



Agenda
PCC Member Strategy Call
Wednesday, January 25, 2023
12:00 pm ET

Steering Committee: ICE (Denise Roosendaal), ASAE (Jeff Evans)

Legal Counsel: Jerry Jacobs, Craig Saperstein, Julia Judish, Nicole Steinberg, Lori Panosyan (Pillsbury)

1. Welcome

- a. Happy New Year to all PCC members! We have certainly hit the ground running with the 2023 legislative season.
- b. Invoices for second half of fiscal year have been sent out. We greatly appreciate those who have responded and are available to answer any questions at info@profcertcoalition.org.

2. PCC In-Person Meeting

- a. We are very excited to have the opportunity to bring members back to Washington, DC for our in-person meeting on **Tuesday March 7th and Wednesday March 8th**.
- b. We'll start off with our traditional in-person meeting on March 7th, with panel discussions and break-out sessions to discuss current trends in certification-related public policy and where the coalition would like to see the PCC focusing its attention.
- c. On March 8th, we will host a "lobby day" to meet with representatives on Capitol Hill to raise awareness about the PCC and discuss our federal legislative priorities.
- d. We think we will be visiting Capitol Hill at a good time to discuss the value of credentials. Many of the jobs expected to be created under the recently enacted Inflation Reduction Act (IRA) and the CHIPS and Science Act will rely on occupations that don't necessarily require a college degree, and where postsecondary credentials/certifications are highly valuable.
- e. We will send out greater details on our agenda shortly.
- f. The meeting will take place at Pillsbury's office in downtown DC.
- g. **Member Question:** What is the PCC's take on whether there will be a federal shutdown and how long it will last? This is top of mind for those of us who serve the federal community.
 - i. **Answer:** If only we had a crystal ball! We must distinguish between the debt ceiling and what we would normally think of as a government shutdown. Congress passed a budget covering the rest of fiscal year 2023 in December, so there is no risk of an imminent government shutdown until at least September 30th of this year. The more imminent concern is the debt ceiling. The Treasury Department has already begun so-called "extraordinary measures" to prevent breaching the debt ceiling and Republicans are insisting on very significant budget cuts as a condition of raising the ceiling. The Biden Administration is determined not to negotiate on this issue like the Obama Administration did, insisting that a default on our national debt is

non-negotiable. It is hard to see what the path toward raising the debt ceiling is right now, but there are definitely ways to reach agreement before the summer, when the debt ceiling is expected to be reached.

3. State Legislation

a. Updated watchlists and the executive summary are on the For Members portion of the PCC website.

b. Trends observed in incoming bills

i. We have largely seen an influx of criminal justice reform bills, particularly efforts to expunge convictions of ex-offenders or “clean slate” bills.

c. New approach to Clean Slate bills

i. In an effort to avoid encroaching on states’ criminal justice procedures, we have drafted a safe harbor provision that would allow licensing agencies and certification organizations to access expunged conviction records for the narrow purpose of determining eligibility for new or continuing licensure and certification and only if the conduct is the sort that would lead to discipline for a current licensee.

d. MO SB 410 – the “Do No Harm” Act

i. This bill is a direct attempt to control the content of professional certifications.

ii. Although it is limited to healthcare related professions (which represents a broad swath of the economy and our membership) we are engaging with it based on opposition to the principle of the state dictating what the content and acceptable preparation may be for a certification.

iii. The bill’s sponsor, Sen. Koenig, has been willing to work with us in the past on previous bills affecting the Coalition, as well as on our effort to obtain a Missouri Attorney General opinion favorably interpreting one of his bills.

iv. We have prepared a letter to him opposing the bill as a content and viewpoint-based restriction, making it clear that it is not the specific viewpoints that we oppose – even if the viewpoints the bill was restricting were different, the PCC would take the same principled stance.

v. We are highly determined to stay out of culture wars and not be a partisan organization in any form. We check our political views at the door and focus on protecting and promoting the certification organizations that make up our membership.

vi. We wanted to flag this bill as it may be one that you as individual members want to engage with on policy and/or First Amendment grounds. You are, of course, free to build on our stance if you wish to engage more broadly with the substance of the restrictions.

vii. **Member Comment:** We have similar concerns with TX HB 1006. It is a little broader because it is not aimed just at health care and not directly aimed at certifications, but rather at state-sponsored institutions. When we have conferences, we must at least aim to fill a panel with underrepresented individuals. This is affecting us in Texas and in Florida. Anti-DEI efforts are having broad effects, it’s a big problem!

