



PROFESSIONAL
CERTIFICATION
COALITION

.February 19, 2020

Representative Ben Toma
Arizona State Capitol Complex
1700 W. Washington St
Phoenix, AZ 85007
btoma@azleg.gov

Re: Arizona H.B. 2359

Dear Rep. Toma:

The Professional Certification Coalition (PCC) writes regarding the potential harmful effects of Arizona H.B. 2359, relating to occupational licensing reform. In its current form, H.B. 2359 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 the importance to the public of the assurances of relevant qualifications and meeting established standards that private certifications confer, the bill should be modified to avoid these potential impacts. We also suggest that the bill could benefit from amendments designed to ensure that licensing agencies consider information relevant to the protection of the public.

The PCC is a nonprofit association founded in 2018 to address legislative initiatives that affect professional certification programs, those who hold private certification credentials, and the many constituencies that rely on professional certification as a signal of professional competence. The PCC currently has more than 100 organizational members, including non-governmental professional certification organizations, professional societies, and service providers. The PCC's members reflect a wide spectrum of professions, including health care, professional and civil engineering, 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 Arizona. 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. 2359 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 we support 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, whether those credentials are wholly voluntary or a recognized condition of holding a state-issued 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 PCC believes it is important that the legislature clarify that H.B. 2359 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 also suggest amendments designed to balance expanded opportunities for ex-offenders with protections for the public.

In its current form, H.B. 2359's overbroad scope risks endangering the health and welfare of Arizona consumers. The bill would prohibit denying a license to any individual convicted of *any* drug crime: ranging from the minor (e.g., possession of marijuana for personal use) to the major (running a meth distribution ring) to the job-related (abusing prescription privileges to distribute opioids to addicts) and to the safety-related (a conviction for opioid use that results from an active substance abuse addiction).

Therefore, we recommend the inclusion of the following amendments to address these concerns:

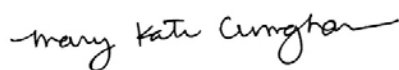
- Change “Notwithstanding any other law, an agency may not deny to an otherwise qualified applicant who has been convicted of an offense that involves a violation of title 13, chapter 34 or 34.1 or an offense committed in another jurisdiction that has the same elements as an offense listed in title 13, chapter 34 or 34.1 either of the following” to “**A qualified applicant convicted** of an offense that involves a violation of title 13, chapter 34 or 34.1 or an offense committed in another jurisdiction that has the same elements as an offense listed in title 13, chapter 34 or 34.1 **may not be disqualified by an agency from the following solely on the basis of the conviction if (i) the individual has completed all sentences for the conviction, (ii) the individual has not reoffended since the conviction, (iii) the individual has no pending charges, (iv) if the conviction was related to substance abuse, the individual has provided evidence establishing rehabilitation and the ability to practice the profession safely and without substance abuse, and (v) the offense does not relate to the practice of the occupation or pose a danger to members of the public the individual would encounter in the practice of the occupation.**”
- Add the provision: “**nothing in the 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.**”

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The PCC applauds Arizona for advancing important criminal justice reforms through H.B. 2359. 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 right of private certification organizations to define and enforce their own eligibility standards and to ensure that licensure decisions are made with appropriate protections for the public.

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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