



Agenda
PCC Member Strategy Call
Tuesday, March 1, 2022
12:00 pm ET

Steering Committee: ICE (Denise Roosendaal), ASAE (Jeff Evans)

Legal Counsel: Jerry Jacobs, Craig Saperstein, Julia Judish, Lori Panosyan, Nicole Steinberg (Pillsbury)

1. Welcome

- a. Welcome to our new member representatives, we are grateful to have you on board!
- b. ASAE is hosting its annual fly-in at the end of March, in person. The PCC's federal legislation is the majority of ASAE's legislative agenda. PCC members can participate.

2. State Legislation

- a. We provided an overview of new high priority bills and also discussed some noteworthy medium priority and low priority bills that don't fit the usual mode of the ex-offender reentry, clean slate, or universal licensure bills we discussed in our last member strategy call. For detailed information on all the below bills, please see the watchlists and bill monitoring list on the Members Only portion of the website.
- b. **OK SB 1691 – High Priority**
 - i. Would amend current law to add the category of “certification authority” to provisions governing “licensing authorities” without defining the term.
 - ii. This poses the risk that the state could assert that the bill applies to private certification organizations, or that ex-offenders could sue certification organizations for denying them certification, citing the legislation.
 - iii. We have sent a letter proposing amendments to define “certification authority” as governmental bodies and to permit licensing authorities to deny a license based on conduct that would be the basis for disciplinary action by the licensing authority if committed by a current licensee.
 - iv. The bill sponsor forwarded our letter to several of the stakeholder groups who have championed the legislation, including the Prison Fellowship and CSG Justice Center. The PCC is meeting with those groups later this week in effort to see if we can reach common ground. We are also exploring the possibility of hiring a lobbyist on the ground in Oklahoma City to influence the legislative process, if we deem it necessary.
- c. **IL HB 5256**
 - i. Illinois is another state where we are considering more aggressive intervention.

- ii. This bill would expunge licensure discipline records after 1 year (or if a proposed amendment is accepted, after 2 years) including those based on a criminal offense that “did not arise from the licensed activity and was unrelated to the licensed activity.” Unlike clean slate bills that target criminal conviction history, this bill targets licensure records which, almost by definition, are directly relevant to an individual’s fitness to practice in a profession. For certification organizations and professional societies, the short time frame before automatic expungement, in relation to the usual certification maintenance cycles or membership renewal cycles, may mean that relevant licensing actions are hidden from view.
- iii. It was introduced by a relatively junior Republican representative. Because Democrats have a supermajority in the IL legislature, we wouldn’t expect the bill to move, but it is showing progress. The new speaker of the House is seemingly more open to considering bipartisan legislation than his predecessor.
- iv. We are gathering further intelligence and speaking to a lobbying firm to determine whether it makes sense to take aggressive action to make sure this doesn’t become law. We will update you as soon as we have more information.

High Priority Bills

| State | Bill Number | Category | Priority |
|--------------------|-------------|---|----------|
| Maryland (MD) | SB 111 | Ex-Offender Reentry | High |
| Missouri | HB 1900 | Universal Licensure/Reciprocity | High |
| Nebraska (NE) | LB 709 | Ex-Offender Reentry | High |
| Nebraska (NE) | LB 263 | Universal Licensure/Reciprocity | High |
| Oklahoma (OK) | SB 1691* | Ex-Offender Reentry: applies to “Certification Authorities” | High |
| Oklahoma (OK) | SB 1720* | Limited Consumer Choice/Right to Earn a Living | High |
| Vermont (VT) | H 494/S 203 | Ex-Offender Reentry and Universal Licensure/Reciprocity | High |
| West Virginia (WV) | HB 2007 | Universal Licensure/Reciprocity | High |
| West Virginia (WV) | HB 3052* | Ex-Offender Reentry | High |

* Indicates activity after our last member strategy call

Other Noteworthy Bills for Discussion

| State | Bill Number | Category | Priority |
|----------------|-------------|---|----------|
| Illinois (IL) | HB 5256* | Expungement of Licensure Records | Medium |
| Minnesota (MN) | HF 3403* | Ex-Offender Reentry | Low |
| Missouri (MO) | SB 1087 | Ex-Offender Reentry/Collateral Consequences | Medium |
| Oklahoma (OK) | SB 1730* | Ex-Offender Reentry (provisional licensure) | Medium |
| Rhode (RI) | HB 7270* | Review and Repeal | Medium |

* Indicates activity after our last member strategy call

- d. Briefing on and discussion of emergence of legislation restricting licensure board action on COVID-19 disinformation and possible larger effects on certification organizations.