1. **Answer:** As soon as we send our letter out, we’ll post it on the website and

you are welcome to pull from it. It references cases including a recent decision in the Northern District of Florida granting an injunction against the “Stop WOKE” Act which applied to public universities in Florida. That could be a good model for addressing TX HB 1006. We will continue to monitor, analyze, and act as appropriate regarding that legislation.

viii. Member Question: I really admire the narrow path you’ve found. Missouri is a challenging state and not engaging on the policy is likely wise. Does this have legs? Would additional action be helpful? Is this type of thing something we will be tracking going forward?

1. Answer: Yes – we will be tracking any bill that is specifically targeting certification going forward. The difference between this and the Florida Stop WOKE Act is that the latter amended the Florida Civil Rights Act, which *does* apply to certification organizations, but wasn’t drafted in a way that was singling out such organizations directly. It probably was not on the bill supporters’ minds. One of the topics that we are planning for our in-person meeting is discussing these viewpoint-related bills that we’re seeing and what the members want the PCC’s approach to be with these kind of bills. If your organization opposes or has concerns about this bill, we would encourage you to send in those letters. If you are a health care-related organization, you can speak with much more expertise than the PCC is able to. It’s too early to tell whether the Missouri bill has legs. Senator Koenig has a history of getting legislation passed that affects certification, so we have to take it seriously.

4. Federal Legislation

a. HR 7939 – Federal Military and Spouses Licensing Reciprocity Bill

- i.** We wanted to flag enactment of this new law last December as we engage with these types of bills at the state level.
- ii.** This is an interesting and well-crafted bill, in our view. Individuals don’t actually get a new license; their out-of-state license is recognized in the new jurisdiction for a limited time. It also ensures that the out-of-state license permits a similar scope of practice to that in the new state.
- iii.** We’re unsure of the effect it will have – the original intent of military reciprocity bills was to reduce the impact of licensing requirements on military service members. This doesn’t preempt state laws but may undercut the need for such laws.

b. Freedom to Invest in Tomorrow’s Workforce Act update

- i.** We have been in touch recently with Rep. Spanberger about reintroduction of this bill. We are meeting with her staff to discuss our plan. Part of that planning will be potentially tying re-introduction of the bill to our in-person meeting.
- ii.** Separately, a bill was introduced several days ago, the American Workforce Empowerment Act, which is basically a stripped down version of what we have worked on.
- iii.** It would provide use of 529 plan funds for certification and other post-secondary credential-related expenses but is not as expansive as our bill. It is similar to a bill Sen. Klobuchar introduced several years ago that inspired our efforts, but that we thought needed expansion and clarification to cover our members’ interests.

- iv. We are in communication with the bill's sponsor, Rep. Finstad, and will educate him regarding why our approach is the preferred one.
- c. **REBUILD Skills Act update**
 - i. We are in communication with Rep. Kilmer and Sen. Klobuchar's staff to reinitiate talks about introduction of this legislation and are aiming to use our in-person meeting as motivation for introduction.

5. Stakeholder Outreach

a. National Conference on State Legislatures (NCSL) Nondegree Credentials Partner Meeting

- i. Denise Roosendaal (ICE) and Nicole Steinberg (Pillsbury) attended this meeting, which included a variety of representatives, including foundation executives, a lead researcher at Rutgers on non-degree certifications and credentials, state regulators, and non-profit organization officials.
- ii. It was largely about how to ensure quality in non-traditional approaches, such as micro-credentials, and how to help policymakers understand this niche area of credentialing.
- iii. Although the content represents only a small portion of our membership's interests, it was a very good networking opportunity and encouraged us to be on the lookout for discussion of micro-credentialing in introduced legislation.