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**A BILL FOR AN ACT**

VETO OVERRIDE

RELATING TO PUBLIC ACCOUNTANCY.

ACT No. 66  
Approved: [Signature] / [Signature]  
Dated: April 29, 2010

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1 SECTION 1. The purpose of this Act is to:

2 (1) Provide a mechanism for firms engaged in the practice  
3 of public accounting to undergo peer review on a  
4 regular basis; and

5 (2) Grant the state board of public accountancy  
6 appropriate power to regulate the peer review process.

7 SECTION 2. Section 466-3, Hawaii Revised Statutes, is  
8 amended as follows:

9 1. By adding two new definitions to be appropriately  
10 inserted and to read:

11 "Attest" means providing the following financial statement  
12 services:

13 (1) Any audit or other engagement to be performed in  
14 accordance with the statements on auditing standards  
15 of the American Institute of Certified Public  
16 Accountants;

17 (2) Any compilation or review of a financial statement to  
18 be performed in accordance with the statements on



1 standards for accounting and review services of the  
2 American Institute of Certified Public Accountants;

3 (3) Any examination of prospective financial information  
4 to be performed in accordance with the statements on  
5 standards for attestation engagements of the American  
6 Institute of Certified Public Accountants;

7 (4) Any engagement to be performed in accordance with the  
8 government auditing standards, also known as the  
9 Yellow Book, issued by the United States Government  
10 Accountability Office; and

11 (5) Any engagement to be performed in accordance with the  
12 standards of the Public Company Accounting Oversight  
13 Board.

14 "Peer review" means a study, appraisal, or review of one or  
15 more aspects of the professional work of a firm that issues  
16 attest reports by a person or persons who hold permits to  
17 practice public accountancy under section 466-7 and who are not  
18 affiliated with the firm being reviewed."

19 2. By amending the definition of "firm" to read:

20 "Firm" means a sole proprietorship, a corporation, [or] a  
21 partnership[-], a limited liability company, or a limited  
22 liability partnership."



1           3. By deleting the definition of "quality review."

2           [~~"Quality review" means a study, appraisal, or review of~~  
3 ~~one or more aspects of the professional work of a firm in the~~  
4 ~~practice of public accountancy by a person or persons who hold~~  
5 ~~certificates and who are not affiliated with the firm being~~  
6 ~~reviewed."~~]

7           SECTION 3. Section 466-7, Hawaii Revised Statutes, is  
8 amended by amending subsection (b) to read as follows:

9           "(b) An applicant for the initial issuance or renewal of a  
10 permit shall have:

11           (1) A valid license;

12           (2) Completed continuing professional education hours, the  
13 content of which shall be specified by the board which  
14 may provide for special consideration by the board to  
15 applicants for permit renewal when, in the judgment of  
16 the board, full compliance with all requirements of  
17 continuing education cannot reasonably be met;

18           (3) Completed an application; [~~and~~]

19           (4) Paid appropriate fees and assessments[-]; and

20           (5) Undergone any applicable peer review process approved  
21 by the board of accountancy pursuant to section 466-

22           13."



1 SECTION 4. Section 466-9, Hawaii Revised Statutes, is  
2 amended as follows:

3 1. By amending subsection (a) to read:

4 "(a) In addition to any other actions authorized by law,  
5 in accordance with chapter 91, the board may take the following  
6 action:

- 7 (1) Cancel or revoke any license or permit issued under  
8 section 466-5, 466-6, or 466-7, or corresponding  
9 provisions of prior law;
- 10 (2) Suspend a license or permit for a period of not more  
11 than two years;
- 12 (3) Refuse to renew a license or permit for a period of  
13 not more than two years;
- 14 (4) Reprimand, censure or limit the scope of practice of  
15 any licensee or firm;
- 16 (5) Impose an administrative fine not exceeding \$1,000;
- 17 (6) Place a licensee or firm on probation;
- 18 (7) Require a firm to have a [quality] peer review  
19 conducted in the manner specified by the board; or
- 20 (8) Require a licensee to attain satisfactory completion  
21 of additional continuing professional education hours  
22 as specified by the board."



1           2. By amending subsection (c) to read:

2           "(c) Upon application of any person against whom  
3 disciplinary action has been taken under subsection (a), the  
4 board, in accordance with chapter 91, may reinstate the person's  
5 license or permit to practice which was affected by the  
6 disciplinary action.

