



PROFESSIONAL  
CERTIFICATION  
COALITION

January 26, 2023

Senator Barbara Washington  
201 W. Capitol Ave., Rm. 425  
Jefferson City, Missouri  
[barbara.washington@senate.mo.gov](mailto:barbara.washington@senate.mo.gov)

**Re: S.B. 447**

Dear Senator Washington:

The Professional Certification Coalition (PCC) writes regarding S.B. 447. We appreciate that the bill aims to advance the important goal of expanding opportunities for those with criminal conviction histories. We urge that the bill incorporate amendments to Missouri's Clean Slate law to ensure protections for the public and for certification organizations.

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 ensuring that individuals who have learned from past mistakes are not stigmatized in perpetuity. **But licensing agencies and certification organizations need access to the record of certain past criminal convictions in order to make critical decision about conferring credentials that endorse the individual as trustworthy.**

S.B. 447 provides for expunged convictions to be destroyed, rather than closed, as current law requires. 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.

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. Private certification organizations also play an important role in conferring credentials on which the public relies. Certifications convey the certification organization's endorsement that the individual meets the competency, knowledge, and conduct standards required for the credential –

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an endorsement that may be misleading if the certification organization cannot even consider relevant past conduct.

To address these concerns, the PCC proposes the following amendments to S.B. 447:

- Strike the amendment to Section 610.140(7). Existing law provides for courts to consider expunged records in limited circumstances, such as sentencing for a subsequent offense. Destroying the records rather than sealing them would undermine that provision. In addition, expunged records may contain factual evidence relevant to proving subsequent offenses, particularly if the offense relates to the same victim.
- Add a new, carefully tailored safe harbor provision, Section 610.140(15):  
**“Notwithstanding any other provision of law to the contrary, nothing in this chapter shall prevent a licensing authority or certification organization from accessing, or requiring an individual to disclose, the individual’s expunged misdemeanor and felony conviction records in connection with a decision on the licensing or certification status of the individual. A licensing agency or certification organization may use such information solely in connection with that decision and may take an action based on an expunged conviction only if the underlying conduct resulting in the prior conviction would, if committed by a current licensee or certificant, be the basis for disciplinary action by the licensing authority or certification organization.”**

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