



PROFESSIONAL
CERTIFICATION
COALITION

April 5, 2019

Representative Rob Hutton
Room 220 North
State Capitol
PO Box 8952
Madison, WI 53708

Senator Alberta Darling
Room 317 East State Capitol 2
East Main Street Madison, WI
53702

Re: Professional Certification Coalition Position on A.B. 30 and S.B. 34

Dear Representative Hutton and Senator Darling:

The Professional Certification Coalition (PCC) writes to express concerns about the potential effects of Wisconsin A.B. 30 and S.B. 34 on private professional certification. In its current form, this legislation 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 how important it is to the public that licensed professionals have the 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 Wisconsin. 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.

A.B. 30 and S.B. 34 advance 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 we are supportive 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 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

Representative Hutton
Senator Darling
April 5, 2019
Page 2

occupational license. 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 non-violent 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 A.B. 30 and S.B. 34 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 A.B. 30 and S.B. 34, however, provide that individuals with non-violent convictions may be entitled to a certificate of qualification for employment to relieve the individual of any disqualification from occupational licensing "that is a result of the offender's criminal record." The PCC believes it is important to clarify that A.B. 30 and S.B. 34 are 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 Subsection 8 in Section 973.25 to address the concerns the PCC has identified, as follows:

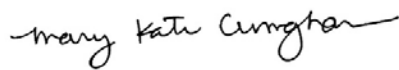
(8) RULE OF CONSTRUCTION. Nothing in this chapter shall be construed to require a private certification organization to grant or deny private certification to any individual, nor alter any requirement in a licensure statute or regulation for an individual to hold current private certification as a condition of licensure or renewal of licensure.

The PCC applauds Wisconsin for advancing important criminal justice reforms through A.B. 30 and S.B. 34. We respectfully request, however, that you and your colleagues amend the legislation 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.

Representative Hutton
Senator Darling
April 5, 2019
Page 3

Sincerely,



Mary Kate Cunningham
Vice President, Public Policy
ASAE: The Center for Association
Leadership
Phone: (202) 626-2787
Email: mcunningham@asaecenter.org



Denise Roosendaal
Executive Director
Institute for Credentialing Excellence
Phone: (202) 367-1165
Email: droosendaal@credentialingexcellence.org

CC:

Sens. Taylor, Carpenter, Cowles, Feyen, Olsen, Stroebel, Wanggaard
Reps. Snyder, Fields, Ballweg, Bowen, Brooks, Goyke, Horlacher, Krug, Kurtz, Mursau,
Myers, Ramthun, Sortwell, Thiesfeldt, Tittl