the Board Administrator to issue Certificates with ratification at the following Board meeting.	3/23/2012
12.01	NASBA International Evaluation Service	The Board voted to approve NASBA International Evaluation Services for use in evaluating foreign transcripts.	7/26/2012
11.01	Definition of Certificate in PAA 1-124	PAA 1-124 "...certificate as a CPA, then in full force and effect..." means a active permit to practice in any state.	5/19/2011
10.06	Active/Inactive Certificate Revocation after 3 years	The Board approved sending a letter to registrants on this list to list their options: renew as inactive, surrender or go inactive-retired.	9/16/2010
10.05	Grace Period for CPE Reporting	The Board does not allow a grace period following the January 31st deadline for reporting CPE. Any CPE reported starting February 1st for the prior period will be subject to a Stipulation & Consent Order with a \$100 administrative fee. Addendum added 07/15/11 indicating the Stipulation & Consent Order is not published nor considered disciplinary action.	9/16/2010 7/15/2011
10.04	Exam Scores for Reciprocal Certificate Applicants	It is not required to request evidence of CPA exam scores for Reciprocal Certificate applicants.	7/15/2010
10.03	Experience earned under External Auditor	Controller duties under the supervision of an external auditor is not acceptable to meet the licensure experience requirement.	3/18/2010
10.02	Releasing Exam Candidate's Names to 3rd Parties	The Board does not authorize releasing exam candidate's names to 3rd parties.	3/18/2010
10.01	Qualifying for CPA Exam - Personal Bankruptcy	The federal bankruptcy courts will be reviewed to determine if applicant's bankruptcy involved dishonesty, fraud, deceit, or misrepresentation (Title 288 - Chapter 6.002.01(1)). If no evidence present, the candidate can take the exam if meeting all other criteria. If possible evidence present, the candidate's application will be provided to the Licensing Committee for further review.	1/22/2010