



PROFESSIONAL  
CERTIFICATION  
COALITION

April 5, 2019

Representative Ron Reynolds  
Room E1.320  
P.O. Box 2910  
Austin, TX 78768

**Re: Professional Certification Coalition Position on H.B. 2232**

Dear Representative Reynolds:

The Professional Certification Coalition (PCC) writes to express concerns about the potential effects of H.B. 2232. In its current form, this legislation could be interpreted to restrict private certification organizations' enforcement of their ethics codes or eligibility requirements. In addition, the legislation could be interpreted as restricting or invalidating licensure regulations that condition licensure on holding a 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 you 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 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 Texans. 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. 2232 advances the important goal of reducing recidivism by making it easier for an ex-offender to earn a living. We believe this is a worthy objective and support 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,

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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 criminal convictions that are relevant to the practice of a specific occupation. For example, convictions for abuse of prescription privileges or child sexual abuse 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. 1342 and S.B. 523 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. 2232, however, provides that "Notwithstanding any other law," the state may not "use" criminal history record information in connection with an application for a license if it relates to certain categories of convictions, including a misdemeanor "that was committed less than three years before the date of the application" or "a felony that was committed less than five years before the date of the application." As an initial matter, it appears that the term "less than" rather than "more than" may be an error, and that the intent of the bill is to exclude consideration of old convictions, not recent ones. In addition, the PCC believes it is important to clarify that the legislation 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, nor to interfere with the ethics code enforcement of private certification organizations. We therefore recommend the inclusion of a new provision to address both of the concerns the PCC has identified, as follows:

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 Texas for advancing important criminal justice reforms through H.B. 2232. 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.

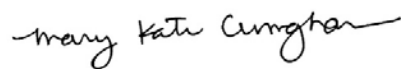
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Thank you for your consideration of these amendments. If you have any questions regarding this letter, please feel free to reach out to us using the contact information identified below.

Sincerely,



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