

1 SENATE BILL NO. 605
23 AMENDMENT IN THE NATURE OF A SUBSTITUTE
45 (Proposed by the Senate Committee on General Laws and Technology
6

7 on _____)

8 (Patron Prior to Substitute—Senator Obenshain)

9 *A BILL to amend and reenact §§ 54.1-4400 and 54.1-4409.1 of the Code of Virginia, relating to Board of
10 Accountancy; licensing requirements; inactive and emeritus status.*11 **Be it enacted by the General Assembly of Virginia:**12 **1. That §§ 54.1-4400 and 54.1-4409.1 of the Code of Virginia are amended and reenacted as follows:**13 **§ 54.1-4400. Definitions.**

14 As used in this chapter, unless the context requires a different meaning:

15 "Accredited institution" means a degree-granting institution of higher education accredited either by (i)
16 one of the regional accrediting organizations, including the Middle States Association of Colleges and
17 Schools, New England Commission of Higher Education, Higher Learning Commission, Northwest
18 Commission on Colleges and Universities, Southern Association of Colleges and Schools Commission on
19 Colleges, and WASC Senior College and University Commission, or their successors or (ii) an accrediting
20 organization demonstrating to the Board periodically, as prescribed by the Board, that its accreditation
21 process and standards are substantially equivalent to the accreditation process and standards of the regional
22 accrediting organizations.23 "Assurance" means any form of expressed or implied opinion or conclusion about the conformity of a
24 financial statement with any recognition, measurement, presentation, or disclosure principles for financial
25 statements.26 "Attest services" means audit, review, or other engagements performed in accordance with the standards
27 that have been established by the Public Company Accounting Oversight Board, by the Auditing Standards
28 Board or the Accounting and Review Services Committee of the American Institute of Certified Public
29 Accountants, or by any successor standard-setting authorities.

30 "Board" means the Virginia Board of Accountancy.

31 "Compilation services" means compiling financial statements in accordance with standards established by
32 the American Institute of Certified Public Accountants or by any successor standard-setting authorities.

33 "Continuing professional education" means the education that a person obtains after passing the CPA

31 examination and that relates to services provided to or on behalf of an employer in academia, government, or
32 industry or to services provided to the public.

33 "CPA" means certified public accountant.

34 "CPA examination" means the national uniform CPA examination approved and administered by the
35 board of accountancy of a state or by the board's designee.

36 "CPA wall certificate" means the symbolic document suitable for wall display that is issued by the board
37 of accountancy of a state to a person meeting the requirements to use the CPA title in that state.

38 "Executive Director" means the Executive Director of the Board.

39 "Experience" means employment in academia, a firm, government, or an industry in any capacity
40 involving the substantial use of accounting, financial, tax, or other skills that are relevant, as determined by
41 the Board, to provide services to or on behalf of an employer or to the public. Such experience must be
42 verified by an active, licensed CPA.

43 "Facilitated State Board Access" or "FSBA" means the sponsoring organization's process whereby it
44 provides the Board access to peer review results via a secure website.

45 "Financial statement" means a presentation of historical or prospective financial information about one or
46 more persons or entities.

47 "Financial statement preparation services" means engaging a licensee in public practice for financial
48 statement preparation services executed in accordance with the standards established by the Statements on
49 Standards for Accounting and Review Services of the American Institute of Certified Public Accountants or
50 by any successor standard-setting authorities.

51 "Firm" means an entity formed by one or more licensees as a sole proprietorship, a partnership, a
52 corporation, a limited liability company, or any other type of entity permitted by law with the purpose of
53 providing professional services to the public.

54 "License of another state" means the license that is issued by the board of accountancy of a state other
55 than Virginia that gives a person the privilege of using the CPA title in that state or that gives a firm the
56 privilege of providing attest services, compilation services, and financial statement preparation services to
57 persons and entities located in that state.

58 "Licensed" means holding a Virginia license or the license of another state.

59 "Licensee" means a person or firm holding a Virginia license or the license of another state.

60 "Peer review" means a review of a firm's attest services, compilation services, and financial statements
61 preparation services that is conducted in accordance with the applicable monitoring program of the American
62 Institute of Certified Public Accountants or its successor, or with another monitoring program approved by
63 the Board.

