

Information for IRS Approved Continuing Education Providers  
Provided via conference call on April 23 and 24, 2013

### **Advertising Voluntary CE**

- On 3/7/13, IRS approved providers received a letter in their secure mailbox outlining advertising changes in light of the court injunction. This letter provides guidance and rules around advertising during the injunction.
- CE for RTRPs is now voluntary. Some CE Providers have not yet removed the text from their websites stating that CE for RTRPs is required. You must ensure CE requirements for RTRPs are listed as voluntary, not required, on your websites and communications. IRS approved providers are allowed to continue using the IRS approved provider logo as long as they communicate this message to potential RTRP customers.

### **Enrolled Retirement Plan Agent (ERPA) Programs**

There has been some confusion regarding what programs qualify for ERPAs vs. Enrolled Agents (EA). A few clarifying points:

- An ERPA only needs a PTIN if an ERPA is also preparing federal income tax returns for compensation (1040s, 1120s, 1065s, etc). If an ERPA is only preparing or representing clients on Employee Plan matters, they do not need to have a PTIN. See Notice 2011-91 for more information.
- A Qualified Retirement Plan Matter program must consist of material relating to Qualified Employee Plans (as defined under Internal Revenue Code section 401, 403, 408, 457, etc). This includes topics such as: plan document requirements, plan operation and administration, filing requirements (Form 5500 series and Form 5300), and IRS programs relating to employee plans (Determination Letter program, Employee Plans Compliance Resolution System). This information is at [www.irs.gov/erpa](http://www.irs.gov/erpa).
- An ERPA may not take tax-related programs outside of the area described above and receive credit. However, in rare cases, an EA may take an ERPA program if they want to get further education about qualified plan requirements. An EA should become an ERPA if they truly want to represent clients in qualified employee plan matters to ensure they have the required expertise.
- Do not add ERPAs as an audience to any tax-related program good for EAs and please do not change tax-related programs to Qualified Retirement Plan Matters so the option of the EA audience is visible on the public listing.
- 401K, SEP, IRA contributions, limitations, withdrawals, etc. are related to taxpayers and are federal tax programs. ERPAs are not eligible for these programs as they are not specifically "qualified employee plan" related.
- Please visit [www.irs.gov/erpa](http://www.irs.gov/erpa) for further information regarding ERPAs and please ensure that your programs are classified appropriately.

## **Program Content Reviews**

- In late April, IRS Continuing Education Analysts will begin conducting program content reviews based on a random selection of our approved provider population. We have set up a robust post-application program review process because we do not closely examine all programs during the approval process. These reviews may initiate from random selection, third party complaints, or follow-up reviews from previous recommendations.
  - 10% of approved providers will be randomly selected for review
  - This will be an annual process
  - At least one program will be reviewed
  - After that review is concluded, the provider will not be randomly selected for review for 3 years provided there is no need for a follow up review from previous recommendations, or reviews initiated from any warranted third party complaints.
- The purpose of program content reviews is to ensure providers' programs meet the standards described in Circular 230 sections 10.6 and 10.9, and in Revenue Procedure 2012-12. Our goal is to identify possible deficiencies and assist you in implementing program improvements if needed.
- The Continuing Education review staff consists of Rose Ryan, Marianne Skorupsky, and Tim Owen. Combined, they have over 50 years of instructor and tax law experience.
- Your organization's POC will be notified via secure email (keep your contact information current)
  - Log into your provider account and follow the instructions shown under \*\*\*CE Programs Under IRS Review\*\*\*.
  - If selected for review, you will receive the following:
    - Initial Contact Letter 5000 outlining the program(s) selected, the review process and provider rights.
    - Program Material Request, Form 14406 (be sure to provide all the requested information on the Form).
- It is also important that they respond timely to the review letters and requests for information to avoid adverse action.

## **Record Retention Requirements**

- In light of the start of program content reviews, IRS would like to remind everyone of Circular 230 requirements for record retention so providers understand what they may be asked for if they are chosen for a program review.
- Circular 230 § 10.9 (3) states the record keeping requirements for qualified continuing education programs as follows:

A continuing education provider must ensure the qualified continuing education program complies with all the following requirements —

  - (i) Programs must be developed by individual(s) qualified in the subject matter;
  - (ii) Program subject matter must be current;
  - (iii) Instructors, discussion leaders, and speakers must be qualified with respect to program content;

