



PROFESSIONAL
CERTIFICATION
COALITION

March 11, 2021

Senator Ray Scott
200 East Colfax Avenue
Colorado State Capitol, Room 346
Denver, CO 80203-1784
ray.scott.senate@state.co.us

Rep. Janice Rich
200 East Colfax Avenue
Colorado State Capitol, Room 307
Denver, CO 80203-1784
janice.rich.house@state.co.us

Re: S.B. 21-040

Dear Senator Scott and Senator Rich:

The Professional Certification Coalition (PCC) writes regarding S.B. 21-040, 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.

The PCC supports the goal of S.B. 21-040 to broaden access to professional licensure; we agree that an applicant's driving record should not stigmatize or automatically disqualify the applicant from a license to practice an occupation for which the applicant is qualified. 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, individualized determinations about that applicant's fitness to practice the occupation with the state's endorsement. Although many driving infractions may have no bearing on an applicant's fitness, other driving violations by individuals holding private profession certification may reflect graver concerns, particularly in professions in which safety is paramount. For example, the review of an applicant's driving record may be relevant to protect public safety when certifying members of the towing and recovery industry. Further, as some regulated professions make it a condition of licensure that applicants hold a current professional certification, the PCC proposes an amendment to the bill to add a safe harbor provision: **“Nothing in this 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.”**

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The PCC applauds Colorado for advancing important occupational licensure reforms through the S.B. 21-040. We respectfully request, however, that the legislature amend S.B. 21-040 as we have requested above to avoid intruding on the right of private certification organizations to define and enforce their own eligibility standards and to 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,

A handwritten signature in black ink, appearing to read "Craig Saperstein".

Craig Saperstein
Partner, Pillsbury Winthrop Shaw Pittman LLP
Legal Counsel to the Professional Certification Coalition
craig.saperstein@pillsburylaw.com

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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 & 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 (ISC²)

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)