



PROFESSIONAL
CERTIFICATION
COALITION

March 20, 2019

Senator Trent Garner
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Representative Austin McCollum
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Re: Arkansas S.B. 264

Dear Senator Garner and Representative McCollum:

The Professional Certification Coalition (PCC) writes to share our views regarding S.B. 264, the “Fresh Start Act of 2019,” relating to occupational licensing reform. In its current form, S.B. 264 could be misinterpreted to restrict private certification organizations’ enforcement of their ethics codes or eligibility requirements. In addition, it could be interpreted as restricting or invalidating licensure regulations that condition licensure on current private certification. Given how important it is to the public that professionals have relevant qualifications and meet established standards that private certifications confer, we respectfully request that the legislature modify the bill to avoid these potential impacts.

The PCC is a nonprofit association founded last year to address legislative initiatives that affect professional certification programs and those who hold private certification credentials. The PCC currently has well over 100 members, including non-governmental professional certification organizations, professional societies and service providers. The PCC’s members reflect a full spectrum of professions, including healthcare professionals, professional and civil engineers, human resources managers, financial professionals, and information technology professionals, among many others. The PCC advances the best interests of those who use or rely on professional certification—such as employers, reimbursers, and the general public—as well as of individual professionals themselves who achieve professional certification status, including many residents of Arkansas. Our founding organizations – the American Society of Association Executives (the leading organization for association management) and the Institute for Credentialing Excellence (the leading developer of accreditation standards for professional certification programs) – serve as the Steering Committee for the PCC.

S.B. 264 advances the important goal of reducing recidivism by making it easier for an ex-offender to earn a living in certain occupations. We believe this is a worthy objective, and we support this important next step in national efforts to reform the criminal justice system and to ensure pathways to opportunity for ex-offenders. We

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also believe that there is no substitute for the subject matter expertise that serves as the foundation for developing professional certifications, whether those credentials are wholly voluntary or a recognized condition of holding an occupational license. Private certification organizations are in the best position to assess what profession-specific certification requirements, both substantive and conduct-related, are necessary to protect the public and to qualify for the organization's credentials.

Some of the provisions of S.B. 264 could, as currently drafted, intrude on the ethics enforcement of private organizations or undermine enforcement of licensure requirements that incorporate private certifications. To avoid these outcomes, we recommend several clarifying amendments:

- In order to avoid interpretation of S.B. 264's provisions as interfering with the rights of private credentialing organizations to establish and enforce their own ethics codes, the PCC encourages the Arkansas Legislature to change all references to "certificate" to "**state issued certificate**", as well as any references to "any examination" to "**any examination developed and administered by the state**".
- Section 17-2-104 of the Act states that ex-offenders "shall not be disqualified from pursuing, practicing, or engaging in any occupation or profession for which licensure is required **solely or in part** because of a prior conviction of a crime," subject to certain exceptions. The ethics codes of some private certification programs call for revocation or denial of certification due to certain criminal convictions relevant to the performance of that occupation; for example, violation of prescribing laws or sexual abuse of children typically lead to loss of healthcare certifications. The "in part because" language could be interpreted as preventing a licensing board from enforcing a requirement for licensed individuals to hold current certifications issued by private certification bodies, if a prior conviction is the basis for the loss of certification. The PCC therefore recommends the inclusion of a new Section 17-2-105(4):

"Nothing in this section shall be construed to require a private certification organization to grant or deny private certification to any individual, nor alter any requirement in a licensure statute or regulation for an individual to hold current private certification as a condition of licensure or renewal of licensure."

The PCC applauds Arkansas for advancing important criminal justice reforms through S.B. 264. We respectfully request, however, that you and your colleagues in the legislature amend the bill as we have requested above to avoid intruding on the

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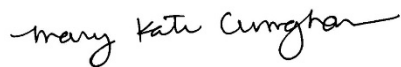
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subject matter expertise of private certification organizations or undermining recognition of certification in licensure laws.

Thank you for your consideration of these amendments. If you have any questions regarding this letter, please feel free to reach out to us using the contact information identified below.

Sincerely,



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