



PROFESSIONAL  
CERTIFICATION  
COALITION

March 11, 2021

Sen. Manny Diaz  
404 South Monroe Street  
Senate Office Building, Room 306  
Tallahassee, FL 32399  
[diaz.manny.web@flsenate.gov](mailto:diaz.manny.web@flsenate.gov)

**Re: S.B. 344**

Dear Senator Diaz:

The Professional Certification Coalition (PCC) writes regarding S.B. 344, to address our concerns that it could weaken important occupational regulations that protect public health, safety, and welfare.

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.

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. 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 play a critical role in enforcing competency and conduct standards. 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.

The PCC supports efforts to remove unnecessary barriers to entry into professions to promote market competition and employment opportunities. However, in its current form, S.B. 344's repeal provisions could lead to inadvertently abolishing key licensing regulatory programs if, for example, the legislature cannot agree on how best to reform a board or fails to act prior to the

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end of a session. The important role of occupational regulations that have been duly enacted by the legislature and on which the public relies should not be abolished without the legislature engaging in its governmental oversight role.

Ours is not a hypothetical concern: in 2019, the Texas legislative session expired before bills to extend the Texas State Board of Plumbing Examiners were passed, abolishing the Board and all licensure laws governing installers of plumbing, gas, and medical gas systems. To reinstate vital protections for the safety of homeowners and the public of Texas at large, Governor Greg Abbott was forced to take executive action to extend the Board's activity past its automatically scheduled expiration date.

To avoid unintended repeal and to preserve substantive qualification requirements in licensure laws, the PCC recommends the following amendments:

- Add to Section 11.65(2): **“Notwithstanding any other provision in this Act, no statute authorizing an occupational regulatory program shall be repealed if the Legislature does not engage in systemic review of the program prior to scheduled repeal date in this Act; in such cases, the scheduled repeal date shall be postponed to July 1 of the following calendar year.”**
- Add a new Section 11.65(8) **“Nothing in this section is intended to restrict an agency from requiring, as a condition of licensure or renewal 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 safe harbor provision: **“Nothing in this section shall be construed to require a private certification organization to grant or deny private certification to any individual.”**

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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Legal Counsel to the Professional Certification Coalition  
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CC: Senator Ray Rodrigues, *Chair*  
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Senator Kelli Stargel, *Chair*  
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Current List of PCC Members

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 & Electrodagnostic 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)