



PROFESSIONAL
CERTIFICATION
COALITION

February 15, 2023

Rep. Matthew Santonastaso
107 North Main Street
Concord, NH 03301
santonastaso@cheshireliberty.com

Re: H.B. 507

Dear Representative Santonastaso:

The Professional Certification Coalition (PCC) writes to share our views regarding H.B. 507. In its current form, H.B. 507 lacks safeguards to ensure informed consumer choice, would create an unwarranted exception to licensure standards on which the public relies, and exposes third parties to harm from unqualified and unlicensed practitioners. While the PCC's preference is to work with bill sponsors on amendments where we identify areas of disagreements, these aspects of the bill are core to the legislation. The PCC accordingly must oppose H.B. 507 and will share its concerns about the bill with the committee of jurisdiction. Before doing so, however, we wanted to explain the basis of our concerns.

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.

When occupations are licensed, consumers have an expectation that any individual practicing that occupation meets the baseline qualifications required to perform the occupation. At the same time, we acknowledge that occupational licensing requirements should balance protection of the public with the interests of lowering costs, promoting market competition, and reducing barriers to entry to an occupation.

Unfortunately, H.B. 507, which would allow individuals in New Hampshire to practice in *licensed or certified* professions *without a license or certification*, does not achieve this balance. The bill opens the door for unscrupulous individuals to take advantage of consumers and contains insufficient safeguards for consumers to make an informed decision regarding the services of an unlicensed individual. The bill contains the following deficiencies:

- The bill creates considerable risk for consumers, because, in most instances, they will not be aware that an individual lacks a license or certification. The requirement for practitioners to “prominently disclose” their unlicensed or uncertified status does not ensure the consumer has seen such disclosure, nor does it ensure that the consumer understands what licensure or certification requirements the individual has failed to meet. As drafted, the bill would permit individuals who never attended or failed out of medical school to perform surgery, simply by

prominently displaying a sign that states the individual does not have a license, or it would allow someone to offer their services as a home inspector without having passed the examination New Hampshire requires as a condition of licensure, in order to verify their competence and meet the needs of the government and the public.

- Similarly, nothing in the bill bars an individual whose license has been revoked for unsafe practices, fraud, or other disciplinary reasons from continuing to practice the occupation by means of this minimal disclosure procedure, unless the state seeks a court order specifically barring that individual from practice.
- Under the bill, a person hiring the unlicensed individual may not be the end-user of the services or work product for which the person has contracted. For example, licensed civil and professional engineers build structures that members of the public enter or traverse; the public reasonably expects that such structures were designed by qualified individuals. It would imperil public safety to permit unqualified individuals to practice as civil or professional engineers, regardless of any prominent disclosure the unlicensed individual uses.

For these reasons, the PCC opposes H.B. 507 and will be urging the committee of jurisdiction to refrain from advancing this legislation. While the PCC stands ready to work with lawmakers who are seeking to craft legislation that strikes a reasonable balance between the benefits of occupational licensing and the desire for free markets in employment, this legislation goes too far in removing protections for the public.

Thank you for your consideration of these issues. 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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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 (ISC²)

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)