



PROFESSIONAL
CERTIFICATION
COALITION

July 26, 2021

The Honorable Freddie Rodriguez
1303 Tenth Street
State Capitol, Room 2188
Sacramento, CA 95814
assemblymember.rodriguez@assembly.ca.gov

RE: A.B. 1273

Dear Assemblymember Rodriguez:

The Professional Certification Coalition (PCC) writes to you seeking clarification regarding our interpretation of Section 2 of A.B. 1273 relating to occupational licensing boards and “earn for learn” programs.

The Professional Certification Coalition is a nonprofit association founded in 2018 to address legislative initiatives that affect professional certification programs and those holding private certification credentials. The PCC currently has approximately 100 organizational members, including non-governmental professional certification organizations, professional societies, and service providers. The PCC’s members collectively represent or certify millions of professionals across the country and reflect a wide spectrum of professions, including engineering, healthcare, financial services, and IT services, among many other high-demand occupations. The certifications offered by PCC members include wholly voluntary credentials and certifications that states have incorporated into occupational licensing laws as a condition of licensure. These certifications establish competency and knowledge standards for an occupation and are developed and administered by an independent, usually nonprofit, nongovernmental certification organization.

The PCC supports A.B. 1273’s worthy objective of ensuring a robust and diversified workforce in which all Californians can pursue family sustaining careers. We would like, however, to clarify the intended reach and impact of the bill, including whether the bill will interfere with the substantive licensing requirements for skill-based professions.

The second sentence of the new Section 314 of the Code, in Section 2 of the bill, states that a board “shall use licensing or certification standards that authorize the use of earn and learn trainings.” Our understanding is that Section 2 applies to the many licensing boards under the umbrella of the Department of Consumer Affairs (DCA), including boards that license healthcare professionals (e.g., doctors, pharmacists, nurses, and dentists), professional engineers, architects, and accountants. (See https://www.dca.ca.gov/about_us/entities.shtml.) As we read the bill, the reference to “certification” in Section 2 relates only to certifications issued by the State, not to private certifications. We note that the prior sentence refers to “a profession licensed or **certified by the board,**” and the Department of Consumer Affairs website explaining the DCA’s functions describes its role in licensing as follows:

Licensing. Licensing only those professionals who pass specialized examinations and meet experience and education requirements ensures that only qualified individuals are legally permitted to provide services. Licensing also ensures that practitioners perform their duties to a certain standard and provides consumers with a means of recourse if a service is not delivered fairly or competently. **Note: Certain occupations are registered or certified, rather**



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than being licensed. Registration and certification do not require passing a test. The Department also helps licensees maintain high standards of competence, quality, service, and ethical behavior through licensee education programs. Educating licensees and consumers also reduces fraud and lessens the need for (and costs of) investigation and prosecution of violators and other enforcement actions. The Department believes that combining education with enforcement is the most effective approach to making the marketplace safe for consumers.

The bill would therefore require boards that engage in *governmental* certification to “use certification standards” that authorize earn and learn trainings and would not apply to *private* certification.

Further, our understanding of Section 2 is that a board under the DCA may require a private certification for licensure as long as the private certification organization does not expressly prohibit prior training with an earn and learn component to it. While many private certification programs require certain training credentials, the PCC is not aware of any programs that prohibit training that include “earn and learn” programs such as paid internships or externships. For example, to be eligible for certain private certifications, an applicant must have successfully graduated from an academic program with a relevant accreditation. Accreditation standards would not prohibit paid internships and externships, but a private certification organization could not force academic programs to provide for paid internships or externships for their students. Whether to offer paid internship or externship opportunities is a decision of the educational institution or training program. For the purposes of the certification program’s eligibility standards, the relevant inquiry is whether the *curricular* standards of an applicant’s training adequately prepare the applicant for the training exams. As we read Section 2, therefore, the bill as currently written would not require any DCA board to alter any licensure requirements that condition licensure on holding a private certification. If our interpretation is correct, then the PCC and its members would not have reason to oppose this bill.

We therefore respectfully request that you confirm that the bill does not apply to private certification organizations and does not prohibit licensure requirements that require certification from a private organization where the organization does not expressly prohibit preparatory education or training programs from including “earn and learn” elements.

