



PROFESSIONAL  
CERTIFICATION  
COALITION

March 11, 2021

Sen. Terry Gauthier  
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[mrmac570@me.com](mailto:mrmac570@me.com)

Sen. Brian E. Hoven  
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**Re: S.B. 361**

Dear Senator Gauthier and Senator Hoven:

The Professional Certification Coalition (PCC) writes regarding S.B. 361. We appreciate that this bill aims to advance the important goal of reducing recidivism by making it easier for an ex-offender to earn a living in certain occupations. Unfortunately, in its current form, S.B. 361 weakens vital protections for the public.

The PCC is a nonprofit association formed to address legislation that affects 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 PCC supports the goal of S.B. 361 to broaden access to licensure for ex-offenders so they may earn a living in their chosen profession. **We agree that simply having a criminal conviction record should not stigmatize or automatically disqualify an individual from an occupational license. It is critical, however, that licensure boards have the ability to consider the underlying facts relating to an applicant's past conduct** so they may make independent, individual determinations about that applicant's fitness to practice the profession with the state's endorsement.

Not all professions are the same, nor are all criminal convictions. Members of the public view licensure as the state's recognition that the licensed individual is qualified to perform the profession safely and competently, without harming public safety, health, or welfare. As currently drafted, however, S.B. 361 fails to provide that protection to the public.

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Therefore, we suggest the following amendments designed to balance expanded opportunities for ex-offenders with protections for the public:

- Amend Section 2(2) to provide that “The presumption is a bar against use of the individual's criminal record against the individual **as evidence of lack of good moral character, but does not bar consideration of the facts underlying the conviction, in....**”
- Amend Section 5 of the bill to add to Section 37-1-203, MCA: “**As used in this section ‘direct relationship’ means that the nature of the criminal conduct for which the person was convicted has a direct bearing on the person’s fitness or ability to perform one or more of the duties or responsibilities necessarily related to the license or employment or that the applicant poses an unacceptable risk to the people with whom the applicant would interact in the conduct of the profession or occupation.**”
- Add a safe harbor provision for private professional certification: “**Nothing in this section shall be construed to require a private certification organization to grant or deny private certification to any individual, nor alter or impair 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.**”

The PCC applauds Montana for advancing important criminal justice reforms through the S.B. 361. We respectfully request, however, that the legislature amend S.B. 361 as we have requested above to uphold substantive eligibility and conduct standards for licensure and 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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CC: Representative Barry Usher, *Chair*  
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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 & Electromyography 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)

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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 of 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)