



PROFESSIONAL
CERTIFICATION
COALITION

February 23, 2021

Senator John A. Horhn
400 High Street
State Capitol, Room 215
Jackson, MS 39201
jhorhn@senate.ms.gov

Re: S.B. 2792

Dear Senator Horhn:

The Professional Certification Coalition (PCC) writes to request amendments to S.B. 2793 that would mitigate the potential harmful effects of the current provisions of “Fresh Start Act of 2019.” As currently drafted, the Fresh Start Act could open the door to challenges to private certification organizations’ enforcement of their ethics codes and eligibility requirements or could be interpreted to override licensing rules that condition licensure on current private certification. The public values private certifications because they provide assurances that individuals have relevant qualifications and meet established standards of practice for an occupation; we respectfully request that the legislature amend S.B. 2792 to ensure that such certifications are not undermined.

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, 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.

The Fresh Start Act advances the important goal of reducing recidivism by making it easier for an ex-offender to earn a living. But licensing agencies must be able to enforce licensure qualifications requirements in a way that treats applicants even-handedly, regardless of whether the applicant has a criminal conviction history. S.B. 2792’s addition of the phrase “notwithstanding any other provision of law” to several sections of the Act could be interpreted as circumventing other generally applicable qualification requirements. We therefore request that the bill be amended to clarify that it does not intend to remove requirements from practice acts mandating that licensed professionals 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.

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

- Amend Section 2 of the bill to add a safe harbor provision as a new Miss. Code Ann. § 73-77-7(8): **“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 the Section 2 of the bill to add to the list of factors that a licensing entity should consider when determining whether to deny a license as a new Miss. Code Ann. § 73-77-7(2)(e): **“whether the applicant poses an unacceptable risk to the people with whom the applicant would interact in the conduct of the profession or occupation.”**
- Amend Section 3 of the bill to add a new final sentence to Miss. Code Ann. § 73-77-9(2): **“Early determinations of disqualification under this Section shall be preliminary, and the licensing authority may consider any new evidence relevant to the application at the time it is made, including subsequent pending criminal charges.”**
For example, subsequent pending criminal charges of evidence of an active substance abuse problem may be a legitimate reason to deny a license for a health care practitioner.

The PCC applauds Mississippi for advancing important criminal justice reforms through the Fresh Start Act. We respectfully request, however, that the legislature amend S.B. 2792 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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Current Members of the PCC

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

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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 (ISC²)

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)

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National Board of
Certification in Occupational
Therapy (NBCOT)

National Certification
Commission for 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)