- i. Recently, PCC member ABMS brought to our attention a slew of bills that focus on restricting healthcare licensure boards from taking disciplinary action on COVID-related issues, such as spreading COVID misinformation or delivering questionable treatment. ABMS is following legislation that would extend this principle directly to private certification organizations.
- ii. The PCC traditionally does not get involved in profession-specific bills, but we recognize this as an example of a larger possibility of regulations taking the position that the values of a profession – unless they derive “directly” from a professional relationship – are off limits for discipline, whether by licensing boards or private certification organizations. While the PCC does not plan to take action as the tip of the spear in opposition to these bills, we are grateful to ABMS to alerting us to these bills, and we asked ABMS to speak about them on the member call.
- iii. **ABMS remarks:** ABMS specialty certification boards rely heavily on state licensure boards for evidence to support discipline, specifically information on conduct that would undermine trust in the profession. In addition to physicians, this issue impacts nurses, pharmacists, and other health care related professions. ABMS is currently contemplating how to respond. There is now legislation in 46 states.
- iv. The PCC sees this as a potential slippery slope, both for licensing boards and for certification organizations’ conduct codes and professional societies’ ethics codes that focus on conduct that isn’t necessarily “directly tied” to a profession. These issues have arisen in other contexts, in which organizations have imposed discipline in relation to the white supremacist violence in Charlottesville, VA.
- v. The Steering Committee has authorized the development of a statement of principles for our members to review and determine whether this issue is one you think the PCC should take engage.
- vi. **Feel free to email comments to info@profcertcoalition.org.**

3. Federal Legislation

- a. *REBUILD Skills Act* update
 - i. The PCC had a call on Tues, Mar. 1 with Rep. Kilmer’s and Sen. Klobuchar’s offices. They have asked the PCC for thoughts on supporting organizations, which is a good sign that we’re getting closer to introduction — the bill sponsors want to build formal support.
 - ii. The bill sponsors have also had good conversations with the Senate Finance Committee. There are at least four committees of jurisdiction over the bill, which is why it has taken longer than we hoped to get it introduced.
 - iii. We have invited legislative staff from Rep. Kilmer’s and Sen. Klobuchar’s offices to join our next member strategy call tentatively planned for the first week of April.
 - iv. We will upload the most recent version of the bill on the PCC website.
- b. *Freedom to Invest in Tomorrow’s Workforce Act* update
 - i. Rep. Spanberger continues to be a very motivated bill sponsor. She viewed the comprehensive innovation and competition-focused bill known as the America COMPETES Act as a potential vehicle for inclusion of the Freedom to Invest in

Tomorrow's Workforce Act.

- ii. The PCC worked with Rep. Spanberger's staff to draft an amendment to COMPETES encompassing the Freedom to Invest bill that the PCC originally developed for the Congresswoman and reached out to influential congressional offices to garner support. Rep. Spanberger shared this amendment with staff from the House Ways and Means Committee; those staff said they would prefer the legislation to go through regular order in the House, rather than being tacked on as an amendment to COMPETES.
- iii. The PCC and Rep. Spanberger will continue to look for other opportunities to move the bill through, but this demonstrates the significant political capital Rep. Spanberger is willing to utilize to get this legislation through.
- iv. We have uploaded the most recent version of the bill on the PCC website.

4. Stakeholder Outreach

- a. Save the date: the PCC will present a Women in Government (WiG) webinar (3/28)
 - i. Julia Judish, Tom Granatir (ABMS) and Rep. Kristin Cloutier from Maine will be presenting.
 - ii. The PCC decided to invite Rep. Cloutier after she responded to a letter we sent her last year and was very receptive to our point of view on licensing reciprocity/universal licensure.
 - iii. WiG members are either state legislators or state regulators.
 - iv. We will be inviting PCC members to attend, and we will confirm whether you may extend the invitation to others who may want to join.
- b. We are also talking to the National Conference of State Legislatures about participating in its occupational licensing conference in Las Vegas in June.