



PROFESSIONAL  
CERTIFICATION  
COALITION

March 22, 2024

Rep. Will Carpenter, *Chair*  
House Committee on Federal and State Affairs  
[will.carpenter@house.ks.gov](mailto:will.carpenter@house.ks.gov)

Rep. Tom Kessler, *Vice Chair*  
House Committee on Federal and State Affairs  
[tom.kessler@house.ks.gov](mailto:tom.kessler@house.ks.gov)

Rep. Jo Ella Hoye, *Ranking Minority Member*  
House Committee on Federal and State Affairs  
[joella.hoye@house.ks.gov](mailto:joella.hoye@house.ks.gov)

**Re: HB 2818**

Dear Representatives Carpenter, Kessler, and Hoye:

The Professional Certification Coalition (PCC)<sup>1</sup> writes regarding HB 2818. We appreciate that HB 2818 includes provisions designed to avoid intruding on the credentialing decisions of private certification organizations. Nonetheless, in its current form, HB 2818 sets up potential unnecessary taxpayer expenses and competition between government certification and private certification, and it imposes obstacles to state recognition of professional certification standards that protect the public from low-quality or harmful services.

The PCC supports efforts to avoid establishing unnecessary barriers to entry into professions to promote market competition and employment opportunities. However, the PCC is concerned that HB 2818 creates a rebuttable presumption against the state regulating any additional occupations or professions beyond those it currently regulates and sets up the state as a competitor to private certification organizations on the taxpayer's dime.

Having the state establish its own certification programs, rather than recognizing reputable private certifications, would be a waste of taxpayer money for occupations in which well-established and industry-recognized private voluntary professional certifications already exist. There is no reason for the state to expend taxpayer resources to enter the certification business by establishing costly new programs, in many instances competing with private organizations that

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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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have already established certification programs based on their unique expertise in the field or profession.

As subject matter experts, private certification organizations are in the best position to develop requirements for certificants that are necessary to protect the public. The state has recognized the value of having standards defined by subject matter experts rather than by government officials by incorporating competency standards established by private certification programs into licensure requirements for some fields, such as safety-related roles and the engineering and financial industries.

In addition, the PCC respectfully suggests that HB 2818's rebuttable presumption against occupational licensure should not apply to occupations in which the state would establish licensing standards that are consistent with uniform national laws, practices, and/or examinations that at least two-thirds of states have already adopted. Having such consistent licensing standards promotes reciprocity of licensing among states.

To address these concerns, the PCC proposes amendments in the attached **Appendix A**.

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

Sincerely,



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## APPENDIX A

- Add a definition of “private certification” as **“a voluntary program in which a private organization grants nontransferable recognition to an individual who meets personal qualifications relevant to performance of the occupation to which the certification pertains, including by demonstrating a specified level of knowledge and skill required to meet standards in the profession, as established by the private organization.”**
- Amend the definition of “certification” to read **“‘Certification’ entitles the individual to use ‘government certified’ as a designated title.”**
- Amend the definition of “general welfare” to read: **“‘general welfare’ means the concern of the state for the health, peace, morality, physical and financial welfare, and safety of Kansas residents;”**
- Amend Section 3(b)(2) to read **“if the consumer has challenges accessing credentialing information or possesses significantly less information on how to report abuses such that the practitioner puts the consumer in a disadvantageous position relative to the practitioner to judge the quality of the practitioner's services, the regulation shall implement a system of certification unless suitable, private certification for the relevant occupation is available. As used in this section, ‘suitable’ means widely recognized as reflecting established standards of competency, skill, or knowledge in the field; and”** or delete the provision entirely.
- Add **“Nothing in this chapter shall be construed to alter any requirement in a licensure statute or regulation for an individual to hold current private certification as a condition of licensure or renewal of licensure.”**
- Add **“Notwithstanding other provisions in this chapter, the state may regulate a profession or occupation and impose licensure requirements for practice of that occupation if the licensure requirements are based on uniform national laws, practices, and/or examinations that have been adopted by at least two-thirds of states in the United States.”**
- Add **“Notwithstanding any other provision, no individual shall be restricted from using the title ‘certified’ or the title ‘registered’ to the extent that title reflects a credential held by the individual that was issued by a private certification organization that confers credentials to individuals meeting the qualifications set by the organization’s certification or certificate program.”**



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)