



PROFESSIONAL  
CERTIFICATION  
COALITION

February 6, 2023

Sen. Joseph Morrissey  
900 E Main St, Room E614  
Richmond, VA 23219-3548  
[district16@senate.virginia.gov](mailto:district16@senate.virginia.gov)

**Re: S.B. 1227**

Dear Senator Morrissey:

The Professional Certification Coalition (PCC) writes regarding S.B. 1227. We appreciate that the bill aims to advance the important goal of expanding opportunities for those with criminal conviction histories. However, we respectfully request your consideration of amendments to ensure protections for the public and certification organizations that rely on licensure decisions.

As you may recall from our correspondence with you in prior sessions of the legislature, 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 S.B. 1227 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 underlying facts relating to an applicant's past conduct and make independent, individual determinations about that applicant's fitness to practice the profession with the state's endorsement.**

As currently drafted, the bill prohibits a licensing authority from considering a nonsexual misdemeanor if three years have elapsed. Not all professions are the same, nor are all criminal records. Some crimes, even if non-violent and non-sexual in nature, merit a continuing disqualification from certain professions. For example, misdemeanor identity theft is a nonsexual misdemeanor in Virginia. The Virginia Department of Professional and Occupational Regulation licenses Real Estate Brokers. The bill would prevent the board from considering an identity theft conviction from four years ago for a real estate license application, even though real estate brokers have access to their clients' sensitive financial information, account information, and other personal data that could enable even more harmful identity theft.

To address these concerns, the PCC proposes the following amendments to S.B. 1227:

- **Strike Section 54.1-204(B).**
- Amend Section 54.1-204(C)(3): “The extent to which the occupation or profession might present a substantial risk of the person to engage in further criminal activity of the same type as that in which the person had been involved **and whether the circumstances of the offense and the nature of the occupation would create an unreasonable risk to public safety, health, or welfare for the person to practice the licensed profession.**”
- Amend Section 54.1-204(C) to remove the descriptor “~~nonexcluded~~ criminal conviction” and add to the factors that a regulatory board or department must review in determining whether a criminal conviction “directly relates” to an occupation or profession as a new section (11): “**Whether the conduct resulting in the prior conviction would, if committed by a current licensee, be a basis for disciplinary action by the regulatory board or department.**”
- 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.**”

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.

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. Withholding criminal conviction history from licensing boards 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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Current Members of the PCC

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

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



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