



**Agenda**  
**PCC Member Strategy Call**  
**Tuesday, April 5, 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. Upcoming survey on in-person May member meeting with Hill visit option
  - i. Pre-COVID, the PCC hosted annual in-person meetings for members. Our last in-person meeting was in February 2020.
  - ii. We have identified May 12-13 as dates that work for the PCC to potentially resume our annual meeting and to pair it with a day of in-person Capitol Hill meetings.
  - iii. The meeting would be held at the SmithBucklin building in downtown Washington, DC, which features a rooftop classroom surrounded by an outside deck. The building requires logging vaccination status through the CLEAR system.
  - iv. The PCC will send out a survey shortly to gauge whether members are comfortable traveling to an in-person meeting. We look forward to your response!

**2. Federal Legislation**

- a. *REBUILD Skills Act* update
  - i. The PCC has had several conversations with sponsors Rep. Kilmer and Sen. Klobuchar and the goal continues to be introduction of the bill with a bipartisan and bicameral group of supporters.
  - ii. The bill remains in the scoring process with the Joint Committee on Taxation, the committee in Congress that assigns a budgetary value to any introduced tax legislation.
  - iii. Rep. Kilmer and Sen. Klobuchar are hoping the score will ensure Republican support for the bill – the slow pace for this bill demonstrates that its sponsors are very serious about introducing a legislation that is well considered and has a real chance at passage.
- b. *Freedom to Invest in Tomorrow's Workforce Act* update
  - i. As a recap, the Freedom to Invest in Tomorrow's Workforce Act would allow 529 plans to be used for expenses associated with obtaining and maintaining a credential.
  - ii. As this bill has been introduced, the goal is to find a moving legislative vehicle to attach it to.
  - iii. The PCC viewed the SECURE 2.0 retirement security legislation as an option, but the House Ways and Means Committee decided not to include any 529 provisions in it. This does not preclude attaching it to the Senate version of this bill or finding another vehicle.
  - iv. The PCC remains actively engaged with bill sponsors, and we remain optimistic.
- c. American Associations Day 2022 (ASAE Congressional advocacy) recap
  - i. Last Thursday (March 30) and Friday (April 1), ASAE hosted its first fly-in since 2019, which included 70-80 total meetings, two-thirds of which were in-person.
  - ii. During the event, the PCC's two federal bills were received positively, and Rep. Bob Gibbs (R-OH) signed on as a sponsor to the Freedom to Invest in Tomorrow's Workforce Act.

**iii. Thank you to all PCC members who attended!**

**3. State Legislation**

- a. Updated watchlists and executive summary on Members Only portion of website
  - i. At this stage, we are over the biggest hump of the state legislative sessions.
  - ii. In addition to legislative deadlines passing, several states have ended their sessions and many others are ending in the next few weeks.
  - iii. Despite the volume of bills, many bills are starting from a better place than they were when we first started this work, due to our efforts to educate lawmakers and stakeholder groups that drive legislative action.
  - iv. **Member Question:** What makes a bill dead?
    - 1. **Answer:** Bills die when a legislative session adjourns or when the bill does not meet specific legislative deadlines, e.g., a committee deadline or a deadline to cross over from one chamber to the next.
  - v. **Member Question:** What about carryover provisions from one session to another?
    - 1. **Answer:** The PCC continues to monitor potential carryover bills in states that carry over bills from one year to the next in a two-year session. Carryover bills are listed in a table at the bottom of the watchlists if the bills have had no activity in the second year of the session. Those that advance are moved up into the main watchlist table, with a full summary and analysis.
- b. Oklahoma SB 1691
  - i. As a reminder, this is an ex-offender reentry bill that attracted our attention because it not only contained the kinds of restrictions on licensing agencies considering criminal convictions that we often see in such bills, but it also seeks to amend current law to extend those restrictions to “certification authorities,” without a definition in the bill to limit its application to governmental certification.
  - ii. We sent a letter proposing amendments to define “certification authorities” as governmental bodies, and to permit licensing and certification authorities to consider criminal convictions that relate to public health and welfare, not just to public safety. We also proposed other amendments, such as permitting 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.
  - iii. The bill sponsors forwarded our letter to the Prison Fellowship, the primary proponent of the bill. The PCC had a very substantive discussion with the organization where the PCC explained its rationale for the proposed amendments.
  - iv. After the call, the PCC followed up with a substantive written rationale for each of its proposed amendments, but did not receive any substantive response from the Prison Fellowship. In our meeting with the Prison Fellowship representative, she expressed reluctance to entertain any amendments because the bill had already passed one chamber, and the organization worried that an amendment would slow it down or endanger its passage.
  - v. Ensuring that the legislation would not restrict the decisions of private certification organizations is a core interest of the PCC. In order to push for at least that amendment and send a message to the Prison Fellowship that the PCC is willing to take action in Oklahoma and elsewhere, the Steering Committee approved engaging a local lobbying firm.
  - vi. The lobbying firm arranged follow-up meetings with the bill’s House and Senate sponsors, and the Prison Fellowship representative was in the room with them.
  - vii. After a lengthy discussion, the bill sponsors and the Prison Fellowship agreed to make some changes to the bill if the PCC would support or be neutral on the bill.
  - viii. Although the Prison Fellowship initially only offered to accept our amendments clarifying

