



PROFESSIONAL
CERTIFICATION
COALITION

January 30, 2023

Sen. Zellnor Myrie
188 State Street, Room 903
Albany, NY 12247
myrie@nysenate.gov

Re: S. 211

Dear Senator Myrie:

The Professional Certification Coalition (PCC) writes to share our views regarding S. 211. 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 New York 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 completed their sentences are not permanently stigmatized when seeking employment. **But state licensing agencies and private certification organizations need access to the records of certain past criminal convictions in order to make well-informed decisions about conferring credentials that endorse the individual as trustworthy.**

Some nonviolent and non-sex-offender crimes merit a continuing disqualification from certain professions, such as if a licensed financial advisor has embezzled from clients or a licensed practical nurse providing home health care services has engaged in identity theft. 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 – an endorsement that may be misleading if the certification organization cannot even consider relevant past conduct.

To address these concerns, the PCC proposes that a new safe harbor provision be added as Section 160.57(3)(g):

“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	American Payroll Association (APA)	Certification Council for Professional Dog Trainers (CCPDT)
ABRET Neurodiagnostic Credentialing & Accreditation (ABRET)	American Society of Association Executives (ASAE)	Certified Financial Planner Board of Standards (CFP)
ABSA International: the Association for Biosafety and Biosecurity (ABSA)	American Society of Civil Engineers (ASCE)	Certified Fund Raising Executive International (CFRE)
Academy for Certification of Vision Rehabilitation & Education Professionals (ACVREP)	American Speech-Language-Hearing Association (ASHA)	CertiProf, LLC
American Association of Professional Landmen (AAPL)	American Traffic Safety Services Association (ATSSA)	Chartered Financial Analyst Institute (CFA)
American Board for Certification in Orthotics, Prosthetics and Pedorthics (ABCOP)	American Translators Association (ATA)	Commission for Case Manager Certification (CCMC)
American Board of Certification for Gastroenterology Nurses (ABCGN)	Arcitura Education, Inc.	Commission on Nurse Certification (CNC)
American Board of Foot and Ankle Surgery (ABFAS)	Association for Financial Counseling & Planning Education (AFCPE)	Community Association Institute (CAI)
American Board of Medical Specialties (ABMS)	Association of Surgical Technologists (AST)	Computing Technology Industry Association (CompTIA)
American Board of Neuroscience Nursing (ABNN)	Behavior Analyst Certification Board (BACB)	Construction Management Association of America (CMAA)
American Board of Nursing Specialties (ABNS)	Board of Certification/Accreditation (BOC)	Council for Interior Design Qualification (CIDQ)
American Industrial Hygiene Association (AIHA)	Board of Certified Safety Professionals (BCSP)	Council of Engineering and Scientific Specialty Boards (CESB)
American Legal Nurse Consultant Certification Board (ALNCCB)	Board of Pharmacy Specialties (BPS)	Dental Assisting National Board (DANB)
American Medical Certification Association (AMCA)	Building Commissioning Certification Board (BCCB)	Diving Equipment and Marketing Association (DEMA)
American Nurses Credentialing Center (ANCC)	Certification Board for Diabetes Care and Education (CBDCE)	Entertainment Services and Technology Association (ESTA)
	Certification Board for Music Therapists (CBMT)	ETA International
	Certification Board of Infection Control and Epidemiology (CBIC)	Financial Planning Association (FPA)

January 30, 2023

Page 4

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)	National Certification Corporation (NCC)	Pearson Vue
International Coach Federation (ICF)	National Commission on Certification of Physician Assistants (NCCPA)	QualityPro
International Information System Security Certification Consortium (ISC ²)	National Commission for Health Education Credentialing (NCHEC)	Rehabilitation Nursing Certification Board (RNCB)
Investments & Wealth Institute (IWI)	National Council on Family Relations (NCFR)	School Nutrition Association (SNA)
Irrigation Association	National Kitchen and Bath Association (NKBA)	SeaCrest Consulting
IT Certification Council (ITCC)	National Recreation and Park Association (NRPA)	Security Industry Association (SIA)
Laborers' International Union of North America Training & Education Fund (LIUNA)	National Restaurant Association (NRA)	Society of Broadcast Engineers (SBE)
Medical-Surgical Nursing Certification Board (MSNCB)	National Roofing Contractors Association (NRCA)	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)	National Society of Professional Engineers (NSPE)	Towing and Recovery Association of America, Inc. (TRA)
National Athletic Trainers' Association Board of Certification, Inc. (NATA/BOC)		National Board of Public Health Examiners (NBPHE)