



PROFESSIONAL  
CERTIFICATION  
COALITION

March 31, 2021

Rep. Patsy Hazlewood, *Chair*  
House Committee on Finance, Ways  
and Means  
425 Fifth Avenue North  
Cordell Hull Building, Suite 622  
Nashville, TN 37243  
[rep.patsy.hazlewood@capitol.tn.gov](mailto:rep.patsy.hazlewood@capitol.tn.gov)

Rep. Charlie Baum, *Vice Chair*  
House Committee on Finance,  
Ways and Means  
425 Fifth Avenue North  
Cordell Hull Building, Suite 620  
Nashville, TN 37243  
[rep.charlie.baum@capitol.tn.gov](mailto:rep.charlie.baum@capitol.tn.gov)

Rep. Gary Hicks, *Chair*  
Subcommittee on Finance,  
Ways and Means  
425 Fifth Avenue North  
Cordell Hull Building, Rm. 642  
Nashville, TN 37243  
[rep.gary.hicks@capitol.tn.gov](mailto:rep.gary.hicks@capitol.tn.gov)

**Re: H.B. 785**

Dear Representatives Hazlewood, Baum, and Hicks:

The Professional Certification Coalition (PCC) writes regarding H.B. 785, the Reentry Success Act of 2021. We appreciate that this bill aims to advance the important goal of expanding opportunities for those charged with crimes. We respectfully request consideration of amendments to ensure protections for the public and certification organizations that rely on licensure decisions.

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 H.B. 785 to broaden access to licensure for those convicted of crimes so they may earn a living in their chosen profession. We agree that simply having a criminal 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 records. 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. Licensing agencies appropriately consider not only whether a criminal conviction directly relates to the scope of practice, but also whether an individual's conduct poses a risk to those with whom they

would interact as a licensed professional. For example, a conviction for identity theft is relevant to whether to license a person to work as a licensed practical nurse who cares for vulnerable seniors in their homes, and person convicted of distributing child pornography may appropriately be denied a teaching license, even if neither crime occurred in connection with the practice of those professions. The PCC therefore proposes certain amendments to H.B. 785 to bolster protections for the public:

- Amend Section 62-76-104(b)(4) to add a subsection (E): “**Whether the individual poses an unacceptable risk to the people with whom the applicant would interact in the conduct of the profession or occupation.**”
- Add an additional consideration as Section 22(4)(F): “**The facts or circumstances regarding the offense or criminal conduct.**”
- Amend Section 22(4)(C) to read: “Any evidence of rehabilitation or treatment undertaken by the individual that might mitigate against the relationship of crime to the occupation, profession, business, **or trade or evidence of repeat offenses**; and”
- Remove the deletion of/include existing TN Code § 62-76-104(B), identifying certain felony convictions – including violent sexual offenses – as creating a presumption against licensure that the ex-offender may rebut.

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,



Craig Saperstein  
Partner  
Pillsbury Winthrop Shaw Pittman LLP  
Legal Counsel to the PCC  
Email: [craig.saperstein@pillsburylaw.com](mailto:craig.saperstein@pillsburylaw.com)

CC:

Rep. William Lamberth  
[rep.william.lamberth@capitol.tn.gov](mailto:rep.william.lamberth@capitol.tn.gov)

Rep. Ron Gant  
[rep.ron.gant@capitol.tn.gov](mailto:rep.ron.gant@capitol.tn.gov)

Rep. Michael Curcio  
[rep.michael.curcio@capitol.tn.gov](mailto:rep.michael.curcio@capitol.tn.gov)

Professional Certification Coalition Members

ABRET Neurodiagnostic Credentialing & Accreditation (ABRET)	American Nurses Credentialing Center (ANCC)	CCIM Institute (issues the Certified Commercial Investment Member designation)
ABSA International: the Association for Biosafety and Biosecurity (ABSA)	American Payroll Association (APA)	CFA Institute
Academy of Nutrition and Dietetics (AND)	American Road & Transportation Builders Association Foundation (ARTBA)	Certification Board for Music Therapists (CBMT)
Academy for Certification of Vision Rehabilitation & Education Professionals (ACVREP)	American Society of Association Executives (ASAE)	Certification Board of Infection Control and Epidemiology (CBIC)
Alliance of Hazardous Materials Professionals	American Society of Civil Engineers (ASCE)	Certification Council for Professional Dog Trainers
American Association of Post-Acute Care Nurses (AAPACN)	American Speech-Language-Hearing Association (ASHA)	Certified Financial Planner Board of Standards (CFP)
American Association of Critical-Care Nurses (AACN)	American Traffic Safety Services Association (ATSSA)	Certified Fund Raising Executive International (CFRE)
American Association of Neuromuscular & Electrodiagnostic Medicine (AANEM)	American Translators Association (ATA)	Commercial Real Estate Certification Institute
American Association of Professional Landmen	American Veterinary Medical Association (AVMA)	Commission for Case Manager Certification (CCMC)
American Board for Certification in Orthotics, Prosthetics and Pedorthics (ABCOP)	APICS (formerly the American Production and Inventory Control Society)	Commission on Nurse Certification (CNC)
American Board of Certification for Gastroenterology Nurses (ABCGN)	Association for Financial Counseling & Planning Education (AFCPE)	CompTIA
American Board of Neuroscience Nursing (ABNN)	Association for Financial Professionals (AFP)	Community Association Institute (CAI)
American Board of Post-Acute and Long-Term Care Medicine (ABPLM)	Association of Surgical Technologists (AST)	Construction Management Association of America (CMAA)
American Board of Foot and Ankle Surgery (ABFAS)	Behavior Analyst Certification Board (BACB)	Council of Engineering and Scientific Specialty Boards (CESB)
American Board of Wound Management (ABWM)	Building Industry Consulting Service International (BICSI)	Dental Assisting National Board (DANB)
American Industrial Hygiene Association (AIHA)	Board of Certification/Accreditation (BOC)	Design-Build Institute of America (DBIA)
American Medical Certification Association (AMCA)	Board of Certified Safety Professionals (BCSP)	Diving Equipment and Marketing Association (DEMA)
	Board of Pharmacy Specialties (BPS)	Entertainment Services and Technology Association (ESTA)
	Building Commissioning Certification Board (BCCB)	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)

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)

Certification Board for Diabetes Care and Education (CBDCE)

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)