that the bill would apply solely to government licensing and government certification, the PCC pushed back and persuaded them to agree to add amendments that permit licensing and certification authorities to consider criminal convictions that affect public health and welfare, not just public safety. As a result, the PCC has agreed to take a neutral position on the bill.

- ix. Although SB 1691 does not include every amendment we would have recommended in order for the PCC to support it, it does include the most important amendments we offered, and we are very pleased with the outcome.
- x. We are hopeful that these developments will lead to inclusion of the language we seek when similar bills are introduced also will send a message to stakeholders that the PCC is both a force to be reckoned with and willing to work with them constructively.
- xi. **Member question:** Can you please talk a bit more about the role of the Council of State Governments related to this initiative?
  - 1. **Answer:** The Council of State Governments’ Justice Center, a nonpartisan membership organization consisting of both legislators and agency officials, also provided technical assistance to the bill sponsors, and a CSG Justice Center representative attended our first meeting with Prison Fellowship. However, it is clear to us that CSG has a defined perspective on these issues that we must continue to address forcefully.

c. The following bills were discussed, with fuller information on the watchlists.

#### High Priority Bills

State	Bill Number	Category	Priority
Missouri (MO)	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
Vermont (VT)	H 494/S 203	Ex-Offender Reentry and Universal Licensure/Reciprocity	High

\* Indicates activity after our last member strategy call

#### Dead High Priority Bills

State	Bill Number	Category	Priority
Maryland (MD)	SB 111	Ex-Offender Reentry	High
New Hampshire (NH)	HB 405	Universal Licensure/Reciprocity	High
Oklahoma (OK)	SB 1720	Limited Consumer Choice	High
West Virginia (WV)	HB 2007	Universal Licensure/Reciprocity	High
West Virginia (WV)	HB 3052	Ex-Offender Reentry	High

#### Other Noteworthy Bills for Discussion

State	Bill Number	Category	Priority
Illinois (IL)	HB 5256*	Expungement of Licensure Records	Medium
Louisiana (LA)	HB 597*	Review and Repeal	Medium
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

#### 4. Statement of Principles on Certification Self-Regulation and Violations of Professional Values

- a. We sent out a draft statement of principles before the call and would greatly appreciate your feedback on it.
- b. As we discussed in our last member meeting, we have noticed an increasing number of bills that fall into two categories: (1) bills restricting licensing boards from considering or taking action on certain conduct of licensees (ex-offender reentry bills are a subset of this) and (2) bills targeting certification organizations specifically.
- c. For example, on our last call, Tom Granatir of ABMS discussed the 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.
- d. Another example is the “Stop Woke Act” in Florida, which would prevent certification organizations and professional associations from having DEI codes as mandatory conditions of certification or membership.
- e. We feel that these instances could reflect larger trends and thought it was worthwhile to develop a formal position supporting the First Amendment rights of private certification organizations and addressing attempts to restrict licensing boards from enforcing their conduct codes, as involuntary certification organizations depend on licensing decisions to determine applicant eligibility.
- f. **Note:** Although many of the bills in question are driven by the conservative side of the political spectrum, the PCC is not seeking to take an ideological or political stance in raising questions about or opposing these bills. We want to work with lawmakers from both parties and our goal is to protect and promote the interests of certification organizations, not to pick sides in political or ideological debates.
- g. **Please review and send comments to [info@profcertcoalition.org](mailto:info@profcertcoalition.org).**

#### 5. Stakeholder Outreach

- a. Women in Government (WiG) webinar (3/28) recap
  - i. On the webinar, we addressed our concerns with universal licensure bills, ex-offender reentry and clean slate bills, and restrictions on licensing agencies taking action against certain conduct. Thanks to ABMS for partnering with us on the webinar.
  - ii. There was a good turnout from state legislators and their staff.
  - iii. WiG is a nonpartisan organization, and this was a valuable opportunity for state legislators to learn about the PCC so that when they see our letters, they know they will need to take our views seriously.
  - iv. The webinar was recorded and is available on WiG’s website. WiG reports good viewership of its recorded webinars.
  - v. **Member question:** Has there been any follow-up from the webinar?
    1. **Answer:** Not yet.