



PROFESSIONAL
CERTIFICATION
COALITION

February 3, 2023

Sen. Tom Brewer, *Chair*
Senate Committee on Government, Military and Veterans Affairs
State Capitol, Room 1423
P.O. Box 94604
Lincoln, NE 68509
tbrewer@leg.ne.gov

Re: L.B. 16

Dear Senator Brewer:

The Professional Certification Coalition (PCC) writes to urge amendments to L.B. 16 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 goals of L.B. 16 to expand opportunities for those with criminal conviction histories and to reduce unnecessary barriers for licensed professionals who move to a new state. The PCC also recognizes and appreciates that L.B. 16 was drafted to avoid infringing on the decision-making and recognition of private certification organizations.

However, we believe amendments to the bill are needed for two reasons:

(1) it is critical that licensing boards be able to consider relevant underlying facts relating to an applicant's past conduct to determine an applicant's fitness to practice a profession with the state's endorsement, and

(2) not all state-specific requirements are unwarranted and not all privately issued credentials or work experience can assure competency or qualifications equivalent to Nebraska's licensing laws.

The PCC urges the legislature to amend L.B. 16 as necessary to enable licensing boards to protect the public if an unqualified or unethical individual seeks licensure. The attached [Statement of Principles](#) addresses key considerations for license mobility legislation. In accordance with those principles, the PCC proposes the following amendments:

- **Strike Section 8(2)(c) (on lines 8-10 of page 8 of the bill)**, which would prevent disqualifying an applicant from licensure unless convicted of a felony that the statutes governing the occupation

expressly list as disqualifying. **It is impossible for this legislature to make an accurate and exhaustive list of relevant felony convictions for each licensed profession**, particularly as applicants may have criminal conviction records from other jurisdictions that do not use the same taxonomy or categories for convictions that Nebraska may use for the same conduct. In addition, it is highly unlikely that the legislature would timely amend licensure statutes to conform them to changes to the criminal code.

- In 2019, for example, Nebraska enacted LB-630, making “revenge porn” a felony offense. Under the standard in Section 8(2)(c), the legislature would have been required also to review every practice act for every licensed profession and amend those laws to list “revenge porn” specifically, in order for that felony conviction to disqualify the individual from a license. The standards set in the remainder of Section 8(2), with the amendments the PCC proposes below, already provide safeguards against disqualification of an applicant for criminal convictions that have no bearing on their fitness to hold a particular license. Section 8(2)(c) is therefore also unnecessary.
- Amend Section 8(2)(a) by clarifying what kinds of convictions are considered relevant: “The individual’s conviction directly and specifically relates to the duties and responsibilities of the occupation, **which, for purposes of this Chapter, includes any offense involving conduct that, if committed by a current licensee, would be a basis for disciplinary action by the licensing authority.**”
- Amend Section 8(2)(b) to provide: “The individual obtaining such license, certification, or state recognition would pose a direct and substantial risk to public safety, **health, or welfare**, because the individual has not been rehabilitated, as evidenced by information described in subsection (1) of this section, to safely **and without substantial risk to the health or welfare of people with whom the individual would interact in the conduct of the occupation** perform the duties and responsibilities of the occupation.”
- Amend Section 8(3)(g): “A conviction for which the individual's incarceration ended more than three years before the date of the application except **when the applicant poses an unacceptable risk to the health, safety, or welfare of people with whom the applicant would interact in the conduct of the profession or occupation, as determined by the licensing authority, or** for a conviction of a felony related to...”
- Also amend Section 8(3) to provide: “An individual shall not be required to disclose nor shall consideration be given in a determination under this section to the following, **except with respect to the offenses described in (e), (f), or (g), any offense involving conduct that, if committed by a current licensee, would be a basis for disciplinary action by the licensing authority...**”
- 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.**”
- Amend Section 9(1)(a)(i) of the bill to provide for reciprocal licensure if “The applicant holds a credential in another state or a military occupational specialty in the United States Military for an occupation with a similar scope of practice **and that mandates substantially equivalent or more stringent educational, training, examination, credential, and experience requirements**, as determined by the occupational board.” Note that, under a new amendment to the federal Servicemembers Relief Act, a license from another state held by members of the military and

their spouses who relocate to Nebraska will be considered valid in Nebraska, even without Nebraska offering a reciprocal license. See [H.R. 7939](#), enacted in December 2022.

- Amend Section 9 to add a new requirement for reciprocal licensure as a new Section 9(1)(b)(vi) and 9(1)(c)(viii): **“The applicant demonstrates at least substantially equivalent educational, training, examination, credential, and experience as are required of Nebraska licensees in the occupation, as determined by the occupational board.”**

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 the applicant would interact with. Most private certification organizations also rely on agency determinations in their own eligibility and ethics code enforcement. Withholding criminal conviction history from licensing boards therefore also has downstream effects on the information available to private certification organizations.

