



PROFESSIONAL
CERTIFICATION
COALITION

April 1, 2021

Rep. Fred Allen
500 Woodlane Street
State Capitol Building, Room 350
Little Rock, AR 72201
fredallen99@comcast.net

Sen. Linda Chesterfield
500 Woodlane Street
State Capitol Building, Room 320
Little Rock, AR 72201
lchesterfield@comcast.net

Re: H.B. 1520

Dear Representatives Allen and Chesterfield:

The Professional Certification Coalition (PCC) writes regarding H.B. 1520. We appreciate that this bill aims to advance the important goal of expanding opportunities for those charged with crimes. We respectfully request consideration of further amendments to Arkansas Code § 17-3-102 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. 1520 to broaden access to licensure for those with criminal convictions 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. Not all professions are the same, however, 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. It is critical that licensure boards have the ability to consider the facts underlying an applicant's past conduct and make independent, individual determinations about that applicant's fitness to practice the profession with the state's endorsement. The current provisions of Arkansas Code § 17-3-102 depart from this principle, putting blinders on licensing agencies as an automatic consequence of the passage of time.

In its current form, Section 17-3-102 prohibits licensing agencies in Arkansas from disqualifying applicants from licensure if more than five years have elapsed since conviction of a crime that does not have violent or sexual elements (or from completion of an incarceration sentence). Prior to that period, the statute requires individual consideration of whether a licensing agency should waive disqualification for an applicant with a criminal record. This means that an applicant whose conviction occurred 4 years and 11 months prior to applying to a license would need to present evidence of rehabilitation, but if one more

month passed, the licensing agency would be barred from disqualifying the same applicant on the basis of the conviction.


The PCC therefore proposes certain amendments to H.B. 1520 to bolster protections for the public:

- Amend Section 17-3-102(c) to read: (c) If an individual has a valid criminal conviction for an offense that could disqualify the individual from receiving a license, ~~the disqualification shall not be considered for~~ **the licensing entity should treat it as a significant factor favoring a waiver if** more than five (5) years **have passed** from the date of conviction or incarceration or on which probation ends, whichever date is the latest, ~~if~~ **and** the individual:
 - (A) Was not convicted for committing a violent or sexual offense; and
 - (B) Has not been convicted of any other offense during the five-year disqualification period **and has no pending charges**.

- Amend Section 17-3-102(d) to read: (d) A licensing entity shall not, as a basis upon which a license may be granted or denied:
 - (1) Use vague or generic terms, including without limitation the phrase "moral turpitude" and "good character"; or
 - (2) Consider arrests without a subsequent conviction, **if no charges stemming from the arrest are pending at the time the application is under consideration**.

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,



Mary Kate Cunningham
Senior Vice President, Public Policy
ASAE: The Center for Association Leadership
Phone: (202) 626-2787
Email: mcunningham@asaecenter.org



Denise Roosendaal
Executive Director
Institute for Credentialing Excellence
Phone: (202) 367-1165
Email: droosendaal@credentialingexcellence.org

CC:

Rep. Jack Ladyman, *Chair*
House Committee on Public Health, Welfare and Labor
jackladyman@gmail.com

Rep. Jamie A. Scott
jamie.scott@arkansashouse.org

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	IT Certification Council (ITCC)	National Council on Family Relations (NCFR)
Heuristic Solutions	Laborers' International Union of North America Training & Education Fund (LIUNA)	National Recreation and Park Association (NRPA)
Hospice and Palliative Credentialing Center (HPCC)	Medical-Surgical Nursing Certification Board (MSNCB)	National Restaurant Association (NRA)
Institute for Credentialing Excellence (ICE)	National Association of Legal Assistants, Inc. (NALA)	National Roofing Contractors Association (NRCA)
Institute of Certified Management Accountants (ICMA)	National Association of Insurance and Financial Advisors (NAIFA)	National Society of Professional Engineers (NSPE)
Institute of Hazardous Materials Management (IHMM)	National Association of Personal Financial Advisors (NAPFA)	Nephrology Nursing Certification Commission
Institute of Internal Auditors (IIA)	National Athletic Trainers' Association Board of Certification, Inc. (NATA)	Oncology Nursing Certification Corporation
Inteleos (includes the American Registry for Diagnostic Medical Sonography (ARDMS) and the Alliance for Physician Certification & Advancement (APCA))	National Board of Certification and Recertification for Nurse Anesthetists (NBCRNA)	Professional Association of Therapeutic Horsemanship International (PATH)
Irrigation Association	National Board for Certification in Hearing Instrument Sciences (NBC-HIS)	Pediatric Nursing Certification Board (PNCB)
International Association of Healthcare Central Service Materiel Management (IAHCSMM)	National Kitchen and Bath Association (NKBA)	Pharmacy Technician Certification Board (PTCB)
International Association of Lighting Designers (IALD)	National Board of Certification in Occupational Therapy (NBCOT)	PSI Services
International Certification & Reciprocity Consortium (IC&RC)	National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM)	Pearson Vue
International Coach Federation (ICF)	Certification Board for Diabetes Care and Education (CBDCE)	QualityPro
International Foundation for Retirement Education (InFRE)	National Certification Corporation (NCC)	School Nutrition Association (SNA)
International Society of Automation (ISA)	National Commission on Certification of Physician Assistants (NCCPA)	SeaCrest Consulting
Institute of Real Estate Management (IREM)	National Commission for Health Education Credentialing	Security Industry Association
International Information System Security Certification Consortium (ISC ²)		Society of Broadcast Engineers (SBE)
		Specialty Pharmacy Certification Board (SPCB)
		Spray Polyurethane Foam Alliance (SPFA)
		Towing and Recovery Association of America, Inc. (TRA)