



PROFESSIONAL
CERTIFICATION
COALITION

March 11, 2021

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Re: S.B. 114

Dear Esteemed Members of the General Assembly:

The Professional Certification Coalition (PCC) writes regarding S.B. 114. 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. 114 weakens vital protections for the public and could prevent enforcement of substantive qualification standards for licensure.

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.

We support S.B. 114’s worthy objectives, which are consistent with national efforts to reform the criminal justice system and to ensure pathways to opportunity for ex-offenders. **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.

Moreover, as currently drafted, the bill’s “Notwithstanding any other provision of law” qualifier invalidates existing provisions of the statute that are critical to ensuring that licensees are otherwise qualified, such as Sections 43-1-19(a)(1) and (2), which provide that a professional licensing board may refuse to grant a license to an applicant who has “failed to demonstrate the qualifications or standards for a license” or has “knowingly made misleading, deceptive, untrue, or fraudulent representations ... in obtaining a license to practice.”

Further, S.B. 114 would prohibit a licensing authority from considering any misdemeanors and limit consideration of felonies to those that “directly relate[] to the occupation.” This provides insufficient protections to the public. Some crimes outside the scope of practice nonetheless indicate that the individual poses such a threat. For example, a conviction for identity theft is relevant to whether to license an individual to work as a licensed practical nurse who cares for vulnerable seniors in their homes, even if the crime did not occur in connection with that professional practice.

We therefore suggest the following amendments designed to balance expanded opportunities for ex-offenders with protections for the public:

- Amended Section 43-1-19(q)(1) to read: “Notwithstanding paragraphs (3) or (4) of subsection (a) of this Code section or, **subject to the provisions of this Code section**, any other provision of law, and unless a felony or crime involving moral turpitude directly relates to the occupation for which the license is sought or held **or the applicant poses an unacceptable risk to the people with whom the applicant would interact in the conduct of the profession or occupation**, no professional licensing board shall **automatically** refuse to grant a license to an applicant therefor or shall revoke the license of an individual licensed by that board due solely or in part to such applicant's or licensee's **having a record of the following, but instead, in the case of a conviction, shall engage in an individualized review of the facts and circumstances of the facts underlying the conviction and any evidence of the individual’s rehabilitation.**”
- Add to the list of factors that a licensing entity should consider when determining whether to deny a license, as Section 43-1-19(q)(2)(F): “**whether the applicant poses an unacceptable risk to the people with whom the applicant would interact in the conduct of the profession or occupation.**”

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- Add a new clarifying provision as Section 43-1-19(q)(3): **“nothing in the 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.”**

The PCC applauds Georgia for advancing important pathways to employment opportunities for ex-offenders through S.B. 114. We respectfully request, however, that the legislature amend the bill as suggested above to better protect 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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Professional Certification Coalition Members

ABRET Neurodiagnostic Credentialing & Accreditation (ABRET)	American Translators Association (ATA)	Dental Assisting National Board (DANB)
ABSA International: the Association for Biosafety and Biosecurity (ABSA)	American Veterinary Medical Association (AVMA)	Design-Build Institute of America (DBIA)
Academy of Nutrition and Dietetics (AND)	APICS (formerly the American Production and Inventory Control Society)	Diving Equipment and Marketing Association (DEMA)
Academy for Certification of Vision Rehabilitation & Education Professionals (ACVREP)	Association for Financial Counseling & Planning Education (AFCPE)	Entertainment Services and Technology Association (ESTA)
Alliance of Hazardous Materials Professionals	Association for Financial Professionals (AFP)	ETA International (ETA)
American Association of Post-Acute Care Nurses (AAPACN)	Association of Surgical Technologists (AST)	Events Industry Council (EIC)
American Association of Critical-Care Nurses (AACN)	Behavior Analyst Certification Board (BACB)	Financial Planning Association (FPA)
American Association of Neuromuscular & Electromyography Medicine (AANEM)	Building Industry Consulting Service International (BICSI)	Hearth, Patio, & Barbecue Education Foundation
American Association of Professional Landmen	Board of Certification/Accreditation (BOC)	Heuristic Solutions
American Board for Certification in Orthotics, Prosthetics and Pedorthics (ABCOP)	Board of Certified Safety Professionals (BCSP)	Hospice and Palliative Credentialing Center (HPCC)
American Board of Certification for Gastroenterology Nurses (ABCGN)	Board of Pharmacy Specialties (BPS)	Institute for Credentialing Excellence (ICE)
American Board of Neuroscience Nursing (ABNN)	Building Commissioning Certification Board (BCCB)	Institute of Certified Management Accountants (ICMA)
American Board of Post-Acute and Long-Term Care Medicine (ABPLM)	CCIM Institute (issues the Certified Commercial Investment Member designation)	Institute of Hazardous Materials Management (IHMM)
American Board of Foot and Ankle Surgery (ABFAS)	CFA Institute	Institute of Internal Auditors (IIA)
American Board of Wound Management (ABWM)	Certification Board for Music Therapists (CBMT)	Inteleos (includes the American Registry for Diagnostic Medical Sonography (ARDMS) and the Alliance for Physician Certification & Advancement (APCA))
American Industrial Hygiene Association (AIHA)	Certification Board of Infection Control and Epidemiology (CBIC)	Irrigation Association
American Medical Certification Association (AMCA)	Certification Council for Professional Dog Trainers	International Association of Healthcare Central Service Materiel Management (IAHCSMM)
American Nurses Credentialing Center (ANCC)	Certified Financial Planner Board of Standards (CFP)	International Association of Lighting Designers (IALD)
American Payroll Association (APA)	Certified Fund Raising Executive International (CFRE)	International Certification & Reciprocity Consortium (IC&RC)
American Road & Transportation Builders Association Foundation (ARTBA)	Commercial Real Estate Certification Institute	International Coach Federation (ICF)
American Society of Association Executives (ASAE)	Commission for Case Manager Certification (CCMC)	International Foundation for Retirement Education (InFRE)
American Society of Civil Engineers (ASCE)	Commission on Nurse Certification (CNC)	International Society of Automation (ISA)
American Speech-Language-Hearing Association (ASHA)	CompTIA	Institute of Real Estate Management (IREM)
American Traffic Safety Services Association (ATSSA)	Community Association Institute (CAI)	International Information System Security Certification Consortium (ISC ²)
	Construction Management Association of America (CMAA)	IT Certification Council (ITCC)
	Council of Engineering and Scientific Specialty Boards (CESB)	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 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)