



PROFESSIONAL
CERTIFICATION
COALITION

March 19, 2019

Representative Jim Walsh
Room 428
John L. O'Brien Building
504 15th Avenue, SW
Olympia, WA 98504
jim.walsh@leg.wa.gov

Re: Washington H.B. 1770

Dear Representative Walsh:

The Professional Certification Coalition (PCC) writes to express our concerns about the effect of H.B. 1770 relating to occupational licensing reform. Although the PCC shares your objective that occupational licensing regulations should balance the needs of market competition with consumer protection, we believe that, in its current form, H.B. 1770 could have a negative impact on professional certification organizations and on Washington State citizens who have earned those certifications. It would impose obstacles to state recognition of professional certification standards that protect the public from low-quality or harmful services and could also compel the state to expend taxpayer dollars unnecessarily.

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 credentials issued, held, or relied upon by our members include both wholly voluntary certifications and some private certifications that are a recognized condition of holding an occupational license. 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 Washington. 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, H.B. 1770 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

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knowledge, skill, and competency in their fields. 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 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 following amendments:

1. The definition of “private certification” in Section 2(b)(8) should be amended to state that **“Private Certification’ means “a nontransferable recognition granted to an individual by a private organization in which the individual meets personal qualifications relevant to performance of the occupation to which the certification pertains, including by demonstrating a specified level of knowledge and skill required to meet standards in the profession, as established by the private organization.”**

This amendment would ensure that the term “certification” refers to credentials that reflect actual qualifications and achievements of the individual related to the standards of the profession, rather than purchased, empty credentials that could mislead consumers.

2. Many private certification organizations issue credentials that confer the title “certified” or “registered” on their credential-holders. So as to not preclude individuals from using the titles of credentials they have earned from non-governmental programs, we request two amendments:
 - Change “Registered” and “registration” in all instances to **“government registered”** and **“government registration.”**
 - Add a new Section 2(b)(12): **“Notwithstanding any other provision of this chapter, nothing shall preclude an individual holding a current certification issued by a private certification organization from using the title or designation ‘certified’ as permitted by the private organization in connection**

with a credential that the organization has issued to the individual.”

3. In its current form, H.B. 1770 appears to call for the state to establish its own certification programs, rather than relying on private certifications. Doing so would be a waste of taxpayer money, given that well-established and recognized private voluntary professional certifications already exist. There is no reason for the state to expend taxpayer resources to enter into the certification business by establishing costly new programs, in many instances competing with private organizations that have already established certification programs based on their unique expertise in the field or profession. The PCC therefore encourages adoption of the following amendment to this provision:
 - Amend Section 5(4)(a)(vi) to read: “If the need is to protect consumers against a shortfall or imbalance of knowledge about the goods or services relative to the providers' knowledge, the recommended course of action should be to enact government certification, **unless suitable, private certification for the relevant occupation is available. As used in this section, ‘suitable’ means widely recognized as reflecting established standards of competency, skill, or knowledge in the field.**”
4. This language is modeled on similar language adopted by the Ohio legislature in its enactment in 2018 of S.B. 255, after the PCC raised similar concerns about that legislation. Finally, to avoid creating barriers to state recognition of private certification in licensure requirements, as well as to protect consumers against unqualified and unscrupulous individuals falsely claiming to hold private certification credentials, we also request that the bill be revised to add the following provisions:
 - “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.”
 - “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.”
 - “Nothing in the chapter 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

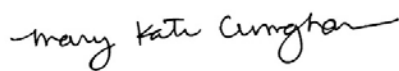
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private certification as a condition of licensure or renewal of licensure, nor shall it be construed to limit, impair, or preclude enactment or enforcement of unfair or deceptive acts or practices under chapter 19.86 RCW 13 or implementing regulations.”

The PCC applauds Washington for its efforts to remove unnecessary barriers to entry into professions in order to promote market competition and employment opportunities through H.B. 1770. We respectfully request, however, that the legislature amend the bill as recommended above to better balance the protections to public health, 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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