



PROFESSIONAL
CERTIFICATION
COALITION

January 31, 2024

Rep. Tony Lekas
107 North Main Street
Concord, NH 03301
rep.tony.lekas@gmail.com

Re: HB 1676

Dear Rep. Lekas:

The Professional Certification Coalition (PCC)¹ writes regarding HB 1676, to address our concerns that it could weaken important occupational regulations that protect public health, safety, and welfare.

The PCC supports a careful review of licensing laws to ensure that unnecessary obstacles are removed. However, in its current form, HB 1676's repeal provisions would abolish occupational licensing boards without first considering whether eliminating a particular state licensing agency is in the public interest. Licensing boards that have been duly established by the legislature and on which the public relies should not be abolished without the legislature engaging in its important oversight role.

Abolishing licensing boards would shift their enforcement functions on to private certification programs – which lack the legal authority and resources to serve as a substitute. Further, many licenses require that an applicant or licensee obtain or maintain private certification as a condition of licensing. In this case, abolishing the board would abolish two layers of protection for public health, safety, and welfare.

Our concern is not hypothetical: in 2019, the Texas legislative session expired before bills to extend the Texas State Board of Plumbing Examiners were passed, resulting in automatic sunset provisions taking effect, thereby abolishing the Board and all licensing laws governing installers of plumbing, gas, and medical gas systems. To reinstate vital protections for the safety of

¹ The PCC is a nonprofit, nonpartisan 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.

January 31, 2024

Page 2

homeowners and Texas residents, the governor was forced to take executive action to extend the Board's activity past its automatically scheduled expiration date.

To preserve substantive qualification requirements in licensing laws, the PCC proposes the amendments in **Appendix A**.

The PCC stands ready to work with you to craft legislation that strikes a reasonable balance between the benefits of occupational licensing and the desire for free markets in employment. Unfortunately, in its current form, this legislation goes too far by removing vital protections for the public.

Thank you for your consideration of these issues. Please feel free to reach out to us using the contact information identified below.

Sincerely,



Craig Saperstein
Partner, Pillsbury Winthrop Shaw Pittman LLP
Legal Counsel to the Professional Certification Coalition
craig.saperstein@pillsburylaw.com

CC:

Rep. Carol M. McGuire
carol@mcguire4house.com

Rep. Jason Osborne
Jason@Osborne4NH.com

APPENDIX A

- **Strike the automatic Sunset Provisions, or in the alternative add a new section: “Notwithstanding any other provision in this Act, no statutory chapter authorizing an occupational licensing board shall be repealed if the Legislature does not complete a systemic review of the occupational licensing program prior to the scheduled repeal date in this Act; in such cases, the scheduled repeal date shall be postponed to July 1st of the following calendar year.”**
- **Add a new Section: “Nothing in this section is intended to restrict a board or commission from requiring, as a condition of licensure or renewal of licensure, that an individual’s personal qualifications include obtaining or maintaining private certification from a private organization that credentials individuals in the relevant occupation.”**
- **Add a safe harbor provision: “Nothing in this section shall be construed to require a private certification organization to grant or deny private certification to any individual.”**
- **Add another safe harbor provision: “Notwithstanding any other provision in this Act, no statutory chapter authorizing an occupational licensing board shall be automatically repealed due to a scheduled sunset date if the occupational board or commission authorized in that chapter has adopted licensure requirements for any occupation for which the licensure requirements are based on uniform national laws, practices, and/or examinations that have been adopted by at least two-thirds of states and territories in the United States.”**



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 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)

Beingcert

Board of
Certification/Accreditation
(BOC)

Board of Certified Safety
Professionals (BCSP)

Board of Pharmacy Specialties
(BPS)

Building Commissioning
Certification Board (BCCB)

Building Industry Consulting
Service International, Inc.
(BICSI)

Certification Board for Diabetes
Care and Education (CBDCE)

Certification Board for Music
Therapists (CBMT)

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)

Construction Management
Association of America
(CMAA)

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)

Human Resource Certification
Institute, Inc. (HRCI)

Institute for Credentialing
Excellence (ICE)

Institute of Hazardous Materials
Management (IHMM)

International Coach Federation
(ICF)

International Information
System Security Certification
Consortium (ISC²)

Investments & Wealth Institute
(IWI)

Irrigation Association	National Recreation and Park Association (NRPA)
IT Certification Council (ITCC)	National Restaurant Association (NRA)
Laborers' International Union of North America Training & Education Fund (LIUNA)	National Roofing Contractors Association (NRCA)
Medical-Surgical Nursing Certification Board (MSNCB)	National Society of Professional Engineers (NSPE)
National Association of Insurance and Financial Advisors (NAIFA)	Nephrology Nursing Certification Commission (NNCC)
National Association of Personal Financial Advisors (NAPFA)	Oncology Nursing Certification Corporation (ONCC)
National Athletic Trainers' Association Board of Certification, Inc. (NATA/BOC)	Pearson Vue
National Board of Certification and Recertification for Nurse Anesthetists (NBCRNA)	Pediatric Nursing Certification Board (PNCB)
National Board of Certification in Hearing Instrument Sciences (NBC-HIS)	Pharmacy Technician Certification Board (PTCB)
National Board of Certification in Occupational Therapy (NBCOT)	Professional Association of Therapeutic Horsemanship International (PATH)
National Board of Public Health Examiners (NBPHE)	PSI Services
National Board of Surgical Technology and Surgical Assisting (NBSTSA)	QualityPro
National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM)	Rehabilitation Nursing Certification Board (RNCB)
National Certification Corporation (NCC)	School Nutrition Association (SNA)
National Commission for Health Education Credentialing (NCHEC)	SeaCrest Consulting
National Commission on Certification of Physician Assistants (NCCPA)	Security Industry Association (SIA)
National Council on Family Relations (NCFR)	Society of Broadcast Engineers (SBE)
National Kitchen and Bath Association (NKBA)	Specialty Pharmacy Certification Board (SPCB)
	Spray Polyurethane Foam Alliance (SPFA)
	Towing and Recovery Association of America, Inc. (TRA)