



PROFESSIONAL
CERTIFICATION
COALITION

April 22, 2019

Representative Scott Slater
State House
82 Smith Street
Providence, RI 02903-1105
Columbia, SC 29201
rep-slater@rilegislature.gov

Representative Anastasia Williams
State House
82 Smith Street
Providence, RI 02903-1105
Columbia, SC 29201
rep-williams@rilegislature.gov

Re: Professional Certification Coalition Position on H.B. 5863

Dear Representatives Slater and Williams :

The Professional Certification Coalition (PCC) writes to share our views regarding the potential effects of H.B. 5863, relating to occupational licensing reform. In its current form, H.B. 5863 could be construed as restricting or invalidating licensure regulations that condition licensure on current private certification. Given how important it is to the general public that professionals have 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, professional and civil 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 Rhode Island. 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. 5863 advances the important goal of reducing recidivism by making it easier for an ex-offender to earn a living in certain occupations. 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.

At the same time, we believe that there is no substitute for the subject matter expertise that serves as the foundation for developing professional certifications. In some fields, such as health care, safety-related roles, and the engineering and financial industries, regulatory agencies have incorporated the competency and ethical conduct standards established by non-governmental professional certification programs into state licensure requirements. These regulatory requirements serve to acknowledge both the importance of setting knowledge 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. The standards established by private certification programs in their ethics codes often call for revocation or denial of certification due to criminal convictions that are relevant to the practice of a specific occupation. For example, convictions for abusing prescription privileges to distribute opioids typically lead to loss of certification for healthcare professionals, and convictions for embezzlement or fraud typically lead to loss of certification for financial professionals. The PCC is concerned that H.B. 5863's provision restricting licensing agencies from disqualifying individuals "solely or in part because of a prior conviction of a crime or crimes," may, without additional clarification, interfere with licensure laws that require current private certification.

The PCC believes it is important to clarify that H.B. 5863 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. State agencies should be able to deny licensure to individuals who fail to meet a requirement of holding current private certification without second-guessing or conducting an independent review of the independent decisions made by private certification organizations. Applicants may be denied certification for many reasons, including that the applicant did not complete an accredited educational program, that the applicant did not achieve a passing score on the certification exam, that the applicant did not complete continuing education credits, or that the applicant did not pay a renewal fee. An applicant who was denied certification due to an ethics code violation that relates to a criminal conviction should not be granted a special exemption from certification requirements in licensure laws.

We therefore recommend the inclusion of a new Section 28-5-14(1) to address the concerns the PCC has identified, as follows:

“Nothing in the 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.”

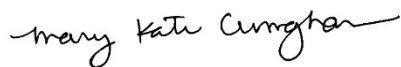
Representatives Scott Slater and Anastasia Williams

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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,



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: Whip John Edwards (rep-edwards@rilegislature.gov)
Representative Grace Diaz (rep-diaz@rilegislature.gov)
Representative Robert Craven, Chair, House Committee on Judiciary
(rep-craven@rilegislature.gov)