



PROFESSIONAL
CERTIFICATION
COALITION

March 28, 2019

Representative Dave Deyoe, Chair, House Committee on Labor
Representative Jacob Bossman, Vice Chair, House Ways and Means Committee
State Capitol
1007 East Grand Avenue
Des Moines, IA 50319
Dave.Deyoe@legis.iowa.gov
Jacob.Bossman@legis.iowa.gov

Re: Iowa H.F. 752

Dear Representative Deyoe and Representative Hunter:

The Professional Certification Coalition (PCC) writes to share our views regarding Iowa H.F. 752. In its current form, H.F. 752 could be interpreted to interfere with the rights of private certification organizations to determine the qualifications needed to earn their credentials. In addition, the bill could lead to invalidating licensure regulations that condition licensure on current private certification and could also compel the state to expend taxpayer dollars unnecessarily. 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 management, 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 Iowa. 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.

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Unfortunately, as currently drafted, H.F. 752 does not appropriately distinguish between credentials issued by private certification organizations and regulatory requirements established by the state. Although there are rare cases in which the government develops certification programs, traditionally most professional certifications are conferred by non-governmental – and often nonprofit – organizations. Earning a professional certification demonstrates that the individual meets established standards for knowledge, skill, and competency in their field.

For some occupations, such as health care practitioners, safety-related roles, and engineering and financial professionals, regulatory agencies require private certification as a condition of licensure. 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, in effect, 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.

H.F. 752 creates a review and repeal procedure for occupational licensing regulations, but, as written, it empowers an efficiency review committee to have jurisdiction over “all professional licenses, certifications and registrations *available in the state.*” Lest the committee interpret its mandate as giving it jurisdiction over the standards of private certification programs operating in Iowa, we request that this language be amended in all instances to refer to “all professional licenses, certifications, and registrations **issued by the state.**” This amendment would apply to Section 1 of the bill in the introductory paragraph and in subparagraphs (a), (c), and (d).

In Section 1, subparagraph (b), H.F. 752 also calls for the committee to recommend that the legislature “conver[t] an occupational license to a certification or registration, or conver[t] a certification to a registration.” Because these terms are not defined either in the bill or in Section 2.69 of the current Iowa Code, this language could require 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

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competing with private organizations that have already established certification programs based on their unique expertise in the field or profession. The PCC therefore encourages the legislature to eliminate Section 1, subparagraph (b).

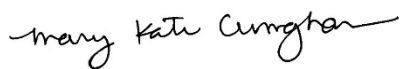
Finally, we recommend additional clarifying amendments to avoid intruding on the functions of private organizations, to eliminate barriers to state recognition of private certification in licensure requirements, and to protect consumers against unqualified practitioners:

- **“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.”**
- **“The committee shall not recommend repeal of 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.”**

This language is modeled on similar language adopted by the Ohio legislature in 2018 in its enactment of S.B. 255, after the PCC raised related concerns about that legislation.

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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