



PROFESSIONAL
CERTIFICATION
COALITION

March 19, 2019

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Senator Chauncey Gregory
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Senator Wes Climer
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Re: South Carolina S.B. 0330

Dear Senator Davis, Senator Gregory, and Senator Climer:

The Professional Certification Coalition (PCC) writes to express concerns about the effect of S.B. 330, the Occupational License Reform Act. We agree with the statement in Section 1 of the bill that “occupational licensing regulations are intended to ... ensure a sufficiently high level of product or service quality.” In its current form, however, S.B. 330 would impose obstacles to state recognition of professional certification standards that protect the public from low-quality or harmful services. We urge you to expand the description of the purpose of such regulations to include protecting the welfare of the public, rather than just, as currently stated in the bill, “the health and safety of consumers.” We also ask that the legislature amend the bill to include safe harbor provisions for licensure regulations that currently incorporate professional certification standards that are so important in avoiding harm to the public.

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

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employers, reimbursers and the general public—as well as of individual professionals themselves who achieve professional certification status, including many residents of South Carolina. 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.

Unfortunately, in its current form, S.B. 330 could have the effect of restricting regulatory agencies from requiring private certification as a condition of licensure. Certifications communicate to the public that certified professionals have met established standards for knowledge, skill, and competency in their fields. As subject matter experts, private certificate 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 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.

With these considerations in mind, the PCC encourages the South Carolina General Assembly to add the following two provisions:

- “Nothing in this chapter is intended to require the department to repeal or amend a regulation that requires, as a condition of licensure or renewal of licensure, that an individual’s personal qualifications include obtaining or maintaining certification from a private organization that credentials individuals in the relevant occupation, field, or industry.”

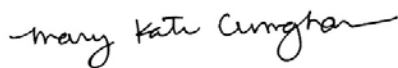
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- “The state may regulate and adopt licensure requirements for any occupation for which the licensure requirements are based on uniform national laws, practices, and/or examinations that have been adopted by at least two-thirds of states and territories in the United States.”

The PCC applauds South Carolina for its efforts to remove unnecessary barriers to entry into professions in order to promote market competition and employment opportunities through S.B. 330. We respectfully request, however, that you and your colleagues in the legislature amend the bill as we have requested above to better balance the protections to public health, safety and welfare derived from private professional certification with the laudable objectives of 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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