



February 17, 2021

<p>Senator Roger Thompson Chairman, Appropriations Committee 537 Oklahoma City, OK 73105 thompson@oksenate.gov</p>	<p>Senator Chuck Hall Vice Chairman, Appropriations Committee 2300 N. Lincoln Blvd., Rm. 416 Oklahoma City, OK 73105 chuck.hall@oksenate.gov</p>
<p>Senator James Leewright Chairman, Business, Commerce, and Tourism Committee 2300 N. Lincoln, Blvd., Rm. 431 Oklahoma City, OK 73105 James.leewright@oksenate.gov</p>	<p>Senator Bill Coleman Vice Chairman, Business Commerce, and Tourism Committee 2300 N. Lincoln Blvd., Rm 445 Oklahoma City, OK 73105 bill.coleman@oksenate.gov</p>

Re: Oklahoma S.B. 756

Dear Senators Thompson, Hall, Leewright and Coleman:

The Professional Certification Coalition (PCC) writes regarding the potential negative effects of S.B. 756, the “Oklahoma Certification Opportunity Act.” In its current form, S.B. 756 sets up private certification as a substitute for licensure, which places enforcement burdens on private certification organizations that have neither the resources nor authority to take over from the state. It would also remove vital state oversight and enforcement of licensure standards and puts the public at risk. For these reasons, unless the bill is substantially amended, we respectfully request that the Committee not advance the bill to a floor vote.

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.

When occupations are licensed, consumers expect that any individual practicing that occupation meets licensing qualifications and that practitioners are subject to state enforcement oversight. The current language of S.B. 756, however, would allow individuals in Oklahoma to practice in licensed professions without a license. The proposed substitute – private certification – lacks any requirement that the individual’s qualifications are at least equivalent to the training, experience,

examination performance, or other substantive criteria that a licensed individual must demonstrate to be granted a license in the occupation. Rather, any company or organization can register with the state as a “private certifying organization” as long as it establishes qualifications – however minimal – relating to the occupation it credentials, publishes those qualifications on a state website, and can, within a year of registering, find 50 individuals in the U.S. willing to purchase its credentials.

This opens the door for unscrupulous individuals to take advantage of the public’s reasonable expectation that the state has verified the individual’s qualifications to competently and safely practice the licensed profession. Despite the “consumer choice” title of the bill and disclosure requirements, the legislation lacks sufficient safeguards for consumers to make an informed decision regarding services of an unlicensed individual. For example, although the bill requires an unlicensed practitioner to disclose their unlicensed status on a sign with lettering at least one-inch high, nothing in the bill ensures that a consumer has *actually seen* such a sign, understands its import, or has been provided information to understand the comparative qualifications of a privately certified individual compared to a licensed individual in the profession. Indeed, many consumers who use the services of licensed professionals never set foot on the premises of the business. In effect, the legislation adopts a “Consumer Beware” approach to permitting unlicensed individuals to practice, without ensuring that consumers who have every reason to expect the services of a licensed professional are in fact warned, informed, or consent to using the services of an unlicensed individual. That is “Consumer Choice” in name only.

Moreover, the person hiring the unlicensed individual may not be the end-user of the services or work product for which the person has contracted. Licensed civil and professional engineers, for example, build structures that members of the public enter or traverse; the public reasonably expects that such structures were designed by individuals qualified to make judgments about structural integrity, as demonstrated to the satisfaction of the state of Oklahoma. It would imperil public safety to permit unqualified individuals to practice as civil or professional engineers, regardless of any prominently displayed sign the unlicensed individual uses.

