



PROFESSIONAL
CERTIFICATION
COALITION

March 19, 2019

Senator Herman Baertschiger
Room S-403
State Capitol 900
Court Street, NE
Salem, OR 97301
(503) 986-1702
Sen.HermanBaertschiger@oregonlegislature.gov

Re: Oregon S.B. 502

Dear Senator Baertschiger:

The Professional Certification Coalition (PCC) writes to express our concerns about the effect of S.B. 502, creating the Sunset Advisory Committee. In its current form, S.B. 502 would impose obstacles to state recognition of professional certification standards that protect the public from low-quality or harmful services.

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 health care, engineering, human resources, financial services 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 Oregon. 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.

Members of the PCC provide certifications that communicate to the public that certified professionals have met established standards for knowledge, skill, and competency in their fields. Unfortunately, in its current form, S.B. 502 would have the effect of restricting regulatory agencies from requiring private certification as a condition of licensure. As subject matter experts, private certification organizations are in the best position to develop requirements for their certificants that are necessary to protect the public. In some fields, such as health care, safety-related roles, and the

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engineering and financial industries, regulatory agencies have incorporated the competency standards established by non-governmental professional certification programs into licensure requirements. These regulatory requirements serve to acknowledge both the importance of setting competency standards for the protection of the public and the value of having those standards defined by subject matter experts rather than by government officials. For these professions, the *content* of the standards is best established by the non-governmental professional certification program, but *enforcement* of the standards is more effectively done by the licensing agency. In professions for which state licensing boards have historically provided oversight, it would not serve the public interest to eliminate or weaken licensure requirements and shift the enforcement function currently performed by licensure boards onto private certification programs. Private certification organizations lack the legal authority and the resources to serve as a substitute for licensing boards for professions for which licensure is required to protect public health, safety or welfare.

The PCC is concerned that S.B. 502 calls for automatic and presumptive abolition of state agencies, absent action to extend their authorization. The bill also provides little guidance on how the Sunset Advisory Committee will determine whether regulation is “the least restrictive form of regulation that will adequately protect the public.”

With these considerations in mind, the PCC requests that the Oregon State Legislature add the following two provisions to avoid abolishing regulations that provide important protections to the public:

- “Nothing in this Chapter is intended to restrict an agency from requiring, as a condition of licensure, that an individual’s personal qualifications include obtaining or maintaining private certification from a private organization that credentials individuals in the relevant occupation, nor to eliminate any state agency that enforces such licensure regulations.”
- “The state may regulate and adopt licensure requirements for any occupation for which the licensure requirements are based on uniform national laws, practices, and/or examinations that have been adopted by at least two-thirds of states and territories in the United States.”

The PCC applauds Oregon for its efforts to remove unnecessary barriers to entry into professions in order to promote market competition and employment opportunities through S.B. 502. We respectfully request, however, that the legislature amend the bill as we have requested above to better balance the protections to public health,

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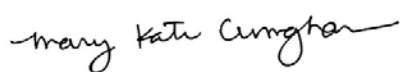
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safety and welfare derived from professional certification with the laudable objectives of occupational licensing reform.

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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