



PROFESSIONAL
CERTIFICATION
COALITION

March 27, 2019

The Honorable Jason White
State Representative
Mississippi Legislature
Room: 201
P. O. Box 1018
Jackson, MS 39215
jwhite@house.ms.gov

Re: Mississippi H.B. 1352

Dear Representative White:

The Professional Certification Coalition (PCC) writes to express concerns about the potential effects of H.B. 1352, the Criminal Justice Reform Act, in connection with professional certification. In light of the current definition of a “license” in the bill, H.B. 1352 could be interpreted to restrict private certification organizations’ enforcement of their ethics codes or eligibility requirements. In addition, the bill appears to invalidate licensure 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, engineering, human resources, financial services, and information technology, 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 Mississippi. 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. 1352 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 support 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 private certification organizations have the subject-matter expertise needed 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 a person's certification due to nonviolent criminal convictions that are relevant to the practice of a specific occupation. For example, convictions for abuse of prescription privileges typically lead to loss of certification for health care professionals, and convictions for embezzlement or fraud typically lead to loss of certification for financial professionals. This is relevant to H.B. 1352 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 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 current language of H.B. 1352, however, bars disqualification from licensure based on certain nonviolent convictions – and it provides that it shall “supersede any other provision of law to the contrary that regulates occupational licensing boards.”

The PCC believes it is important to clarify that H.B. 1352 is not intended to interfere with the ethics code enforcement of private certification organizations, nor is it intended remove certification requirements from practice acts. We therefore request that the legislature adopt the following amendments to H.B. 1352:

- Amend Section 46(1)(a):

“License” means any license (other than a privilege license), certificate or other evidence of qualification **that is issued by the state and** that an individual is required to obtain before he or she may engage in or represent himself or herself to be a member of a particular profession or occupation.

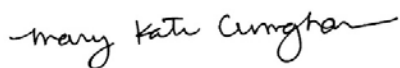
- Add a new Section 46(8):

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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 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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CC: Senator Juan Barnett
Senator Dennis Debar
Senator W. Briggs Hopson