



PROFESSIONAL
CERTIFICATION
COALITION

March 3, 2020

Senator Brian Collamore
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Senator Jeanette K. White
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Senator Alison Clarkson
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Re: Vermont S. 233

Dear Sen. Collamore, Sen. White, and Sen. Clarkson:

The Professional Certification Coalition (PCC) writes to request the addition of clarifying language to S. 233. In its current form, S. 233 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. 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 Vermont. 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. 233 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 ensure pathways to opportunity for ex-offenders.

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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 S. 233 is not intended to create exceptions to occupational regulations that currently require licensed professionals to earn and maintain current certifications issued by private certification bodies. In addition, we recommend that the bill clarify that that a determination of eligibility for a license is not binding if relevant new facts about an applicant develop or come to light. We suggest the following amendments designed to balance expanded opportunities for ex-offenders with protections for the public:

- Amend Section 136a to add “**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.**”
- Amend Section 123(k) to provide that the determination shall not be binding if the changed determination is based on relevant new facts, including parole or probation violations, new pending charges or convictions, or the discovery that the individual withheld or misrepresented material facts in the determination request.

The PCC applauds Vermont for advancing important criminal justice reforms through S. 233. 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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