



February 26, 2021

Representative Jeff Weninger Chair, House Commerce Committee 1700 West Washington Room 224 Phoenix, AZ 85007 <a href="mailto:jweninger@azleg.gov">jweninger@azleg.gov</a>	Representative Steve Kaiser Vice Chair, House Commerce Committee 1700 West Washington Room Room 345 Phoenix, AZ 85007 <a href="mailto:skaiser@azleg.gov">skaiser@azleg.gov</a>
Representative Becky A. Nutt Chair, House Rules Committee 1700 West Washington Room 205 Phoenix, AZ 85007 <a href="mailto:bnutt@azleg.gov">bnutt@azleg.gov</a>	Representative Travis W. Grantham Vice Chair, House Rules Committee 1700 West Washington Room 302 Phoenix, AZ 85007 <a href="mailto:tgrantham@azleg.gov">tgrantham@azleg.gov</a>

**Re: Arizona S.B. 1218**

Dear Representatives' Weninger, Kaiser, Nutt and Grantham:

The Professional Certification Coalition (PCC) writes regarding the potential harmful effects of S.B. 1218 on important protections for the public. We appreciate that S.B. 1218 has been drafted to include provisions designed to avoid intruding on the credentialing decisions of private certification organizations. Nonetheless, in its current form, S.B. 1218 imposes obstacles to state recognition of professional certification standards that protect the public from low-quality or harmful services.

The PCC is a nonprofit association formed 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's organizational members include 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. 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) – govern the PCC.

Members of the PCC provide certifications that communicate to the public that certified professionals have met established standards for knowledge, skill, and competency in their fields. As subject matter experts, private certification organizations are in the best position to

develop and define the *content* of the standards that certificants must demonstrate to earn a recognized credential in their field. Private certification is not a substitute for occupational licensure, however, in fields such as health care, safety-related roles, and the engineering and financial industries. For those occupations, regulatory agencies have incorporated the competency standards established by private professional certification programs into licensure requirements. For these professions, *enforcement* of competency and conduct standards is more effectively done by the licensing agency. In professions for which state licensing boards have historically provided oversight, it would not serve the public interest to eliminate or weaken licensure requirements and shift the enforcement function currently performed by licensure boards onto private certification programs. A private certification organization lacks the legal authority and the resources to serve as a substitute for a licensing board for a profession for which licensure is required to protect public health, safety, or welfare.

Unfortunately, in its current form, S.B. 1218 would restrict regulatory agencies from requiring private certification as a condition of licensure in non-health care professions. The PCC is concerned that S.B. 1218 creates a rebuttable presumption that state occupational licenses should be abolished and incorporates weighted and incomplete evidentiary standards. The bill would require a recommendation against licensure regulations in any profession or occupation unless there is a showing by “credible evidence of harm that the unregulated practice threatens the public health, safety, or welfare” and is regulated “in the least restrictive manner.” The bill provides little guidance on how the committee of reference will determine whether a regulation is “the least restrictive manner.” For many traditionally licensed professions – such as civil or nuclear engineers, structural architects, certified public accountants, and many more – the nearly universal existence of these licensure requirements means that there, thankfully, is no “present” data on the harms of unlicensed and unqualified practitioners engaging in these professions.

With these considerations in mind, the PCC requests that the Legislature add the following three provisions to avoid abolishing regulations that provide important protections to the public and to ensure continued safeguards against recognizable dangers:

- **“Nothing in this chapter shall be construed to 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.”**
- **“Notwithstanding other provisions in this chapter, the state may regulate a profession or occupation and impose licensure requirements for practice of that occupation if the licensure requirements are based on uniform national laws, practices, and/or examinations that have been adopted by at least two-thirds of states and territories in the United States.”**
- Amend Section 41-3502(B)(1) to replace “there is credible evidence of harm that the unregulated practice threatens the public health, safety or welfare in this state” with **“it can be demonstrated that the unregulated practice of the profession or occupation can clearly harm or endanger the health, safety, or welfare of the public and the potential for the harm is recognizable and not remote or speculative.”**

