



PROFESSIONAL
CERTIFICATION
COALITION

January 26, 2023

Sen. Steven Roberts
201 West Capitol Avenue
State Capitol, Room 329
Jefferson City, MO 65101
steven.roberts@senate.mo.gov

Re: S.B. 145

Dear Senator Roberts:

The Professional Certification Coalition (PCC) writes regarding S.B. 145. We appreciate that the bill aims to advance the important goal of expanding opportunities for those with criminal conviction histories. However, we respectfully request your consideration of amendments to ensure protections for the public and certification organizations that rely on licensure decisions.

As you may recall from our correspondence with you in prior sessions of the legislature, 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 S.B. 145 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.**

While the bill permits a licensing organization to consider a person's conviction history regardless of whether they have obtained a certificate of exemplary conduct and good moral character, the provision that "a certificate removes any or all bars an eligible individual faces with respect to employment, housing, or occupational licenses" suggests that the licensure board could not base denial of a license or disciplinary action on a conviction. Further, circuit court judges may not anticipate or be familiar with how an individual's conduct may be relevant to a particular license, nor be able to anticipate at the time of sentencing what future occupational path the defendant may pursue.

Not all professions are the same, nor are all criminal records. Some crimes, even if non-violent and non-sexual in nature, merit a continuing disqualification from certain professions. For

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example, if a health care professional has abused prescription privileges to run an opioid distribution ring or has engaged in identity theft of vulnerable patients while providing home health services, a licensure board should not be blocked from disqualifying that applicant for the protection of the public, nor should an employer be blocked from taking that into consideration.

To address these concerns, the PCC proposes the following amendments to S.B. 145:

- Amend Section 314.211(2) to provide that “a certificate removes any or all **automatic** bars an eligible individual faces with respect to employment, housing, or occupational licenses **but does not preclude a licensing authority from engaging in individualized consideration of the relevance of the conduct leading to the conviction to the occupational license sought nor an employer from considering the relevance of the conviction to the position sought.**”
- Add a safe harbor provision: “**Nothing in the chapter shall be construed to require a private certification organization to grant or deny private certification to any individual, nor alter any requirement in a licensure statute or regulation for an individual to hold current private certification as a condition of licensure or renewal of licensure.**”

The public expects licensing authorities to serve as gatekeepers, as do private certification organizations. Private certification organizations in regulated professions rely on licensing boards to exercise their authority to deny licenses to individuals who have engaged in conduct that casts serious doubt on their fitness to practice the profession or indicates that the individual poses an unacceptable risk to the people to whom the applicant would interact in the conduct of the profession.

Most private certification organizations also rely on agency determinations in their own eligibility and ethics code enforcement, as they are non-governmental entities without the resources or legal authority to conduct full-fledged investigations, issue subpoenas, and hold trial-type proceedings. Withholding criminal conviction history from licensing boards therefore also has downstream effects on the information available to private certification organizations.

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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Current Members of the PCC

AABC Commissioning Group

ABRET Neurodiagnostic
Credentialing & Accreditation
(ABRET)

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

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

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 Foot and
Ankle Surgery (ABFAS)

American Board of Medical
Specialties (ABMS)

American Board of
Neuroscience Nursing (ABNN)

American Board of Nursing
Specialties (ABNS)

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)

Arcitura Education, Inc.

Association for Financial
Counseling & Planning
Education (AFCPE)

Association of Surgical
Technologists (AST)

Behavior Analyst Certification
Board (BACB)

Board of
Certification/Accreditation
(BOC)

Board of Certified Safety
Professionals (BCSP)

Board of Pharmacy Specialties
(BPS)

Building Commissioning
Certification Board (BCCB)

Certification Board for Diabetes
Care and Education (CBDCE)

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

Chartered Financial Analyst
Institute (CFA)

Commission for Case Manager
Certification (CCMC)

Commission on Nurse
Certification (CNC)

Community Association
Institute (CAI)

Computing Technology Industry
Association (CompTIA)

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

Financial Planning Association
(FPA)

Healthcare Sterile Processing Association (HSPA)	National Board of Certification and Recertification for Nurse Anesthetists (NBCRNA)	Nephrology Nursing Certification Commission (NNCC)
Hearth, Patio, & Barbecue Education Foundation (HPBA)	National Board of Certification in Hearing Instrument Sciences (NBC-HIS)	Oncology Nursing Certification Corporation (ONCC)
Heuristic Solutions		Pediatric Nursing Certification Board (PNCB)
Hospice and Palliative Credentialing Center (HPCC)	National Board of Certification in Occupational Therapy (NBCOT)	Pharmacy Technician Certification Board (PTCB)
Institute for Credentialing Excellence (ICE)	National Board of Surgical Technology and Surgical Assisting (NBSTSA)	Professional Association of Therapeutic Horsemanship International (PATH)
Institute of Hazardous Materials Management (IHMM)	National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM)	PSI Services
Institute of Inspection Cleaning and Restoration Certification (IICRC)		Pearson Vue
International Coach Federation (ICF)	National Certification Corporation (NCC)	QualityPro
International Information System Security Certification Consortium (ISCS ²)	National Commission on Certification of Physician Assistants (NCCPA)	Rehabilitation Nursing Certification Board (RNCB)
Investments & Wealth Institute (IWI)	National Commission for Health Education Credentialing (NCHEC)	School Nutrition Association (SNA)
Irrigation Association		SeaCrest Consulting
IT Certification Council (ITCC)	National Council on Family Relations (NCFR)	Security Industry Association (SIA)
Laborers' International Union of North America Training & Education Fund (LIUNA)	National Kitchen and Bath Association (NKBA)	Society of Broadcast Engineers (SBE)
Medical-Surgical Nursing Certification Board (MSNCB)	National Recreation and Park Association (NRPA)	Specialty Pharmacy Certification Board (SPCB) c/o National Association of Specialty Pharmacy Certification Board
National Association of Insurance and Financial Advisors (NAIFA)	National Restaurant Association (NRA)	Spray Polyurethane Foam Alliance (SPFA)
National Association of Personal Financial Advisors (NAPFA)	National Roofing Contractors Association (NRCA)	Towing and Recovery Association of America, Inc. (TRA)
National Athletic Trainers' Association Board of Certification, Inc. (NATA/BOC)	National Society of Professional Engineers (NSPE)	National Board of Public Health Examiners (NBPHE)