



PROFESSIONAL
CERTIFICATION
COALITION

February 23, 2021

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Rep. Steve Kirby
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Rep. Jeremie Dufault
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Re: H.B. 1403

Dear Representatives Vick, Kirby, and Dufault:

The Professional Certification Coalition (PCC) writes to suggest amendments to H.B. 1403, relating to occupational licensing reform. The PCC shares your objective that occupational licensing regulations should balance the needs of market competition with consumer protection. In its current form, however, we believe that H.B. 1403 could have a negative impact on professional certification organizations and on the Washington residents who have earned those certifications, and that amendments are needed to better protect the public.

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.

Unfortunately, in its current form, H.B. 1403 could have the effect of restricting regulatory agencies from requiring private certification as a condition of licensure. 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, and *enforcement* of those

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.

With these considerations in mind, the PCC encourages the following amendments to H.B. 1403:

- Add a new Section 4(7): **“nothing in this Chapter is intended to restrict an agency from requiring, as a condition of licensure, that an individual’s personal qualifications include obtaining or maintaining private certification from a private organization that credentials individuals in the relevant occupation.”**
- Add a new Section 4(8): **“the state may regulate and adopt licensure requirements for any occupation for which 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.”** This amendment would avoid unnecessary diversion of state resources for review of occupational regulations that are in line with widely accepted standards.
- Modify the provision calling for enactment of government certification by adding to Section 4(4)(a)(vi) **“If the need is to protect consumers against a shortfall or imbalance of knowledge about the goods or services relative to the providers’ knowledge, the recommended course of action should be to enact government certification unless suitable, private certification for the relevant occupation is available. As used in this section, ‘suitable’ means widely recognized as reflecting established standards of competency, skill, or knowledge in the field”** or delete the provision entirely. This amendment would avoid unnecessary expenditure of taxpayer funds to set up the government as a competitor to existing private certification programs.
- Change the provision (Section 4(4)(a)(vii)) on when staff may recommend occupational licensure to state that **“If the need is to address a systematic information shortfall such that a reasonable consumer is unable to distinguish between the quality of providers or there is an imbalance in the consumer’s knowledge about the good or service relative to the provider’s knowledge (asymmetrical information), there is an absence of institutions that provide adequate guidance to the consumer, and the consumer’s inability to distinguish between providers and the lack of adequate guidance allows for identification of significant, and substantiated or recognized imminent harms that threaten public health, and safety, or welfare, the recommended course of action should be to enact a professional license and to consider recognizing or requiring private certification as a condition of licensure.”**

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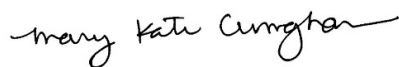
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- Add to Section 4(2) that **“Staff must also invite public comment from licensees, the occupational licensing board, and the public about the impact of the existing occupational license requirements”** in reviewing existing occupational licensure laws.
- Provide a new Section 4(9): **“The report in subsection (3) must be publicly available and posted on the website of the office, and must include the rationale for the staff’s recommendation, including a description of the expected impact of any regulatory changes on public health, safety, or welfare.”**

The PCC appreciates your efforts to remove unnecessary barriers to entry into professions to promote market competition and employment opportunities through H.B. 1403. We respectfully request, however, that the legislature amend the bill as recommended above to better balance the protections to public health, safety and welfare derived from professional certification with the laudable objectives of occupational licensing reform.

Thank you for your consideration of this letter. 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: Representative Amy Walen, *Vice Chair*
House Committee on Consumer Protection and Business
amy.walen@leg.wa.gov

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)