We also request two clarifying amendments:

- The definition of “private certification” should be revised to state that “‘Private Certification’ means “a nontransferable recognition granted to an individual by a private organization in which the individual meets personal qualifications **relevant to performance of the occupation to which the certification pertains, including by demonstrating a specified level of knowledge and skill required to meet recognized standards in the profession, as** established by the private organization.” While there are many reputable and legitimate private certification organizations that credential qualified individuals, the current definition in the bill opens the door to individuals purchasing non-substantive “certifications” that are not recognized in the industry and that do not measure competency in the occupation.
- Amend Section 41-3502(H) to add: “**Notwithstanding any other provision of Section B, C, and D, no individual shall be restricted from using the title “certified” or the title “registered” to the extent that title reflects a credential held by the individual that was issued by a private certification organization that confers credentials to individuals meeting the qualifications set by the organization’s certification or certificate program.**”

The PCC supports efforts to remove unnecessary barriers to entry into professions in order to promote market competition and employment opportunities. We respectfully request, however, that you and your colleagues in the legislature amend the bill as we have requested above to avoid stripping important protections from 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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CC: Senator Tyler Pace ([Tpace@azleg.gov](mailto:Tpace@azleg.gov))

Current List of PCC Members

ABRET Neurodiagnostic  
Credentialing &  
Accreditation (ABRET)

ABSA International: the  
Association for Biosafety  
and Biosecurity (ABSA)

Academy of Nutrition and  
Dietetics (AND)

Academy for Certification  
of Vision Rehabilitation &  
Education Professionals  
(ACVREP)

Alliance of Hazardous  
Materials Professionals

American Association of  
Post-Acute Care Nurses  
(AAPACN)

American Association of  
Critical-Care Nurses  
(AACN)

American Association of  
Neuromuscular &  
Electrodiagnostic  
Medicine (AANEM)

American Association of  
Professional Landmen

American Board for  
Certification in Orthotics,  
Prosthetics and Pedorthics  
(ABCOP)

American Board of  
Certification for  
Gastroenterology Nurses  
(ABCGN)

American Board of  
Neuroscience Nursing  
(ABNN)

American Board of Post-  
Acute and Long-Term  
Care Medicine (ABPLM)

American Board of Foot  
and Ankle Surgery  
(ABFAS)

American Board of Wound  
Management (ABWM)

American Industrial  
Hygiene Association  
(AIHA)

American Medical  
Certification Association  
(AMCA)

American Nurses  
Credentialing Center  
(ANCC)

American Payroll  
Association (APA)

American Road &  
Transportation Builders  
Association Foundation  
(ARTBA)

American Society of  
Association Executives  
(ASAE)

American Society of Civil  
Engineers (ASCE)

American Speech-  
Language-Hearing  
Association (ASHA)

American Traffic Safety  
Services Association  
(ATSSA)

American Translators  
Association (ATA)

American Veterinary  
Medical Association  
(AVMA)

APICS (formerly the  
American Production and  
Inventory Control Society)

Association for Financial  
Counseling & Planning  
Education (AFCPE)

Association for Financial  
Professionals (AFP)

Association of Surgical  
Technologists (AST)

Behavior Analyst  
Certification Board  
(BACB)

Building Industry  
Consulting Service  
International (BICSI)

Board of  
Certification/Accreditation  
(BOC)

Board of Certified Safety  
Professionals (BCSP)

Board of Pharmacy  
Specialties (BPS)

Building Commissioning  
Certification Board  
(BCCB)

CCIM Institute (issues the  
Certified Commercial  
Investment Member  
designation)

CFA Institute

Certification Board for  
Music Therapists (CBMT)

Certification Board of  
Infection Control and  
Epidemiology (CBIC)

