



PROFESSIONAL
CERTIFICATION
COALITION

March 8, 2019

Representative J. Todd Rutherford
335B Blatt Building
Columbia, SC 29201

Re: South Carolina H.B. 3163

Dear Representative Rutherford:

The Professional Certification Coalition (PCC) writes to share our views regarding the potential effects of South Carolina H.B. 3163, relating to occupational licensing reform. In its current form, H.B. 3163 could be misinterpreted to restrict private certification organizations' enforcement of their ethics codes or eligibility requirements. In addition, it could be construed as restricting or invalidating licensure regulations that condition licensure on current private certification. Given how important it is to the general public that professionals have relevant qualifications and meet the 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 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 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.

H.B. 3163 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 objective and we are supportive of this important next step in national efforts to

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reform the criminal justice system and to ensure pathways to opportunity for ex-offenders.

At the same time, we 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. The PCC is concerned that H.B. 3163's provision restricting public employers and licensing agencies from disqualifying individuals "solely or in part because of a prior conviction of a crime," may, without additional clarification, have the effect of interfering with the rights of private certification organizations to establish and enforce their own ethics codes.

Some licensure regulations require licensed professionals to hold and maintain current certifications issued by private certification bodies, and many public employers appropriately consider private certifications as important qualifications for jobs to which the certifications relate. The PCC believes it is important to clarify that H.B. 3163 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, and that the bill does not prohibit public employers from preferring candidates who hold certification credentials. We therefore recommend the inclusion of a new Section 41-1-10(D)(4) to address the concerns the PCC has identified, as follows:

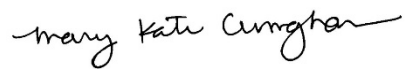
Nothing in this section shall be construed to (i) require a private certification organization to grant or deny private certification to any individual, (ii) alter any requirement in a licensure statute or regulation for an individual to hold current private certification as a condition of licensure or renewal of licensure, or (iii) prohibit a public employer from disqualifying an individual from employment because the individual does not hold a current private certification that is a required or preferred qualification for the public employment sought.

The PCC applauds South Carolina for advancing important criminal justice reforms through H.B. 3163. 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 and restricting recognition of those credentials.

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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