



# PROFESSIONAL CERTIFICATION COALITION

February 7, 2024

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## Re: SB 602

Dear Senators Carter, Kelly, McKay, Muse, Smith, Sydnor, Waldstreicher, and West:

The Professional Certification Coalition (PCC)<sup>1</sup> writes regarding SB 602. We appreciate that the bill aims to advance the important goal of expanding opportunities for individuals with criminal conviction histories. However, we respectfully request an amendment to ensure that licensing agencies can carry out their statutory responsibilities, to enable private certification organizations to preserve the integrity of their credentials, and to protect the public.

The PCC shares SB 602's goal of ensuring that individuals with criminal conviction histories are not stigmatized in perpetuity. **But licensing agencies and certification organizations must have access to facts about an applicant's past conduct in order to make informed, individualized decisions about conferring credentials that endorse the individual as trustworthy.**

Automatic expungement or "clean slate" bills, by their nature, place blinders on employers, landlords, and others who interact with individuals with criminal conviction histories, preventing them from learning about past conduct that may influence employment, renting, or other decisions. These restrictions on access to information are seen as justified by the societal value of removing obstacles to successful community reentry for individuals with criminal conviction histories. **But licensing agencies and certification organizations are in a different category from employers and landlords:** a license or professional certification reflects more than a demonstration of technical skills. These credentials also signal to the public that the individual acts consistently with the conduct code for that profession.

Licensing boards play a critical role in ensuring that the public can safely engage the services of a licensed professional; they therefore need access to information relevant to an applicant's fitness to perform a profession, especially reliable information resulting from proceedings with due process to the

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<sup>1</sup> 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.

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applicant. Private certification organizations also play an important role in conferring credentials the public relies on. Private certification conveys the endorsement that the individual meets the competency, knowledge, and conduct standards required for the credential.

A wide range of conduct that may result in criminal convictions can be relevant to decisions on whether to grant a license to practice a profession or to issue a private certification that places practitioners in a position of trust or gives them access to vulnerable individuals. Even nonviolent and non-sex-offender crimes can merit a continuing disqualification from certain professions; if a home health nurse has engaged in identity theft or embezzlement, a licensing board or certification organization for the profession should be permitted to consider whether that applicant would still pose a risk to clients. Nor should misdemeanor convictions automatically be hidden from licensing boards and certification organizations. A misdemeanor conviction may result from a plea bargain based on the same underlying conduct that could otherwise have resulted in a felony conviction. The relevance of the conduct to whether an applicant merits an affirmative endorsement as fit to perform an occupation cannot be determined solely based on the classification of the offense.

Because of its broad sweep, with exceptions for only a few categories of offenses, SB 602 as currently drafted would block licensing boards and private certification organizations from learning about information that is relevant to their decisions. To address these concerns, the PCC proposes that a new safe harbor provision be added to provide access to criminal conviction records solely in connection with licensure or certification decisions on an individual with a criminal conviction history, with guardrails for how licensing boards and certifications organizations use such information, and without treating the criminal record as broadly stigmatizing:

**“Notwithstanding any other provision of law to the contrary, nothing in this chapter shall prevent a licensing authority or certification organization from accessing, or requiring an individual to disclose, the individual’s expunged misdemeanor and felony conviction records in connection with a decision on the licensing or certification status of the individual. A licensing agency or certification organization may use such information solely in connection with that decision and may take an action based on an expunged conviction only if the underlying conduct resulting in the prior conviction would, if committed by a current licensee or certificant, be the basis for disciplinary action by the licensing authority or certification organization.”**

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

Sincerely,



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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 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 (ISC<sup>2</sup>)

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)