



PROFESSIONAL
CERTIFICATION
COALITION

April 22, 2019

Representative Rick Edmonds
State Capitol
900 North Third Street
Baton Rouge, LA 70804
edmondsr@legis.la.gov

Re: H.B. 503

Dear Representative Edmonds:

The Professional Certification Coalition (PCC) writes to share our views regarding H.B. 503, the “Fresh Start Act of 2019,” relating to occupational licensing reform. In its current form, H.B. 503 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 professionals have relevant qualifications and meet established standards that private certifications confer, we respectfully request that the legislature modify the bill 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. Indeed, the PCC is an outgrowth of an informal coalition formed last year to address legislation in Louisiana that would have affected private certification organizations. 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 healthcare 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 Louisiana. 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. 503 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 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 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 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.

Some of the provisions of H.B. 503 could, as currently drafted, intrude on the ethics enforcement of private organizations or undermine enforcement of licensure requirements that incorporate private certifications. To avoid these outcomes, we recommend the following clarifying amendments:

- In order to avoid interpretation of H.B. 503's provisions as interfering with the rights of private credentialing organizations to establish and enforce their own ethics codes, the PCC encourages the Louisiana State Legislature to change the definition of "license" to "a certification from a **governmental** professional board or commission or from a political subdivision necessary to work in a specific profession."
- Section 54 of the Act states that "no person shall be disqualified from pursuing, practicing, or engaging in any occupation for which a license is required **solely or in part because** of a prior criminal record," subject to certain exceptions. The ethics codes of some private certification programs call for revocation or denial of certification due to certain criminal convictions relevant to the performance of that occupation, including non-violent convictions; for example, violation of prescribing laws typically lead to loss of healthcare certifications, and fraud or embezzlement convictions typically lead to loss of financial advisor certifications. The "in part because" language could be interpreted as preventing a licensing board from enforcing a requirement for licensed individuals to hold current certifications issued by private certification bodies, if a prior conviction is the basis for the loss of certification. The PCC therefore recommends the inclusion of a new Section 55(E):

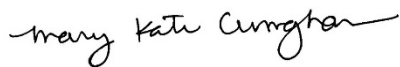
"Nothing in this section shall be construed to require a private certification organization to grant or deny private certification to any individual, nor alter any requirement in a licensure statute or regulation for an individual to hold current private certification as a condition of licensure or renewal of licensure."

The PCC applauds Louisiana for advancing important criminal justice reforms through H.B. 503. 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 or undermining recognition of certification in licensure laws.

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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