



PROFESSIONAL  
CERTIFICATION  
COALITION

February 3, 2023

Senator Wes Climer  
1101 Pendleton Street  
Gressette Building, Room 404  
Columbia, SC 29201  
[WesClimer@scsenate.gov](mailto:WesClimer@scsenate.gov)

**Re: S. 165**

Dear Senator Climer:

The Professional Certification Coalition (PCC) writes to share our views regarding S. 165. We appreciate that the bill aims to advance the important goal of expanding opportunities for those with criminal conviction histories. We respectfully request your consideration of amendments 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 S. 165's goal to broaden access to licensure for ex-offenders so they may earn a living in their chosen profession. We agree that simply having a criminal record should not stigmatize or automatically disqualify an individual from an occupational license. **It is critical, however, that licensing boards be able to consider the facts underlying an applicant's past conduct and make independent, individual determinations about that applicant's fitness to practice the occupation with the state's endorsement, and that private certification organizations also be able to consider relevant past conduct.**

Not all professions are the same, nor are all criminal convictions. Some crimes, even if non-violent and non-sexual in nature, merit a continuing disqualification from certain occupations. For example, if a health care professional has abused prescription privileges to run an opioid distribution ring or has engaged in identity theft of vulnerable patients while providing home health services, a licensure board should not be blocked from disqualifying that applicant for the protection of the public.

February 3, 2023

Page 2

To address these concerns, the PCC proposes the following amendments:

- Add a new second sentence to Section 40-1-75(A)(1): **“A criminal conviction is ‘directly related’ to an occupation if the circumstances of the offense and the nature of the occupation would create an unreasonable risk to public safety, health, or welfare for an offender to practice the licensed occupation.”**
- Add to the list of factors in Section 40-1-75(B)(1) that a licensing agency should consider when determining whether to deny a license a new subsection (f) **“whether the applicant poses an unacceptable risk to the people with whom the applicant would interact in the conduct of the profession or occupation.”**
- Add a safe harbor provision: **“Nothing in this section shall be construed to require a private certification organization to grant or deny private certification to any individual, nor alter or impair 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.”**

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 to whom the applicant would interact in the conduct of the profession. Even if a criminal conviction record is not an automatic disqualifier from licensure, licensing boards should have the ability to take into account the facts and circumstances of a licensee’s or applicant’s history.

Most private certification organizations also rely on agency determinations in their own eligibility and ethics code enforcement, as they are non-governmental entities without the resources or legal authority to conduct full-fledged investigations, issue subpoenas, and hold trial-type proceedings. Restricting licensing boards from basing determinations on relevant criminal conviction history therefore also has downstream effects on the information available to private certification organizations.

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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Legal Counsel to the PCC  
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CC:

Sen. Karl Allen  
[karlallen@scsenate.gov](mailto:karlallen@scsenate.gov)

Sen. Tom Davis, *Chair*  
Senate Committee on Labor, Commerce and Industry  
[tomdavis@scsenate.gov](mailto:tomdavis@scsenate.gov)

Professional Certification Coalition Members

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)

Healthcare Sterile Processing  
Association (HSPA)

Hearth, Patio, & Barbecue  
Education Foundation (HPBA)

Heuristic Solutions

Hospice and Palliative  
Credentialing Center (HPCC)

Institute for Credentialing  
Excellence (ICE)

Institute of Hazardous Materials  
Management (IHMM)

Institute of Inspection Cleaning  
and Restoration Certification  
(IICRC)

International Coach Federation  
(ICF)

International Information  
System Security Certification  
Consortium (ISC<sup>2</sup>)

February 3, 2023

Page 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)