



Notes

PCC Member Strategy Call

Wednesday, April 19, 2023

12:00 pm ET

1. Welcome

- a. Thank you to those who attended our in-person meeting last month. We really enjoyed getting everyone together again after 3 years. We found it to be very productive and enjoyed meeting old and new friends. We gathered good ideas as to how the PCC can continue to evolve and improve. For those who couldn't join, we hope to see you next year!
- b. Thank you also to everyone who has sent in their dues; it's extremely helpful as we plan for engagement on a number of legislative priorities.

2. Updates on State Legislative Activity

- a. Updated watchlists and the executive summary are on the Members Only portion of PCC website.
- b. We have seen somewhat of a flurry of activity as we approach the end of the busy season. You'll notice that we have several high priority bills listed this month. This is due, in part, to the PCC taking on new issues (e.g., First Amendment interference).
- c. The First Amendment Interference bills we are tracking are all aimed at health care certification organizations, but the PCC opposes them on the principle of having the state interfere with the content of certifications and conduct codes of private certification organizations.
- d. **First Amendment Interference: MO HB 489, MO SB 410**
 - i. MO HB 489 and MO SB 410 are two similar "Do No Harm" bills that restrict requirements around DEI training and incorporation of DEI concepts into private certifications in the healthcare field.
 - ii. Both bills have passed out of committee. While we were able to submit written testimony for the hearing on MO HB 489, only in-person testimony was accepted at the hearing for MO SB 410.
 - iii. SB 410 passed out of committee on April 6 and HB 489 passed out of committee on April 17.
- e. **First Amendment Interference: FL HB 1403**
 - i. FL HB 1403 seeks to penalize private healthcare certification organizations that take action to enforce their codes of conduct. It permits a board within the Department of Health to revoke state approval of a healthcare certification if the private certification organization revokes an individual's certification because the certificant has "spoken or written

publicly about a health care service or public policy” outside a specific patient relationship.

- ii. For most health care professions for which a statute requires certification as a condition of licensure, recognition of board certification is not up to the discretion of the agency.
- iii. However, this bill appears to target specialty medical certifications, because Florida gives agencies discretion on whether to “approve” a specialty medical certification. If approval of a specialty medical board certification is withdrawn, Florida’s advertising laws would prohibit a physician from advertising their certification unless the physician also states that the board certification is not recognized by the Florida Board of Medicine.
- iv. **Member comment (ABMS):** We wanted to express appreciation for PCC’s engagement especially on Florida legislation. We have looked at hiring our own lobbyist to work on this bill but have been told by a number of local stakeholders that this is really part of the DeSantis “anti-woke” agenda and that there is really not much that will be able to slow the bill down. We don’t know what the downstream effect will be because withdrawal of approval is permissive rather than mandatory, but we are concerned Florida will enforce it strongly. It’s an example of why it’s so important to have the PCC to speak on behalf of the certification community.
 1. **PCC response:** Thank you. While we are realistic about the potential of our letter to sway legislation being driven by presidential politics, we feel it is important to go on record with our First Amendment concerns and also to make a letter available to members to deploy for their purposes. Our involvement in this issue is not politically motivated; rather, it is to ensure the constitutional rights of certification organizations and certificants, regardless of ideology.
- v. **Member question (AIHA):** It seems like this could impact multiple rights from multiple parties and could be ripe for a court challenge. Could you talk about whether the PCC would engage with a legal strategy?
 1. **PCC response:** The PCC hasn’t historically gotten involved in lawsuits (e.g., against the STOP Woke Act) but drafting an amicus brief remains an option for involvement.

f. Review and Repeal: IN HB 1343

- i. In better news, after we sent a letter stating our concerns, IN HB 1343 was amended to remove the private right of action to challenge occupational regulations, so we have downgraded its rating from high to medium priority.

g. Unusual Ex-Offender Reentry Bill: WI SB 191

- i. Under Wisconsin law, state agencies that issue licenses to a broad swath of licensed professions – e.g., social workers, real estate brokers, nurses,

etc. – send applications to the Department of Safety and Professional Services to do an initial investigation on the applicant to determine whether they satisfy eligibility requirements, including whether they have a disqualifying pending arrest or conviction record.