For these reasons, the PCC opposes S.B. 756 unless it is amended to delete the provisions that circumvent licensure laws in Oklahoma by removing Section 4 (“Right to Engage in Lawful Occupation”) and Section 5 of the bill. The PCC does not oppose the provisions of the bill that would create a registry of private certifying organizations and their qualifications, but proposes additional amendments to better serve and protect the public:

- Amend the definition of “Private Certifying Organization” to “a nongovernmental organization **that issues credentials that are widely recognized in the field based on demonstrated qualifications relevant to performance of the occupation to which the certification pertains, including by the individual’s demonstration through examination or assessment that the individual has a specified level of knowledge, competency, or skill required to meet standards in the profession, and that** allows any individual to apply for private certification regardless of the individual’s race, creed, color, ethnicity, national origin, religion, sex, sexual orientation, or marital status.”
- The definition of “private certification” should be revised to state that “‘Private Certification’ means a nontransferable recognition by a private certifying organization

that an individual meets the **personal** qualifications **relevant to performance of the occupation to which the certification pertains, including by demonstrating through performance on an assessment or examination a specified level of knowledge and skill required to meet recognized standards in the profession, as determined by the private certifying organization.**”

- Delete Section 3(C)(4) that requires a privately certified individual to prominently display the private certification and make available materials about the qualifications and other factors required for the private certification, as certification organizations should not compel certificants to advertise or rely on their certifications.
- Amend Section 7(D) to add a new subparagraph clarifying that the legislation does not: **“(10) 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 7(D) to add another subparagraph clarifying that the legislation does not: **“(11) Restrict an individual 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.”**
- Amend Section 7(D) to add an additional subparagraph clarifying that the legislation does not: **“(12) Prevent the government from regulating 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.”**

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 refrain from advancing the bill to a floor vote unless it is amended as we have proposed to avoid imperiling public health, safety, and welfare.

Thank you for your consideration of these issues. If you have any questions regarding this letter, please feel free to reach out to us using the contact information identified below.

Sincerely,



February 17, 2021

Page 4

Mary Kate Cunningham
Senior Vice President, Public Policy
ASAE: The Center for Association Leadership
Phone: (202) 626-2787
Email: mcunningham@asaecenter.org

Denise Roosendaal
Executive Director
Institute for Credentialing Excellence
Phone: (202) 367-1165
Email: droosendaal@credentialingexcellence.org

cc: Sen. Bergstrom (micheal.bergstrom@oksenate.gov)



PROFESSIONAL CERTIFICATION COALITION

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

February 17, 2021

Page 2

Investment Member designation)	Diving Equipment and Marketing Association (DEMA)	Materiel Management (IAHCSMM)
CFA Institute	Entertainment Services and Technology Association (ESTA)	International Association of Lighting Designers (IALD)
Certification Board for Music Therapists (CBMT)	ETA International (ETA)	International Certification & Reciprocity Consortium (IC&RC)
Certification Board of Infection Control and Epidemiology (CBIC)	Events Industry Council (EIC)	International Coach Federation (ICF)
Certification Council for Professional Dog Trainers	Financial Planning Association (FPA)	International Foundation for Retirement Education (InFRE)
Certified Financial Planner Board of Standards (CFP)	Hearth, Patio, & Barbecue Education Foundation	International Society of Automation (ISA)
Certified Fund Raising Executive International (CFRE)	Heuristic Solutions	Institute of Real Estate Management (IREM)
Commercial Real Estate Certification Institute	Hospice and Palliative Credentialing Center (HPCC)	International Information System Security Certification Consortium (ISC ²)
Commission for Case Manager Certification (CCMC)	Institute for Credentialing Excellence (ICE)	IT Certification Council (ITCC)
Commission on Nurse Certification (CNC)	Institute of Certified Management Accountants (ICMA)	Laborers' International Union of North America Training & Education Fund (LIUNA)
CompTIA	Institute of Hazardous Materials Management (IHMM)	Medical-Surgical Nursing Certification Board (MSNCB)
Community Association Institute (CAI)	Institute of Internal Auditors (IIA)	National Association of Legal Assistants, Inc. (NALA)
Construction Management Association of America (CMAA)	Inteleos (includes the American Registry for Diagnostic Medical Sonography (ARDMS) and the Alliance for Physician Certification & Advancement (APCA))	National Association of Insurance and Financial Advisors (NAIFA)
Council of Engineering and Scientific Specialty Boards (CESB)	Irrigation Association	National Association of Personal Financial Advisors (NAPFA)
Dental Assisting National Board (DANB)	International Association of Healthcare Central Service	
Design-Build Institute of America (DBIA)		

February 17, 2021

Page 3

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 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)