



PROFESSIONAL  
CERTIFICATION  
COALITION

March 21, 2019

Representative Barbara Rachelson  
205 Summit Street  
Burlington, VT 05401  
brachelson@leg.state.vt.us

**Re: Vermont H. 377**

Dear Representative Rachelson:

The Professional Certification Coalition (PCC) writes to express concerns about the potential effects of Vermont H. 377 on private professional certification. In its current form, H. 377 could be interpreted to invalidate regulations that condition licensure on current private certification. Given that private certifications provide important assurances to the public that certified professionals have relevant qualifications and meet established standards, we request that the legislature modify the bill to avoid potential negative 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 health care 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 Vermont. 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.

H. 377 advances the important goal of reducing recidivism by making it easier for an ex-offenders to earn a living. 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.

At the same time, we believe that private certification organizations have the subject matter expertise necessary 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. The ethics codes of some private certification programs call for revocation or denial of

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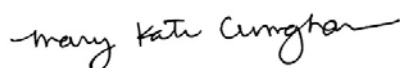
certification due to certain criminal convictions relevant to the practice of a specific occupation; for example, convictions for child sexual abuse typically lead to loss of certification for healthcare professionals, and convictions for embezzlement or fraud typically lead to loss of certification for financial professionals. This is relevant to H. 377 because, in some fields, such as health care, safety-related roles, and the engineering and financial industries, regulatory agencies have incorporated the standards established by non-governmental professional certification programs – including the elements of compliance with the programs’ ethics codes and codes of conduct – into licensure requirements. These regulatory requirements serve to acknowledge both the importance of setting competency and conduct 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.

The PCC believes it is important to clarify that, despite the sweeping “notwithstanding any provision of law to the contrary” language in H. 377, the bill does not intend to remove certification requirements from practice acts that require licensed professionals to earn and maintain current certifications issued by private certification bodies. We therefore recommend the inclusion of a new Section 321(c), as follows:

“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.”

Thank you for your consideration of this amendment. 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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