

**Notes**  
**PCC Member Strategy Call**  
**Tuesday, April 30, 2024**  
**12:00 noon ET**

**I. Welcome**

**II. Special Guest:** Lisa Lutz, President/CEO of SOLID, LLC

a. *Background*

- i. Lisa's work focuses on occupational credentialing and professional development for servicemembers as they ease out of the military and enter the civilian workforce.

b. *Presentation* (full presentation will be available on the website)

i. Topics

1. Military and Veterans as Stakeholders
2. Evolution and Establishment of DOD Credentialing Programs and Policy
3. Why is Credentialing Good for the Military and Servicemembers?
4. Overview of Current Credentialing Programs and Policies
5. [DOD COOL](#)
6. MilGears Platform
7. [ICE Military and Veterans Toolkit](#)

ii. Contact information:

1. Lisa Lutz
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3. Email: [lisa.lutz@solidinfodesign.com](mailto:lisa.lutz@solidinfodesign.com)
4. Website: [solidinfodesign.com](http://solidinfodesign.com)

iii. Q&A

1. Q: Why aren't more servicemembers and veterans using the COOL database?
  - a. There is variation of awareness in terms of awareness across services; some do a better job than others of publicizing resources.
  - b. PCC Members have a role to play in elevating awareness.
2. Q: If you're a certification organization and you are *not* listed on the COOL database, what can you do to get listed?
  - a. Detailed information on this is in the ICE Toolkit – but in short, on every COOL website you will find a “Contact Us” form. Use this form to send us your information and it will be evaluated for inclusion. Note that the key criterion is whether the certification is relevant to a military occupation. So, for example, if it's a real estate license, that is not going to be included because it is unrelated to military occupations.

iv. Closing Remarks

1. Enormous thank you to Lisa for taking the time to join us today. We look forward to working together to ensure that our servicemembers receive credentialing.

### **III. Federal Legislative Updates**

#### *a. Freedom to Invest in Tomorrow's Workforce Act*

##### i. H.R. 1477

1. As of April 27, 2024, our cosponsor number is up to 132, with two Democrats joining just yesterday.
2. 80 Republican cosponsors and 52 Democratic cosponsors. Bipartisanship continues to be a strong selling point for us.

##### ii. S. 722

1. 23 cosponsors; 12 Republican, 10 Democratic, 1 Independent

##### iii. Legislative Vehicle

1. We continue to seek out a legislative vehicle to move our legislation. As we discussed in our in-person meeting and in meetings before, there has been a lack of momentum on the bipartisan tax bill (the tax bill is “mostly dead”), which was our most likely legislative vehicle for moving the bill.

##### iv. Recent Revisions

1. We have been negotiating targeted revisions to the Act, most notably expanding automatic track for program qualification by including COOL and WEAMS databases to ensure that the Joint Committee on Taxation, Senate Finance Committee, and, hopefully, Democrats on the House Ways and Means Committee bless the legislation, allowing it to advance.
2. By tightening up the bill and broadening its impact, we anticipate even greater support for the bill.

#### *b. Appropriations*

##### i. Credentialing Database Report Language

1. For a while, we've had the idea that the federal government needs to have a “one-stop shop” for individuals to find credentialing programs. There are disparate resources for this, like the COOL database, the WEAMS database, and state WIOA lists, but we think there would be a great benefit to having a highly recognized centralized directory for these types of credentials.
2. To that end, we are attempting to use the congressional appropriations process to encourage the Department of Labor (DOL) to start the work necessary to establish such a directory. We are not proposing putting any money towards that effort in the immediate term, but instead the goal is to use report language to set or encourage policy, with the hope of future dollars.
3. We've crafted such language and submitted it to several congressional offices. We are optimistic that a number of those offices will submit our language.

##### ii. Department of Veterans' Affairs (VA) Report Request

1. There is another effort led by ASAE that will be beneficial to the PCC membership. Again, this request does not come with any funding requests – it is a report language request.
2. This would direct the Government Accountability Office (“GAO”) to work with the VA to study the prevalence of post-secondary credentials among veterans.
3. There are some specific directives in terms of the data and metrics to be collected, including simple things like the number of veterans with credentials versus those without, income comparisons between these two groups, and other related items like the rate of business ownership of each group.

#### IV. Federal Agency Activity

- a. On April 18, 2024, the Federal Trade Commission (FTC), Justice Department (DOJ), and the U.S. Department of Health and Human Services (HHS), launched an [online portal](#) for members of the public to report “health care practices that may harm competition.”
- b. The genesis of this portal is the Biden Administration’s focus on reducing healthcare costs. Consistent with that initiative, we’ve seen announcements and requests for public comment on the competitive effects of healthcare company mergers and private equity ownership in medical practices.
- c. On the portal itself you can see examples of practices that may be considered anti-competitive and potentially in violation of antitrust laws. **One listed example is “Unnecessary Healthcare Provider Recertification or Accreditation Requirements,”** which suggests that recertification requirements may increase costs and reduce competition.
  - i. Note this is the opposite of what courts have ruled in antitrust challenges/lawsuits to recertification requirements. Those of you who have been in the PCC for a while may remember that the PCC submitted an amicus brief to U.S. Court of Appeals for the Third Circuit Court in support of the right of certification organizations to define their own credentials. In that case, the Third Circuit rejected challenges to recertification on antitrust grounds.
- d. While this is limited to healthcare, it may have a broader impact by allowing recertification requirements to be challenged on antitrust grounds
- e. Amy Gibson, ABMS:
  - i. There are a lot of legitimate concerns about anti-competitive activity in health care, but it is unclear to us how credentialing and recertification got into the mix without any evidence to support its inclusion. We’re coming to the PCC community to help us determine the best way to approach the DOJ and FTC.
  - ii. ABMS believes this is effectively a challenge to the ability of certifying organizations to define their own certification requirements.
  - iii. **With all of this, we’re interested to hear whether you share these concerns and if you have any ideas as to what our strategy might be as a community.**
- f. Possible Strategies:

- i. Given how recent this announcement is, the PCC is still considering the proper response.
- ii. Possibility of direct communication with DOJ and FTC
- iii. Engagement with the White House and Congress as well (we can imagine downstream efforts from Congress to provide oversight or legislate in this area).
- iv. Whatever the PCC decides to do, this may be one of those issues that you may want to bring to your own organizations for discussions.

**V. State Legislative Activity**

- a. State sessions are winding down; only a few states are still in session.
- b. As noted on the agenda, a number of high priority bills have been enacted without amendment – most of these are returning citizens bills that don't include our language regarding public health and public welfare (and instead use the broad public safety language)
- c. Ohio HB 238
  - i. This is a First Amendment bill that is in the second chamber.
  - ii. This legislation would provide that no licensing agency can have continuing education requirements/courses that include prohibited concepts such as implicit bias. We've proposed amendments to clarify that this wouldn't prohibit any licensing agency from recognizing private certifications if those organizations provide continuing education related to DEI-type concepts or implicit bias.

**VI. Survey**

- a. Please note that we did not have adequate time at our in-person meeting to discuss PCC priorities moving forward.
- b. To that end, please be on the lookout for a survey, which will ask you questions related to how to prioritize competing types of work that we put our resources towards. We will be asking you to rank the different kinds of activities the PCC does and you will have an opportunity to comment and give feedback more generally.