64 "Practice of public accounting" means the performance of professional services for a client by a licensee
65 or licensee's firm.

66 "Professional services" means all services requiring substantial use of accountancy or related skills that
67 are performed by a licensee for a client or for an employer. Such services are subject to the guidance of the
68 standard-setting authorities listed in the standards of conduct and practice in subdivisions 5 and 6 of
69 § 54.1-4413.3 or by any equivalent standard-setting authority as approved by the Board.

70 "Providing services to or on behalf of an employer" means the performance of professional services while
71 employed or engaged on a contractual basis by a licensee to or on behalf of an entity. "Providing services to
72 or on behalf of an employer" does not include a person or firm engaged in the practice of public accounting.

73 "Providing services to the public" means providing services that are subject to the guidance of the
74 standard-setting authorities listed in the standards of conduct and practice in subdivisions 5 and 6 of
75 § 54.1-4413.3 or by an equivalent standard-setting authority as approved by the Board.

76 "Sponsoring organization" means a Board-approved professional society or other organization responsible
77 for the facilitation and administration of peer reviews through use of its peer review program and applicable
78 peer review standards.

79 "State" means any state of the United States, the District of Columbia, or any territory of the United States
80 that is a recognized jurisdiction by the National Association of State Boards of Accountancy or its successor.

81 "Substantially equivalent" means a Board determination that the education requirements of another
82 jurisdiction are comparable to those prescribed by the Board.

83 "Using the CPA title in Virginia" means the use of "CPA," "Certified Public Accountant," or "public
84 accountant" in any manner of communication by any person, firm, or entity to persons or entities located in
85 Virginia ~~portraying in a manner that indicates or implies that~~ such person, firm, or entity ~~as being~~ is licensed
86 or legally permitted to provide professional services in Virginia. Holding a Virginia license or the license of
87 another state constitutes using the CPA title in Virginia.

88 "Virginia license" means a license that is issued by the Board giving a person or firm the privilege of
89 using the CPA title in Virginia or a firm the privilege of providing attest services, compilation services, and

90 financial statement preparation services to persons and entities located in Virginia.

91 **§ 54.1-4409.1. Licensing requirements for persons; inactive and emeritus status.**

92 A. A person ~~must~~ *shall* be licensed in order to use the CPA title in Virginia.

93 1. The person shall hold a Virginia license if he provides services to the public and the principal place of
94 business in which he provides those services is in Virginia.

95 2. Other persons shall not be required to hold a Virginia license in order to use the CPA title in Virginia
96 provided that they hold the license of another state and comply with the practice privilege provisions of
97 § 54.1-4411.

98 B. The Board shall prescribe the methods, fees, and continuing professional education requirements for a
99 person to apply for the issuance, renewal, or reinstatement of a Virginia license.

100 C. The Board has the authority to refuse to grant a person the privilege of using the CPA title in Virginia
101 if, based upon all the information available, the Board finds that the person is unfit or unsuited to use the
102 CPA title in Virginia. The Board shall not refuse to grant a person the privilege of using the CPA title in
103 Virginia solely because of a criminal conviction.

104 *D. The Board shall establish "Inactive" and "Emeritus" CPA license statuses for licensees who no longer
105 provide services to the public or services to or on behalf of an employer. Any licensee who seeks to hold
106 either such status shall be currently licensed in Virginia and not under investigation or pending disciplinary
107 action related to their CPA licensure in Virginia or any other state. In addition to the following minimum
108 qualifications, the Board shall prescribe the remaining qualifications and process to be eligible for a license
109 status of "CPA, Inactive" or "CPA, Emeritus":*

110 1. *For "CPA, Inactive," the licensee shall have held an active CPA license for at least five years.*

111 2. *For "CPA, Emeritus," the licensee shall have held an active or inactive CPA license (i) for at least 15
112 years and be at least 60 years of age or (ii) for at least 30 years.*

113 **2. That the Board of Accountancy shall promulgate regulations to implement the provisions of this act
114 to be effective within 280 days of its enactment.**

115 **3. That the Board of Accountancy (the Board) shall develop guidance clearly permitting biographical
116 and historically accurate references to CPA licensure for former licensees. Such guidance shall be
117 published on the Board's website no later than September 30, 2026.**