Certification Council for  
Professional Dog Trainers

Certified Financial Planner  
Board of Standards (CFP)

Certified Fund Raising  
Executive International  
(CFRE)

Commercial Real Estate  
Certification Institute

Commission for Case  
Manager Certification  
(CCMC)

Commission on Nurse  
Certification (CNC)

CompTIA

Community Association  
Institute (CAI)

Construction Management  
Association of America  
(CMAA)

Council of Engineering  
and Scientific Specialty  
Boards (CESB)

Dental Assisting National  
Board (DANB)

Design-Build Institute of  
America (DBIA)

Diving Equipment and  
Marketing Association  
(DEMA)

Entertainment Services and  
Technology Association  
(ESTA)

ETA International (ETA)

Events Industry Council  
(EIC)

Financial Planning  
Association (FPA)

Hearth, Patio, & Barbecue  
Education Foundation

Heuristic Solutions

Hospice and Palliative  
Credentialing Center  
(HPCC)

Institute for Credentialing  
Excellence (ICE)

Institute of Certified  
Management Accountants  
(ICMA)

Institute of Hazardous  
Materials Management  
(IHMM)

Institute of Internal  
Auditors (IIA)

Inteleos (includes the  
American Registry for  
Diagnostic Medical  
Sonography (ARDMS) and  
the Alliance for Physician  
Certification &  
Advancement (APCA))

Irrigation Association

International Association  
of Healthcare Central  
Service Materiel  
Management (IAHCSMM)

International Association  
of Lighting Designers  
(IALD)

International Certification  
& Reciprocity Consortium  
(IC&RC)

International Coach  
Federation (ICF)

International Foundation  
for Retirement Education  
(InFRE)

International Society of  
Automation (ISA)

Institute of Real Estate  
Management (IREM)

International Information  
System Security  
Certification Consortium  
(ISC<sup>2</sup>)

IT Certification Council  
(ITCC)

Laborers' International  
Union of North America  
Training & Education  
Fund (LIUNA)

Medical-Surgical Nursing  
Certification Board  
(MSNCB)

National Association of  
Legal Assistants, Inc.  
(NALA)

National Association of  
Insurance and Financial  
Advisors (NAIFA)

National Association of  
Personal Financial  
Advisors (NAPFA)

National Athletic Trainers'  
Association Board of  
Certification, Inc. (NATA)

National Board of  
Certification and  
Recertification for Nurse  
Anesthetists (NBCRNA)

National Board for  
Certification in Hearing  
Instrument Sciences  
(NBC-HIS)

National Kitchen and Bath  
Association (NKBA)

National Board of  
Certification in  
Occupational Therapy  
(NBCOT)

National Certification  
Commission for

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Acupuncture and Oriental  
Medicine (NCCAOM)

National Certification  
Board for Diabetes  
Educators (NCBDE)

National Certification  
Corporation (NCC)

National Commission on  
Certification of Physician  
Assistants (NCCPA)

National Commission for  
Health Education  
Credentialing

National Council on  
Family Relations (NCFR)

National Recreation and  
Park Association (NRPA)

National Restaurant  
Association (NRA)

National Roofing  
Contractors Association  
(NRCA)

National Society of  
Professional Engineers  
(NSPE)

Nephrology Nursing  
Certification Commission

Oncology Nursing  
Certification Corporation

Professional Association of  
Therapeutic Horsemanship  
International (PATH)

Pediatric Nursing  
Certification Board  
(PNCB)

Pharmacy Technician  
Certification Board  
(PTCB)

PSI Services

Pearson Vue

QualityPro

School Nutrition  
Association (SNA)

SeaCrest Consulting

Security Industry  
Association

Society of Broadcast  
Engineers (SBE)

Specialty Pharmacy  
Certification Board  
(SPCB)

Spray Polyurethane Foam  
Alliance (SPFA)

Towing and Recovery  
Association of America,  
Inc. (TRA)