

**STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS**

**NOTICE OF RULE WAIVER PURSUANT TO EXECUTIVE ORDER NO. 103
(MURPHY)**

COVID-19 STATE OF EMERGENCY

**EXTENSIONS OF CPA EXAMINATION CREDIT WINDOW AND CONTINUING
PROFESSIONAL EDUCATION DEADLINE**

DCA Waiver No. W-2020-17

Temporary Rule Waiver adopted by Paul R. Rodríguez, Acting Director, Division of Consumer Affairs

Date: October 1, 2020

Authority: N.J.S.A. App.A:9-45; Executive Order No. 103 (Murphy)(“EO 103”)

Effective Date: October 1, 2020

Expiration Date: With regard to N.J.A.C. 13:29-1A.4, December 31, 2020. With regard to N.J.A.C. 13:29-6.2, June 30, 2021.

This is an emergency adoption of a temporary waiver of certain regulatory deadlines relating to the licensure of certified public accountants and public accountants under N.J.A.C. 13:29 to grant extensions of the examination credit window to licensure applicants who must take and pass the multi-part Certified Public Accountant Examination (“CPA Exam”); and extensions of the deadline for licensees to complete continuing professional education (“CPE”) classes required for the triennial license renewal period.

On March 9, 2020, Governor Murphy issued EO 103, declaring a public health emergency in response to the COVID-19 pandemic and, in Executive Order Nos. 119, 138, 151, 162, 171, and 180 (2020), issued on April 7, May 6, June 4, July 2, August 1, and August 27, 2020, respectively, declared that the public health emergency continues to exist today.

Section 6 of EO 103, issued in response to the COVID-19 pandemic, authorizes agency heads to waive, suspend or modify any existing rule, where the enforcement of the rule would be detrimental to the public welfare during the emergency, notwithstanding the provisions of the Administrative Procedure Act or any law to the contrary. Pursuant to this authority, with the approval of the Governor, and in consultation with the State Director of Emergency Management and the Commissioner of the Department of Health, on behalf of the Division of Consumer Affairs, I am waiving rules of the Board of Accountancy as follows:

N.J.A.C. 13: 29-1A.4

Pursuant to N.J.A.C. 13:29-1A.4 an applicant for licensure is required to take and pass all four sections of the CPA Exam, irrespective of order, within a rolling 18-month period, which begins on the actual date the applicant takes a test section(s) with a passing grade, thus receiving an exam credit for each section passed. If an applicant does not pass all four sections within the 18-month period, a new 18-month window will commence and any exam credit received outside of this new window will expire. Passing the CPA Exam, therefore, requires passing all four sections within 18 months; the period begins running from the date the applicant sits to take the first section(s), not from the date on which the applicant is advised of receipt of a passing grade of that section.

Due to the COVID-19 pandemic, testing was not offered for a period of approximately two months beginning in or about March 2020, and thereafter testing availability was limited. As a result, some applicants may not have had the opportunity to complete all four sections within an 18-month time period, or may hereafter be precluded from having such an opportunity, and will be required to retake the previously passed sections, because their exam credits will have expired, absent waiver of the regulatory deadline. To date, more than 40 states have extended similar 18-month windows for applicants.

In order to permit applicants to have sufficient time to attain the requisite exam credits, it is appropriate to extend the 18-month window for those with exam credits expiring between March 9, 2020, and December 30, 2020, inclusive. The expiration date shall be extended to December 31, 2020. This waiver shall be deemed retroactive to March 9, 2020.

N.J.A.C. 13:29-6.2

Pursuant to N.J.A.C. 13:29-6.2, certified public accountants and public accountants licensed by the Board are required to complete 120 continuing professional education credits for triennial license renewal by the last day of the triennial renewal period, to avoid disciplinary action by the Board. The last day of the current triennial license renewal period is December 31, 2020.

Due to the pandemic, a substantial number of conferences and in-person, live CPE events have been cancelled, resulting in many licensees having had fewer available opportunities to secure the required CPE. In order to allow licensees sufficient time to make alternative plans to secure the required CPE, it is appropriate to extend the deadline for attainment of credits during the current triennial cycle for a period of six months, through June 30, 2021, provided that classes taken from January 1, 2021 to June 30, 2021 that are applied to satisfy the requirements for the current triennial cycle may not be counted towards satisfaction of requirements for a subsequent triennial cycle.

Pursuant to the above-cited authority, with the approval of the Governor and in consultation with the Office of Emergency Management and the Department of Health, I hereby waive N.J.A.C. 13:29-1A.4 to the extent that it requires exam applicants to take and pass all four sections of the

CPA Exam within an 18-month window or face expiration of exam credits, extending that window as set forth above; and hereby waive N.J.A.C. 13:29-6.2, to the extent that it requires licensees to complete CPE by December 31, 2021, extending the deadline to attain CPE credits for the current renewal cycle for a period of six months, through June 30, 2021. I find that waivers of the rules above are necessary because enforcement of the existing requirements would be detrimental to the public during the emergency.

A handwritten signature in cursive script that reads "Paul Rodríguez".

Date: October 1, 2020

Paul R. Rodríguez, Acting Director