



PROFESSIONAL
CERTIFICATION
COALITION

April 5, 2019

Senator Carol Alvarado
P.O. Box 12068
Capitol Station
Austin, TX 78711

Re: Professional Certification Coalition Position on S.B. 965

Dear Senator Alvarado:

The Professional Certification Coalition (PCC) writes to express concerns about the potential effects of Texas S.B. 965 relating to occupational licensing reform. In its current form, S.B. 965 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 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, reimbursors, and the general public—as well as of individual professionals themselves who achieve professional certification status, including many residents of Texas. 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.

S.B. 965 advances the important goal of reducing recidivism by making it easier for ex-offenders 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 are in the best position 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 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 S.B. 965 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 S.B. 965, however, would prohibit disqualification from licensure for certain misdemeanor convictions. The PCC believes it is important to clarify that S.B. 965 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 in the bill that adds a new section 53.003 to the Occupations Code to address the concerns the PCC has identified, as follows:

SECTION 1. Subchapter A, Chapter 53, Occupations Code, is amended by adding Section 53.003 to read as follows:

Sec. 53.003. LEGISLATIVE INTENT REGARDING PRIVATE CERTIFICATION. 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.

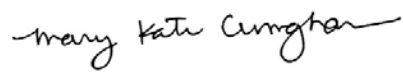
This change would also require the current Section 1 of S.B. 965 – which amends Section 53.021(a-1) of the Occupations Code, to be changed to Section 2.

The PCC applauds Texas for advancing important criminal justice reforms through S.B. 965. 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.

Senator Carol Alvarado
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Sincerely,



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