



PROFESSIONAL
CERTIFICATION
COALITION

March 8, 2019

Representative Mary Keefe
24 Beacon Street
Room 473F
Boston, MA 02133
Mary.keefe@mahouse.gov

Re: Massachusetts H. 1477

Dear Representative Keefe:

The Professional Certification Coalition (PCC) writes to express concerns about the effect of Massachusetts H. 1477 relating to occupational licensing reform. In its current form, H. 1477 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 the importance to the public of the assurances of relevant qualifications and meeting established standards that private certifications confer, the bill should be modified 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 a hundred 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 Massachusetts. 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. 1477 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

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objective and we are supportive of this important next step in national efforts to reform the criminal justice system and to ensure pathways to opportunity for ex-offenders. We 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. In order to avoid interpretation of H. 1477's provisions as interfering with the rights of private certification organizations to establish and enforce their own ethics codes, the PCC proposes amending the definition of "Collateral Consequence" in § 2(a). The PCC encourages the Massachusetts House of Representatives to amend § 2(a) to read as follows:

Decisions by nongovernmental persons or entities shall not be considered collateral consequences under this chapter, except for government contractors to the extent they assume the role of decision-makers as defined in Section 2(e).

Further, some licensure regulations require licensed professionals to hold and maintain current certifications issued by private certification bodies. The PCC believes it is important to clarify that H. 1477 is not intended 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 3(c) to address both of the concerns the PCC has identified, as follows:

(c). Nothing in this 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 private certification as a condition of licensure or renewal of licensure.

The PCC applauds Massachusetts for advancing important criminal justice reforms through H. 1477. 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 subject matter expertise of private certification organizations.

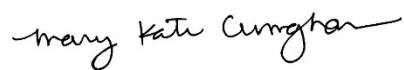
Thank you for your consideration of these amendments. If you have any questions regarding this letter, please feel free to reach out to us using the contact information identified below.

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Sincerely,



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