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Your Guide to Legislation Impacting
Accountancy Regulation

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January 2019

Taking License

Across the country, anti-regulatory groups are targeting professions and the licenses that define them. This is a fight worth having...and winning.

By John Johnson, Director, Legislative and Governmental Affairs

Just before Thanksgiving, I attended a webinar sponsored by CLEAR (the Council on Licensure, Enforcement & Regulation). The talk featured a spokesman from the Institute for Justice, a think tank that opposes regulation, along with a state official from Virginia. The script for this webinar is one I've heard over the past seven years with unflinching sameness, but given the topic—professional licensure—one aspect stood out as notable and deeply ironic.

As the host introduced her speakers, their expertise—as well as the credibility for the anti-licensure positions they were about to argue—were underscored by an exhaustive inventorying of their education and licenses. (Two law degrees and an MBA, in case you were wondering.)

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NASBA and the AICPA Form Working Group to Fight Anti-Regulation Efforts

Over the last several years, the anti-regulatory environment has become increasingly hostile towards occupational licensing. The anti-regulatory legislation filed during the last two years, and the model bills that it has stemmed from, have sought to ease

SPOTLIGHT



Chair Janice L. Gray, CPA, began her inaugural address telling the audience that she did not take the “traditional” path to get to where she is today. While on her path to pursuing her accounting degree, she encountered many obstacles. But it was her perseverance and determination that helped her to succeed.

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occupational licensing laws and impose bureaucratic oversight over state licensing boards. The accounting profession is concerned because the legislation has been overly broad in its approach, grouping all occupations and professions into the same bills without any consideration to public harm. In response to these growing concerns, NASBA and the American Institute of CPAs (AICPA) have formed a Working Group to fight these Anti-Regulation efforts. The charge of the working group is to:

Better position the licensing of CPAs in the eyes of policy-makers and key influencers through the development of a robust communications platform that:

- ***details the rich history of the accounting profession,***
- ***articulates the importance of remaining a state-regulated profession,***
- ***explains the tremendous strides made to reduce barriers as the profession has evolved, and***
- ***advocates for the profession's continued strength and integrity by preserving the licensing requirements set forth in the Uniform Accountancy Act.***

The working group includes representation from various stakeholders, including NASBA, the AICPA, State CPA Societies, State Boards of Accountancy and The Accountants Coalition to ensure many points of view are considered on how to best educate lawmakers and their staffers about the profession and its need to be highly regulated and fulfill its public protection mandate. The working group consists of the following members:

- Jimmy Corley, CPA, Executive Director – Arkansas Board of Accountancy
- Ron Gitz, CPA, CEO – Society of Louisiana CPAs
- Niki Neilon, CPA, Nevada Board of Accountancy
- Tammy Velasquez, Director of State Relations – EY/TAC
- Emily Walker, CAE, Vice President Advocacy – Virginia Society of CPAs

Given that trust is at the core of financial markets, and market stability depends in large part on the work of the accounting profession, this is a critical time for the profession to begin asserting the value of the stakeholder groups' collective work, and to better position the licensing of CPAs in the eyes of policy-makers and key influencers.

Myths and Facts on Anti-Regulation and Professional Licensure

Over the past several years, a number of statements have been made by anti-regulatory groups that seek to dismantle licensure and the professions they represent with myths posing as facts. NASBA decided to

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reverse that and offer you – and those in your state who also need to be aware – with critical facts that expose such myths.

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New Ohio Law Recognizes Uniformity in Regulation as Means for Achieving Least Restrictive Means of Regulation

[Ohio SB 255 – Reform Occupational Licensing](#) – was signed into law by Governor Kasich on January 4, 2019. According to the bill's sponsor, "Ohio now has a mandatory process to bring overly burdensome occupational licensing into check. This process will break down barriers to entry and increase competition." The new law imposes a sunset review regime that requires licensing boards to be reauthorized every six years by the Ohio General Assembly. A significant portion of the sunset review establishes a framework through which state boards and their statutes and rules will be analyzed to determine whether they utilize the least restrictive means necessary to protect the public. This legislation was supported by many of the prominent think tanks that have been advocating for licensing reform based on the least restrictive means concept.

NASBA, the AICPA and the Ohio Society of CPAs were concerned that the framework could jeopardize CPA mobility and substantial equivalency. The three organizations worked together to advocate for provisions that would recognize and defer to occupational regulations that are based on national model legislation that has been widely adopted in a substantially equivalent manner. As a result, the bill's sponsor agreed to incorporate key changes that will go a long way towards ensuring that CPAs can practice freely across state lines and not have to obtain a license outside of their principal place of business.

FTC Policy Perspectives

In a policy paper released by the Federal Trade Commission (FTC) in September titled, ***Options to Enhance Occupational License Portability***, the FTC recognized the accounting profession for utilizing model laws to achieve portability. At NASBA's 111th Annual Meeting, Tara Isa Koslov, Chief of Staff to the Chairman of the FTC stated, "We recognized accountancy as having done mobility and accountability right." Ms. Koslov noted, "Importantly you are providing disciplinary support beyond state lines."

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