



PROFESSIONAL
CERTIFICATION
COALITION

February 3, 2023

Rep. Jacob Teshka
200 W Washington St
State House, Room 150
Indianapolis, IN 46204-2786
h7@iga.in.gov

Rep. Michael Speedy
200 W Washington St
State House, Room 336-46
Indianapolis, IN 46204-2728
h90@iga.in.gov

Re: H.B. 1343

Dear Representatives Teshka and Speedy:

The Professional Certification Coalition (PCC) writes to urge adoption of amendments to H.B. 1343, 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. 1343 could negatively affect professional certification organizations and the Indiana 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.

As currently drafted, H.B. 1343 permits individuals to sue to challenge occupational licensing regulations, inviting expensive litigation over regulations for which taxpayers would shoulder the burden, even where the licensing requirements provide important protections to the public.

Further, H.B. 1343 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

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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. 1343:

- **Strike Section 10.** The PCC opposes the private cause of action provisions of the bill, even if amended to add safe harbors to protect both regulatory recognition of private certifications and statutory prohibitions on deceptive trade practices.
- Add a safe harbor provision: **“Nothing in this chapter shall be construed to 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.”**
- Add another safe harbor provision **“Notwithstanding other provisions in this chapter, the state may regulate a profession or occupation and impose licensure requirements for practice of that occupation if 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.”**

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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CC:

Rep. Heath VanNatter, *Chair*
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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)

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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)		