Thank you for your consideration. 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

Current list of PCC Members

1. ABRET Neurodiagnostic Credentialing & Accreditation (ABRET)
2. ABSA International: the Association for Biosafety and Biosecurity (ABSA)
3. AABC Commissioning Group
4. Academy for Certification of Vision Rehabilitation & Education Professionals (ACVREP)
5. Alliance of Hazardous Materials Professionals
6. American Association of Post-Acute Care Nurses (AAPACN)
7. American Association of Critical-Care Nurses (AACN)
8. American Association of Neuromuscular & Electrodagnostic Medicine (AANEM)
9. American Association of Professional Landmen
10. American Board for Certification in Orthotics, Prosthetics and Pedorthics (ABCOP)
11. American Board of Certification for Gastroenterology Nurses (ABCGN)
12. American Board of Neuroscience Nursing (ABNN)
13. American Board of Post-Acute and Long-Term Care Medicine (ABPLM)
14. American Board of Foot and Ankle Surgery (ABFAS)
15. American Board of Wound Management (ABWM)
16. American Industrial Hygiene Association (AIHA)
17. American Medical Certification Association (AMCA)
18. American Nurses Credentialing Center (ANCC)
19. American Payroll Association (APA)
20. American Society of Association Executives (ASAE)
21. American Society of Civil Engineers (ASCE)
22. American Speech-Language-Hearing Association (ASHA)
23. American Traffic Safety Services Association (ATSSA)
24. American Translators Association (ATA)
25. American Veterinary Medical Association (AVMA)
26. Association for Financial Counseling & Planning Education (AFCPE)
27. Association for Financial Professionals (AFP)
28. Association of Surgical Technologists (AST)
29. Behavior Analyst Certification Board (BACB)
30. Building Industry Consulting Service International (BICSI)
31. Board of Certification/Accreditation (BOC)
32. Board of Certified Safety Professionals (BCSP)
33. Board of Pharmacy Specialties (BPS)
34. Building Commissioning Certification Board (BCCB)
35. CCIM Institute (issues the Certified Commercial Investment Member designation)
36. CFA Institute
37. Certification Board for Music Therapists (CBMT)
38. Certification Board of Infection Control and Epidemiology (CBIC)
39. Certification Council for Professional Dog Trainers
40. Certified Financial Planner Board of Standards (CFP)
41. Certified Fund Raising Executive International (CFRE)
42. Commercial Real Estate Certification Institute
43. Commission for Case Manager Certification (CCMC)
44. Commission on Nurse Certification (CNC)
45. CompTIA
46. Community Association Institute (CAI)
47. Construction Management Association of America (CMAA)
48. Council of Engineering and Scientific Specialty Boards (CESB)
49. Dental Assisting National Board (DANB)



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50. Diving Equipment and Marketing Association (DEMA)
51. Entertainment Services and Technology Association (ESTA)
52. ETA International (ETA)
53. Financial Planning Association (FPA)
54. Hearth, Patio, & Barbecue Education Foundation
55. Heuristic Solutions
56. Hospice and Palliative Credentialing Center (HPCC)
57. Institute for Credentialing Excellence (ICE)
58. Institute of Certified Management Accountants (ICMA)
59. Institute of Hazardous Materials Management (IHMM)
60. Institute of Internal Auditors (IIA)
61. Inteleos (includes the American Registry for Diagnostic Medical Sonography (ARDMS) and the Alliance for Physician Certification & Advancement (APCA))
62. Irrigation Association
63. International Association of Healthcare Central Service Materiel Management (IAHCSMM)
64. International Association of Lighting Designers (IALD)
65. International Coach Federation (ICF)
66. International Foundation for Retirement Education (InFRE)
67. International Information System Security Certification Consortium (ISC²)
68. IT Certification Council (ITCC)
69. Laborers' International Union of North America Training & Education Fund (LIUNA)
70. Medical-Surgical Nursing Certification Board (MSNCB)
71. National Association of Legal Assistants, Inc. (NALA)
72. National Association of Insurance and Financial Advisors (NAIFA)
73. National Association of Personal Financial Advisors (NAPFA)
74. National Athletic Trainers' Association Board of Certification, Inc. (BOC)
75. National Board of Certification and Recertification for Nurse Anesthetists (NBCRNA)
76. National Board of Certification in Hearing Instrument Sciences (NBC-HIS)
77. National Kitchen and Bath Association (NKBA)
78. National Board of Certification in Occupational Therapy (NBCOT)
79. National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM)
80. Certification Board for Diabetes Care and Education (CBDCE)
81. National Certification Corporation (NCC)
82. National Commission on Certification of Physician Assistants (NCCPA)
83. National Commission for Health Education Credentialing
84. National Council on Family Relations (NCFR)
85. National Recreation and Park Association (NRPA)
86. National Restaurant Association (NRA)
87. National Roofing Contractors Association (NRCA)
88. National Society of Professional Engineers (NSPE)
89. Nephrology Nursing Certification Commission
90. Oncology Nursing Certification Corporation
91. Professional Association of Therapeutic Horsemanship International (PATH)
92. Pediatric Nursing Certification Board (PNCB)
93. Pharmacy Technician Certification Board (PTCB)
94. PSI Services
95. Pearson Vue
96. QualityPro
97. School Nutrition Association (SNA)
98. SeaCrest Consulting
99. Security Industry Association
100. Society of Broadcast Engineers (SBE)
101. Specialty Pharmacy Certification Board (SPCB)
102. Spray Polyurethane Foam Alliance (SPFA)
103. Towing and Recovery Association of America, Inc. (TRA)