



June 26, 2023

Senator André Jacque, *Chair*
Committee on Licensing, Constitution and
Federalism
Sen.Jacque@legis.wisconsin.gov

Senator Julian Bradley, *Vice Chair*
Committee on Licensing, Constitution and
Federalism
Sen.Bradley@legis.wisconsin.gov

Re: A.B. 202

Dear Senator Jacque and Senator Bradley,

The Professional Certification Coalition (PCC)¹ 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 (DPS) 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 DPS 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 DPS'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 DPS 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 DPS 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

¹ 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,



Jeff Evans
Director, Public Policy
ASAE: The Center for Association Leadership
Phone: (202) 626-2722
Email: jevans@asaecenter.org



Denise Roosendaal, FASAE, CAE
Executive Director
Institute for Credentialing Excellence
Phone: (202) 367-1165
Email: droosendaal@credentialingexcellence.org

CC:

Sen. Chris Kapenga, *Co-Chair*
Joint Legislative Council
sen.kapenga@legis.wisconsin.gov

Rep. Nancy VanderMeer, *Co-Chair*
Joint Legislative Council
rep.vandermeer@legis.wisconsin.gov



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 (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)