7           (1) The board shall specify the manner in which an  
8 application shall be made, the time within which it  
9 shall be made, and the circumstances under which the  
10 license may be reinstated; and

11          (2) Before reinstating, the board may:

12           (A) Require the applicant to show successful  
13 completion of specified continuing professional  
14 education; and

15           (B) Make the reinstatement of a license or permit  
16 conditional and subject to satisfactory  
17 completion of a [quality] peer review conducted  
18 in a manner as the board may specify."

19          SECTION 5. Section 466-13, Hawaii Revised Statutes, is  
20 amended to read as follows:

21          "**S466-13** [~~Quality~~] Peer review [~~committee~~]. (a) Every  
22 firm, including the Hawaii offices and Hawaii engagements of



1 foreign or multistate firms, required to obtain a firm permit to  
2 practice pursuant to section 466-7 shall undergo a peer review  
3 every three years on the firm's Hawaii attest work and submit  
4 evidence of such peer review at the time of the renewal of the  
5 firm's permit to practice under section 466-7.

6 (b) ~~The board [may appoint a quality review committee]~~  
7 shall establish a peer review process to review [the publicly  
8 available professional] attest work of firms [on a random basis,  
9 without any requirement of a formal complaint or suspicion of  
10 impropriety on the part of any particular firm]. The identity  
11 of the person or firm for whom the professional work is done  
12 shall be preserved in confidence. ~~[In the event]~~ If the review  
13 discloses information that a firm has not met the appropriate  
14 professional standards, the board may require further  
15 investigation of the firm. The peer review process required by  
16 this section shall be for educational or remedial and not  
17 punitive purposes.

18 (c) The board may authorize a third party entity to  
19 administer the peer review required under subsection (a);  
20 provided that the entity shall not require firms or the firms'  
21 owners or employees to become members of the entity to  
22 participate in peer review and shall charge the same rate for



1 peer review services to both members and nonmembers. If the  
2 board chooses to authorize a third party entity to administer  
3 peer reviews, the third party shall be held to the highest  
4 standards of professionalism, quality, and ethics.

5 (d) The board shall adopt rules pursuant to chapter 91 to  
6 establish requirements and procedures for the qualification of  
7 entities to conduct peer reviews and for the performance of peer  
8 reviews by these entities. The rules shall include:

9 (1) A process for the conduct of peer review to be  
10 followed by the board and by an authorized third party  
11 entity;

12 (2) Definitions, standards, and requirements for an  
13 acceptable peer review;

14 (3) Standards for certification and qualification of peer  
15 reviewers;

16 (4) A process for a firm to appeal the findings or  
17 conclusions of any peer review process that results in  
18 the denial, termination, or nonrenewal of a firm  
19 permit pursuant to section 466-9; provided that the  
20 appeal process shall include the postponement of any  
21 adverse action during the pendency of the appeal; and



1       (5) Provisions for the grant of an extension of time to a  
2       firm for compliance with the peer review requirement  
3       based on a showing of hardship including for reasons  
4       of health, military service, or other good cause as  
5       determined by the board.

6       (e) Neither the proceedings nor the records of the  
7       ~~[equality]~~ peer review ~~[committees]~~ process shall be subject to  
8       discovery. Except as hereinafter provided, no person ~~[in~~  
9       ~~attendance at a meeting of the committee]~~ involved in the peer  
10      review process shall be required to testify ~~[as to what~~  
11      ~~transpired at the meeting;]~~ on that process; provided that ~~[the]~~  
12      statements made by any person ~~[in attendance at the meeting]~~ in  
13      connection with the peer review process who is a party to an  
14      action or proceeding the subject matter of which was reviewed  
15      ~~[at the meeting;]~~ in that process, shall be subject to  
16      discovery."

17       SECTION 6. This Act does not affect rights and duties that  
18      have matured, penalties that were incurred, and proceedings that  
19      were begun, before its effective date.

20       SECTION 7. The board of public accountancy shall:

21       (1) Adopt rules pursuant to section 466-13(d), Hawaii  
22       Revised Statutes, in section 5 of this Act; and





1           (2) Report the adoption of the rules under paragraph (1)  
2           to the legislature immediately upon adoption of those  
3           rules by means of written notice to the speaker of the  
4           house of representatives and the president of the  
5           senate.

6           SECTION 8. Statutory material to be repealed is bracketed  
7           and stricken. New statutory material is underscored.

8           SECTION 9. This Act shall take effect upon its approval;  
9           provided that sections 2, 3, 4, and 5 shall take effect one year  
10          after the board of public accountancy reports the adoption of  
11          rules pursuant to section 7 of this Act.

