



May 16, 2023

Rep. Shae Sortwell, *Chair*  
Assembly Committee on Regulatory  
Licensing Reform  
[rep.sortwell@legis.wisconsin.gov](mailto:rep.sortwell@legis.wisconsin.gov)

Rep. Nate Gustafson, *Vice Chair*  
Assembly Committee on Regulatory  
Licensing Reform  
[rep.gustafson@legis.wisconsin.gov](mailto:rep.gustafson@legis.wisconsin.gov)

**Re: A.B. 202**

Dear Representatives Sortwell and Gustafson,

The Professional Certification Coalition (PCC)<sup>1</sup> writes to share our views regarding A.B. 202. We appreciate that the bill aims to advance the important goals of expanding opportunities for those with criminal conviction histories and conserving taxpayer dollars. However, A.B. 202 could have an adverse effect on the health, safety, and welfare of Wisconsin citizens who trust the state to protect the public from low-quality or harmful services. **Therefore, the PCC urges amendments to A.B. 202.**

The PCC takes no position on the provisions of the bill that allow the Department of Safety and Professional Services (DSPS) to complete an investigation without reviewing violations of laws relating to underage alcohol use, minor, nonviolent ordinance violations, or first-time driving violations that occurred more than five years before a credential application date. The PCC's concern lies with the bill's proposed new Section 440.03(13)(bt), allowing DSPS to defer to a determination made by an applicant's employer that the applicant either does not have a criminal history record or that the circumstances related to that record "are not substantially related to the licensed activity."

**By abdicating DSPS's independent role in making this determination, this provision is an invitation to applicant fraud and inconsistent determinations of eligibility.** Even employers who, in good faith, assert that an applicant's criminal record is not substantially related to the licensed activity may not have the familiarity with the scope of practice for the occupation that DSPS will have. Different employers may also have different interpretations of what criminal conduct is "substantially related," resulting in applicants with similar criminal records being treated differently by DSPS based on the varying perspectives of their employers. Many employers may also have conflicting interests or bias, either because the employer is also a family member or close friend of the applicant (as is common in small businesses) or because the

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<sup>1</sup> The PCC is a nonpartisan, 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 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.

employer does not want to be responsible for – and blamed for – the denial of the license the employee seeks. Essentially, **holding a license in Wisconsin would no longer be a sign that the state has engaged in an individualized, accurate, and fair review of an individual's eligibility for a license, in light of past criminal conduct.**

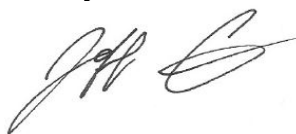
The public expects licensing authorities to serve as gatekeepers, as do private certification organizations. Private certification organizations in regulated professions rely on licensing boards to exercise their authority to deny licenses to individuals who have engaged in conduct that casts serious 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. Compromising the independence and consistency of DSPS's review of applicants' criminal conviction history therefore also has downstream effects on the information available to private certification organizations.

**Given these issues, the PCC urges the legislature to amend A.B. 202 to remove the new Section 440.03(13)(bt) in its entirety.**

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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CC:

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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 Board)  
Certified Fund Raising  
Executive International (CFRE)  
CertiProf, LLC

Chartered Financial Analyst  
Institute (CFA Institute)  
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>)

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)