Further, reciprocity bills directly affect PCC members that credential professionals in regulated occupations, such as health care. In many of these occupations, licensure statutes and regulations make certification by recognized private certification organizations a condition of licensure. If, due to variations in licensing laws, alternative pathways to licensure allow unqualified or unfit individuals to practice, the public’s trust in certified professionals and their regulated professions could be irreparably damaged, especially for occupations in which the public conflates certification status with licensure.

Even PCC members that issue certifications to individuals in fields that do not require licensure have an interest in this issue. Certification organizations – and professional societies that represent individuals who hold certification credentials – rely on licensing agencies to protect the public. If licensure laws create loopholes that weaken how state licensing agencies enforce such standards, this is a matter of great concern to the certification community.

Thank you for your attention to these issues and consideration of the PCC’s views.

Sincerely,



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



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

CC: Senator Tom Briese
tbriese@leg.ne.gov

Current List of PCC Members

AABC Commissioning Group	American Speech-Language-Hearing Association (ASHA)	Commission on Nurse Certification (CNC)
ABRET Neurodiagnostic Credentialing & Accreditation (ABRET)	American Traffic Safety Services Association (ATSSA)	Community Association Institute (CAI)
ABSA International: the Association for Biosafety and Biosecurity (ABSA)	American Translators Association (ATA)	Computing Technology Industry Association (CompTIA)
Academy for Certification of Vision Rehabilitation & Education Professionals (ACVREP)	Arcitura Education, Inc.	Construction Management Association of America (CMAA)
American Association of Professional Landmen (AAPL)	Association for Financial Counseling & Planning Education (AFCPE)	Council for Interior Design Qualification (CIDQ)
American Board for Certification in Orthotics, Prosthetics and Pedorthics (ABCOP)	Association of Surgical Technologists (AST)	Council of Engineering and Scientific Specialty Boards (CESB)
American Board of Certification for Gastroenterology Nurses (ABCGN)	Behavior Analyst Certification Board (BACB)	Dental Assisting National Board (DANB)
American Board of Foot and Ankle Surgery (ABFAS)	Board of Certification/Accreditation (BOC)	Diving Equipment and Marketing Association (DEMA)
American Board of Medical Specialties (ABMS)	Board of Certified Safety Professionals (BCSP)	Entertainment Services and Technology Association (ESTA)
American Board of Neuroscience Nursing (ABNN)	Board of Pharmacy Specialties (BPS)	ETA International
American Board of Nursing Specialties (ABNS)	Building Commissioning Certification Board (BCCB)	Financial Planning Association (FPA)
American Industrial Hygiene Association (AIHA)	Certification Board for Diabetes Care and Education (CBDCE)	Healthcare Sterile Processing Association (HSPA)
American Legal Nurse Consultant Certification Board (ALNCCB)	Certification Board for Music Therapists (CBMT)	Hearth, Patio, & Barbecue Education Foundation (HPBA)
American Medical Certification Association (AMCA)	Certification Board of Infection Control and Epidemiology (CBIC)	Heuristic Solutions
American Nurses Credentialing Center (ANCC)	Certification Council for Professional Dog Trainers (CCPDT)	Hospice and Palliative Credentialing Center (HPCC)
American Payroll Association (APA)	Certified Financial Planner Board of Standards (CFP)	Institute for Credentialing Excellence (ICE)
American Society of Association Executives (ASAE)	Certified Fund Raising Executive International (CFRE)	Institute of Hazardous Materials Management (IHMM)
American Society of Civil Engineers (ASCE)	CertiProf, LLC	Institute of Inspection Cleaning and Restoration Certification (IICRC)
	Chartered Financial Analyst Institute (CFA)	International Coach Federation (ICF)
	Commission for Case Manager Certification (CCMC)	International Information System Security Certification Consortium (ISC ²)

Investments & Wealth Institute (IWI)

Irrigation Association

IT Certification Council (ITCC)

Laborers' International Union of North America Training & Education Fund (LIUNA)

Medical-Surgical Nursing Certification Board (MSNCB)

National Association of Insurance and Financial Advisors (NAIFA)

National Association of Personal Financial Advisors (NAPFA)

National Athletic Trainers' Association Board of Certification, Inc. (NATA/BOC)

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

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

National Board of Certification in Occupational Therapy (NBCOT)

National Board of Surgical Technology and Surgical Assisting (NBSTSA)

National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM)

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 Kitchen and Bath Association (NKBA)

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)

Pediatric Nursing Certification Board (PNCB)

Pharmacy Technician Certification Board (PTCB)

Professional Association of Therapeutic Horsemanship International (PATH)

PSI Services

Pearson Vue

QualityPro

Rehabilitation Nursing Certification Board (RNCB)

School Nutrition Association (SNA)

SeaCrest Consulting

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)

National Board of Public Health Examiners (NBPHE)