



PROFESSIONAL
CERTIFICATION
COALITION

May 31, 2022

Sen. Franklin Foil, *Chair*
Senate Committee on Judiciary
900 North Third Street
State Capitol, Room B-254
Baton Rouge, LA 70804
foilf@legis.la.gov

Sen. Mark Abraham, *Vice Chair*
Senate Committee on Judiciary
900 North Third Street
State Capitol, Room B-254
Baton Rouge, LA 70804
abrahamm@legis.la.gov

Re: H.B. 707

Dear Senator Foil and Senator Abraham:

The Professional Certification Coalition (PCC) writes regarding H.B. 707. We appreciate that the bill aims to advance the important goal of expanding opportunities for those with criminal conviction histories. We respectfully propose 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. 707 to broaden access to licensure for ex-offenders 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 licensing boards be able to consider the underlying facts relating to an applicant's past conduct and make independent, individual determinations about that applicant's fitness to practice the profession with the state's endorsement, and that private certification organizations also be able to consider relevant past conduct.**

H.B. 707 provides for automatic expungement based merely on the passage of time for misdemeanors and felonies, with limited exceptions. Some nonviolent and non-sex-offender crimes merit a continuing disqualification from certain professions, such as if a licensed financial advisor has engaged in identity theft or embezzled from clients. Further, many misdemeanor convictions result from plea bargains, even though the underlying offense would constitute a felony or a misdemeanor that carries a longer maximum sentence. A misdemeanor conviction for which the sentence has been served may still be relevant to an applicant's fitness to perform an occupation.

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Licensing boards play a critical role in ensuring that the public can safely engage the services of a licensed professional. Licensing boards should not be prevented from having access to information that bears on an applicant's fitness to perform a profession, especially where that information has been established beyond a reasonable doubt, with due process to the applicant. Such restrictions on licensing boards are a major concern for certification organizations in licensed professions, as they would in effect transfer the burden of enforcement of conduct codes and screening from the licensing board to the certification organization. Wholly voluntary certification organizations may also be affected, as they often look to the professional standing of licensed candidates. Private certification organizations play an important role in conferring credentials on which the public relies and which conveys the certification organization's endorsement that the individual meets the competency, knowledge, and conduct standards required for the credential.

To address these concerns, the PCC proposes the following amendments to H.B. 707:

- Amend to provide that an individual is not eligible for automatic expungement under Section 977 if the person has any pending criminal charge.
- Amend the bill to add a new section addressing the availability of sealed records, to provide: **“Any licensing authority considering an individuals’ application for licensure or having initiated disciplinary proceedings against a licensee may have access to expunged records, to the extent such records pertain to conduct that, if committed by a current licensee, would be a basis for disciplinary action by the licensing authority.”**

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,



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CC: Rep. Royce Duplessis
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Current List of PCC Members

ABRET Neurodiagnostic
Credentialing & Accreditation
(ABRET)

ABSA International: the
Association for Biosafety and
Biosecurity (ABSA)

AABC Commissioning Group

Academy for Certification of
Vision Rehabilitation &
Education Professionals
(ACVREP)

Alliance of Hazardous Materials
Professionals (AHMP)

American Association of
Critical-Care Nurses (AACN)

American Association of
Professional Landmen (AAPL)

American Board for
Certification in Orthotics,
Prosthetics and Pedorthics
(ABCOP)

American Board of Certification
for Gastroenterology Nurses
(ABCGN)

American Board of Medical
Specialties (ABMS)

American Board of
Neuroscience Nursing (ABNN)

American Board of Nursing
Specialties (ABNS)

American Board of Foot and
Ankle Surgery (ABFAS)

American Board of Wound
Management (ABWM)

American Industrial Hygiene
Association (AIHA)

American Legal Nurse
Consultant Certification Board
(ALNCCB)

American Medical Certification
Association (AMCA)

American Nurses Credentialing
Center (ANCC)

American Payroll Association
(APA)

American Society of
Association Executives (ASAE)

American Society of Civil
Engineers (ASCE)

American Speech-Language-
Hearing Association (ASHA)

American Traffic Safety
Services Association (ATSSA)

American Translators
Association (ATA)

American Veterinary Medical
Association (AVMA)

Arcitura Education, Inc.
(Arcitura)

Association for Financial
Counseling & Planning
Education (AFCPE)

Association of Surgical
Technologists (AST)

Behavior Analyst Certification
Board (BACB)

Building Industry Consulting
Service International (BICSI)

Board of
Certification/Accreditation
(BOC)

Board of Certified Safety
Professionals (BCSP)

Board of Pharmacy Specialties
(BPS)

Building Commissioning
Certification Board (BCCB)

CFA Institute

Certification Board for Music
Therapists (CBMT)

Certification Board of Infection
Control and Epidemiology
(CBIC)

Certification Council for
Professional Dog Trainers
(CCPDT)

Certified Financial Planner
Board of Standards (CFP)

Certified Fund Raising
Executive International (CFRE)

CertiProf, LLC

Commission for Case Manager
Certification (CCMC)

Commission on Nurse
Certification (CNC)

CompTIA

Community Association
Institute (CAI)

Construction Management
Association of America
(CMAA)

Council for Interior Design
Qualification (CIDQ)

Council of Engineering and
Scientific Specialty Boards
(CESB)

Dental Assisting National Board
(DANB)

Diving Equipment and
Marketing Association (DEMA)

Entertainment Services and
Technology Association (ESTA)

ETA International (ETA)

Financial Planning Association
(FPA)

Healthcare Sterile Processing
Association (HSPA)

Hearth, Patio, & Barbecue
Education Foundation (HPBA)

Heuristic Solutions

Hospice and Palliative
Credentialing Center (HPCC)

Institute for Credentialing
Excellence (ICE)

Institute of Certified
Management Accountants
(ICMA)

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Institute of Hazardous Materials Management (IHMM)

Institute of Internal Auditors (IIA)

Irrigation Association (IA)

International Association of Lighting Designers (IALD)

International Coach Federation (ICF)

International Foundation for Retirement Education (InFRE)

International Information System Security Certification Consortium (ISC²)

Investments & Wealth Institute (IWI)

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. (BOC)

National Board of Certification and Recertification for Nurse Anesthetists (NBCRNA)

National Board of Certification in Hearing Instrument Sciences (NBC-HIS)

National Healthcareer Association (NHA)

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 (NCHEC)

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 (NNCC)

Oncology Nursing Certification Corporation (ONCC)

Professional Association of Therapeutic Horsemanship International (PATH)

Pediatric Nursing Certification Board (PNCB)

Pharmacy Technician Certification Board (PTCB)

PSI Services (PSI)

Pearson Vue

QualityPro

School Nutrition Association (SNA)

Security Industry Association (SIA)

Society of Broadcast Engineers (SBE)

Specialty Pharmacy Certification Board (SPCB) c/o National Association of Specialty Pharmacy Certification Board

Spray Polyurethane Foam Alliance (SPFA)

Towing and Recovery Association of America, Inc. (TRA)