§ 7409. Mandatory continuing education. 1. a. Each certified public accountant and public accountant required under article one hundred thirty of this title to register triennially with the department to practice in the state shall comply with the provisions of the mandatory continuing education requirements except as set forth in paragraphs (b) and (c) of this subdivision. Such certified public accountants and public accountants who do not satisfy the mandatory continuing education requirements shall not practice until they have met such requirements, they have paid all applicable fees, and they have been issued a registration or conditional registration certificate.

b. In accordance with the intent of this section, adjustments to the mandatory continuing education requirement may be granted by the department for reasons of health certified by a physician, for extended active duty with armed forces of the United States, or for other good cause acceptable to the department which may prevent compliance.

c. Certified public accountants or public accountants not engaged in practice as defined in section seventy-four hundred one of this article, shall be exempt from the mandatory continuing education requirement upon the filing of a written statement with the department declaring such status pursuant to subdivision four of section sixty-five hundred two of this title. Any certified public accountant or public accountant who resumes practice during the triennial registration period shall notify the department prior to resuming practice and shall pay the current mandatory continuing education fee and shall meet such mandatory continuing education requirements as shall be prescribed by regulations of the commissioner.

2. a. During each year of the triennial registration period beginning September first, nineteen hundred ninety and ending September first, nineteen hundred ninety-three and each registration period thereafter but ending on the period that ends on December thirty-first, two thousand ten, an applicant for registration shall have the option of: (1) completing a minimum of forty contact hours of acceptable formal continuing education in recognized areas of study, or (2) completing a minimum of twenty-four contact hours of acceptable formal continuing

education concentrated in any one of the following three subject areas: auditing, accounting, or taxation.

b. For applicants whose triennial registration date occurs on or after January first, two thousand nine, for each calendar year beginning with the two thousand nine calendar year, an applicant for registration shall have the option of (1) completing a minimum of forty contact hours of acceptable formal continuing education in recognized areas of study pursuant to subdivision four of this section, or (2) completing a minimum of twenty-four contact hours of acceptable formal continuing education concentrated in any one of the recognized areas of study pursuant to subdivision four of this section; provided, however, that any continuing education contact hours earned between September first, two thousand eight and December thirty-first, two thousand eight may be credited toward the minimum contact hours required for the calendar year beginning January first, two thousand nine.

c. A certified public accountant or public accountant who has not satisfied the mandatory continuing education requirements shall not be issued a triennial registration certificate by the department and shall not practice unless and until a registration or conditional registration certificate is issued as provided in subdivision three of this section. No hourly credits may be transferred from one year to a subsequent year except as provided in paragraph b of this subdivision. The individual certified public accountant or public accountant shall determine the selection of courses or programs of study pursuant to subdivision four of this section.

3. The department, in its discretion, may issue a conditional registration to a certified public accountant or public accountant who fails to meet the continuing education requirements established in subdivision two of this section but who agrees to make up any deficiencies and take any additional education which the department may require. The fee for such a conditional registration shall be the same as, and in addition to, the fee for the triennial registration. The duration of such conditional registration shall be determined by the department. Any certified public accountant or public accountant who is

notified of the denial of registration for failure to submit evidence, satisfactory to the department, of required continuing education and who practices public accountancy without such registration, may be subject to disciplinary proceedings pursuant to section sixty-five hundred ten of this title.

4. As used in subdivision two of this section, "acceptable formal continuing education" shall mean formal programs of learning which contribute to the growth in the professional knowledge and professional competence of the licensee which meet the standards prescribed by regulations of the commissioner. Recognized areas of study shall include but not be limited to: accounting, attest, auditing, taxation, advisory services, specialized knowledge and applications related to specialized industries, and such other areas appropriately related to the practice of accounting as may be acceptable to the department. To fulfill the mandatory continuing education requirement, programs must be taken from sponsors approved by the department, pursuant to the regulations of the commissioner.

5. The mandatory continuing education fee shall be determined by the regents, shall be payable on or before the first day of each triennial registration period, and shall be paid in addition to the triennial registration fee required by section seventy-four hundred four of this article.