- ii. This bill would authorize the Department to abdicate its investigation role and accept a determination made by an applicant’s employer that the applicant either doesn’t have an arrest or conviction record, or that the circumstances related to a pending arrest or conviction record is not substantially related to the licensing activity.
- iii. This is an invitation to applicant fraud and to inconsistent eligibility determinations for licenses.

h. High priority bill monitoring:

State	Bill Number	Category	Priority	Last Movement	Passed First Chamber?
Florida	HB 1403	First Amendment Interference	High	04/13/2023	N
Florida	SB 1124	Ex-offender Reentry	High	03/24/2023	N
Florida	HB 1443	Ex-offender Reentry	High	03/09/2023	N
Indiana	HB 1343	Review and Repeal	High Medium	04/12/2023	Y
Massachusetts	HB 348/HD 2527, SD 2536	Ex-offender Reentry	High	03/30/2023	N
Missouri	SB 88	Universal Licensure/Reciprocity	High	04/18/2023	N
Missouri	HB 489	First Amendment Interference/Viewpoint Restriction	High	04/17/2023	N
Missouri	SB 410	First Amendment Interference/Viewpoint Restriction	High	04/06/2023	N
Missouri	SB 347, HB 352, SB 531, SB 371	Clean Slate	High	03/27/2023	N
Nebraska	LB 16	Ex-offender Reentry/Reciprocity	High	03/13/2023	N
Texas	HB 3714	Review and Repeal	High	03/20/2023	N
Texas	SB 1714	Ex-offender Reentry	High	03/16/2023	N
Washington	HB 1301	Review and Repeal	High	04/17/2023	Sent to Governor
Wisconsin	SB 191	Ex-offender Reentry (variant)	High	04/03/2023	N

3. Updates on Federal Legislative Activity

a. Freedom to Invest in Tomorrow’s Workforce Act (HR 1477/S 722)

- i. H.R. 1477 and S. 722 have been introduced; they generally reflect the text that was introduced in last year’s congressional session.
- ii. Sponsors:
 - 1. House: Rep. Rob Wittman (R-VA) and Rep. Abigail Spanberger (D-VA)
 - 2. Senate: Sen. Amy Klobuchar (D-MN) and Sen. Mike Braun (R-IN)
- iii. We are pleased with the start that we’ve made – we have some motivated bill authors that really want to see action on this bill, and we potentially have a more favorable political environment, given that Republicans are

- generally predisposed to expanding uses of 529 plans.
- iv. We are currently trying to increase the number of co-sponsors on the bill and to advocate for the bill before Members and staff on the House Ways and Means Committee and other committees of jurisdiction – if any PCC members are interested in participating in meetings, let us know.

b. Capitol Hill Advocacy Day Debrief

- i. We had about 10 people participate in our Advocacy Day and had about 15 meetings with committees of jurisdiction.
- ii. *William Kruse (CFA Institute)*
 - 1. Found it very helpful; thought everything was structured well and organized
 - 2. Hearing directly from the members who are in this space is hugely helpful; for those who are already supporting the bill, the meetings keep their engagement level up
 - 3. It was helpful to be there to allay concerns and shed light on benefits of the bill
- iii. *Rory McCorkle (PSI)*
 - 1. Echoed William's thoughts about the meetings
 - 2. Appreciated the ability to tell stories on behalf of PSI's clients
 - 3. Useful to be able to take back to clients and tell them how PSI is going to bat for them
- iv. *Brandon Schall (NSPE)*
 - 1. Everything was set up wonderfully; the preparation documents were helpful; the morning preparation meetings were helpful
 - 2. PCC members had the opportunity to talk about their own industries and to engage on a personal level
- v. *Charlie Sheffield (ABMS)*
 - 1. Found it to be one of the best organized and productive fly-ins he's participated in
 - 2. Impressed by the receptiveness received from Congressional staff
 - 3. Especially useful to have the 529 talking points specific to Republicans and Democrats; with Republicans—knowing how to talk it up; and with Democrats—quelling potential concerns and saying, if you don't like it now, here's how to fix it and make it better
- vi. Takeaway: having advocates from different industries (with different occupational income/skill levels) was a benefit, shows that 529 plans benefit people at all income and skill levels.

c. Update from Copyright Office (end of national Public Health Emergency)

- i. President Biden signed into law a bill ending the COVID-19 national emergency on April 10, 2023. We contacted the U.S. Copyright Office regarding the secure test definition and approval process that was tied to national emergency that's now over.
- ii. The Director of Registration Policy and Practice has been in touch with an

attorney in its office of general counsel and the Office expects to publish an interim rule shortly, which would extend the status quo.

4. Stakeholder Outreach

- a. Institute for Justice (re: MA H. 348)
 - i. We are meeting next week to discuss an ex-offender reentry bill, MA H 348. The bill sponsor for H. 348 connected us with IJ's representatives.
- b. I.C.E. [Webinar](#) on Legislative Intrusions into Certification Decision-making (4/20/2023)
 - i. Julia Judish and Nicole Steinberg from the PCC team are presenting.