



PROFESSIONAL
CERTIFICATION
COALITION

January 31, 2023

Rep. Amy Walen, *Vice Chair*
House Committee on Consumer Protection and Business
PO Box 40600
John L. O'Brien Building, LEG 437B
Olympia, WA 98504-0600
amy.walen@leg.wa.gov

Re: H.B. 1301

Dear Representative Walen:

The Professional Certification Coalition (PCC) writes to urge amendments to H.B. 1301, relating to occupational licensing reform. The PCC agrees that occupational licensing regulations should balance the needs of market competition with consumer protection. In its current form, however, H.B. 1301 could negatively impact professional certification organizations and the Washington residents who earned those certifications, and amendments are needed to better protect the public.

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. Our 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.

In its current form, H.B. 1301 could restrict regulatory agencies from requiring private certification as a condition of licensure. Members of the PCC provide certifications that communicate to the public that certified professionals have met established standards for knowledge, skill, and competency in their fields. As subject matter experts, private certification organizations are in the best position to develop and define the *content* of the standards that certificants must demonstrate to earn a recognized credential in their field.

Private certification is not a substitute for occupational licensure, however, in fields such as health care, safety-related roles, and the engineering and financial industries. For those occupations, regulatory agencies have incorporated the competency standards established by private professional certification programs into licensure requirements, and *enforcement* of those competency and conduct standards is more effectively done by the licensing agency. In professions for which state licensing boards have historically provided oversight, it would not serve the public interest to eliminate or weaken licensure requirements and shift the enforcement function currently performed by licensure boards onto private certification programs. A private

certification organization lacks the legal authority and the resources to serve as a substitute for a licensing board for a profession for which licensure is required to protect public health, safety, or welfare.

With these considerations in mind, the PCC encourages the following amendments to H.B. 1301:

- Add a new Section 4(7): **“Nothing in this Chapter is intended to restrict an agency from requiring, as a condition of licensure, that an individual’s personal qualifications include obtaining or maintaining private certification from a private organization that credentials individuals in the relevant occupation.”**
- Add a new Section 4(8): **“The state may regulate and adopt licensure requirements for any occupation for which the licensure requirements are based on uniform national laws, practices, and/or examinations that have been adopted by at least two-thirds of states and territories in the United States.”** This amendment would avoid unnecessary diversion of state resources for review of occupational regulations that are in line with widely accepted standards.
- Modify the provision calling for enactment of government certification by adding to Section 4(4)(a)(vi) **“If the need is to protect consumers against a shortfall or imbalance of knowledge about the goods or services relative to the providers’ knowledge, the recommended course of action should be to enact government certification unless suitable, private certification for the relevant occupation is available. As used in this section, ‘suitable’ means widely recognized as reflecting established standards of competency, skill, or knowledge in the field”** or delete the provision entirely. This amendment would avoid unnecessary expenditure of taxpayer funds to set up the government as a competitor to existing private certification programs.
- Change the provision (Section 4(4)(a)(vii)) on when staff may recommend occupational licensure to state that **“If the need is to address a systematic information shortfall such that a reasonable consumer is unable to distinguish between the quality of providers or there is an imbalance in the consumer’s knowledge about the good or service relative to the provider’s knowledge (asymmetrical information), there is an absence of institutions that provide adequate guidance to the consumer, and the consumer’s inability to distinguish between providers and the lack of adequate guidance allows for significant, and substantiated or recognized imminent harms that threaten public health, and safety, or welfare, the recommended course of action should be to enact a professional license and to consider recognizing or requiring private certification as a condition of licensure.”**
- Add to Section 4(2) that **“Staff must also invite public comment from licensees, the occupational licensing board, and the public about the impact of the existing occupational license requirements”** in reviewing existing occupational licensure laws.
- Provide a new Section 4(9): **“The report in subsection (3) must be publicly available and posted on the website of the office, and must include the rationale for the staff’s**

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recommendation, including a description of the expected impact of any regulatory changes on public health, safety, or welfare.”

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,



Jeff Evans
Director, Public Policy
ASAE: The Center for Association Leadership
Phone: (202) 626-2722
Email: jevans@asaecenter.org



Denise Roosendaal, FASAE, CAE
Executive Director
Institute for Credentialing Excellence
Phone: (202) 367-1165
Email: droosendaal@credentialingexcellence.org

CC:

Rep. Stephanie McClintock
stephanie.mcclintock@leg.wa.gov

Rep. Greg Cheney
greg.cheney@leg.wa.gov

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)

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