- (iv) Programs must include some means for evaluation of the technical content and presentation to be evaluated;
- (v) Certificates of completion bearing a current qualified continuing education program number issued by the Internal Revenue Service must be provided to the participants who successfully complete the program; and
- (vi) Records must be maintained by the continuing education provider to verify the participants who attended and completed the program **for a period of four years following completion of the program.** In the case of continuous conferences, conventions, and the like, records must be maintained to verify completion of the program and attendance by each participant at each segment of the program.
- Evaluations: keep all original evaluations from participants. Revenue Procedure 2012-12 Section 5.02(11) states “The provider must ensure that participants have an opportunity to provide feedback concerning the quality and knowledge of the speaker/instructor, the quality of program materials, and whether the program met stated objectives. Any participant evaluations received by the provider must be made available to the IRS upon request.”
- Certificates of completion: the IRS does not require keeping copies of the certificates of completion issued. It is acceptable to keep a master certificate of completion as well as a spreadsheet or similar documentation containing all required elements displayed on the certificate of completion. The required elements are:
  - 1) Full Name of Participant
  - 2) Program Name and IRS Issue Program Number(s)
  - 3) Number of Credits per Program
  - 4) Date Completed
  - 5) Location
  - 6) CE Provider Name and Address as it appears in the CE System
  - 7) Name of the Designated Official who signed the certificate of completion

### **Collecting and Reporting CE to IRS**

- The general rule is if an attendee has a PTIN, providers should report it! Whatever system providers use to collect participant information for federal tax/ethics programs, they should request a PTIN from the student, regardless of a participant’s credentials (i.e. CPA, Attorney, EA, etc). Again, EAs are required to have PTINs and you must report their CE.
- The information that should be collected for each PTIN holder has not changed as a result of the court ruling.
- The name of each PTIN holder should be the same as it appears in the PTIN System Account of the preparer. A preparer can confirm this information by accessing their PTIN account in the PTIN system or by reviewing their PTIN registration or renewal welcome letter.
- RTRPs and prospective RTRPS are no longer required to take CE. However, they may voluntarily obtain IRS CE credit by providing their PTIN information. However, EAs still have a CE requirement, so providers should be collecting and uploading their information.

- Data Anomalies: you are no longer required to contact individuals whose records reject because of a PTIN/Name Mismatch error. However, you must perform due diligence in attempting to collect the correct information at the time of registration and to ensure reporting of the information provided by the preparer. It is the preparer's responsibility to correct the information and resubmit to the provider directly for proper uploading.
- Reporting frequency: you should report CE quarterly to the IRS. However, you may submit records at any time and may do so after each program. Any programs that were given between January and March of this year should have been reported by March 31, 2013. If a provider has not reported PTIN information for programs completed between January and March 2013, they should do so immediately. If the PTIN holder provides corrected information and it is outside of the quarterly due date, providers should upload the information whenever it becomes available.
- The next reporting cycle ends June 30, 2013 for programs given between April and June.

### **Viewing CE in PTIN accounts**

- Preparers will be able to view their CE credits in their online PTIN accounts in early May.
  - Only 2013 credits are displayed
- The screen the preparer will see in the PTIN system will tell them: (1) That information may not be displayed because the preparer did not supply the matching PTIN system information correctly to the provider (or not at all); (2) the provider may not yet have sent the data to the IRS. They are also asked to call the provider with questions.
- Be prepared: once preparers begin seeing their data, they will reach out to you with corrections and questions. All preparers will expect to see information in their accounts if they have a PTIN, regardless of their credentials.
- We have been holding 2013 CE records since January of 2013 and we will send them all to the PTIN system in late April. Some information, such as preparer last name, might have been changed in the PTIN system and may no longer match your records. IRS validated this information when it was received in the CE system, so there's a chance that four months later, it may no longer match. If this occurs, you will receive a message in your secure mailbox with instructions on how to correct the record and resend through the CE system. This should not be an issue moving forward as IRS will be doing the validation on a daily file from the PTIN system and hope not to encounter any rejects after the initial file is sent.

### **Hot Topics**

- Special Enrollment Exam (SEE) test specifications have changed. You received a letter dated 3/27/2013 in your secure inbox. The new specifications are at [www.prometric.com/see](http://www.prometric.com/see). Please consider these changes as you develop test preparation materials for the SEE.
- If you are considering offering Affordable Care Act (ACA) programs to tax preparers, there are some provisions that do become effective beginning 2014 and are designed to expand access to affordable health care coverage. Some of these provisions include automatic enrollment of full-time employees; shared responsibility of employers regarding

health coverage, state based exchanges, premium tax credits and other related provisions for small business owners. Please refer to [www.irs.gov/taxpros/ACA](http://www.irs.gov/taxpros/ACA) to find descriptions of the ACA provisions, as well as frequently asked questions for preparers. An alternate site provided by the Health and Human Services (HHS) is also an excellent resource concerning the Affordable Care Act: [www.HealthCare.gov](http://www.HealthCare.gov).

- Keep your Point Of Contact information up to date at all times, including POC name, email, mailing address and phone numbers.
- We have also been getting e-mails to our RPO CE mailbox with names, but no company affiliation reported. We need both to be able to contact you. If you are using a company name different than the one on our IRS-approved Public Listing, please ensure that you provide the name we would be able to find in our system.
- Secure emails are now displaying in descending date order. We hope this improvement is helpful. IRS is continuing review the survey results and working with our vendor to see what other enhancements we can implement based on provider feedback.

### **Closing**

- If you have suggestions/comments, please send your feedback to [rpo.ce@irs.gov](mailto:rpo.ce@irs.gov)