



March 12, 2025

Assemblymember Brittney Miller
9030 West Sahara, No. 364
Las Vegas, NV 89117
brittney.miller@asm.state.nv.us

Re: AB 264

Dear Assemblymember Miller:

The Professional Certification Coalition (PCC)¹ writes regarding AB 264. We appreciate that the bill aims to advance the important goal of expanding opportunities for those with criminal conviction histories. However, as currently drafted, AB 264 would incentivize individuals to challenge licensing decisions, waste taxpayer dollars, and endanger the health, safety, and welfare of Nevada citizens who trust the state to protect them. **For these reasons, the PCC must oppose AB 264.**

The PCC agrees that the mere fact of having a criminal record should not stigmatize or automatically disqualify an individual from an occupational license. However, inviting applicants to challenge the denial of a license in court would open the floodgates to costly litigation against government agencies, and the standard of proof that AB 264 imposes would put the public at risk.

The bill sets up an impossible burden for the state to meet. As occupational regulations currently are not subject to the requirements of the new section AB 264 proposes, licensing agencies are not currently collecting “clear and convincing evidence” of the “direct, substantial and unmitigable risk to public health and safety.” In particular, in most cases, it would be impossible to establish that a risk is unmitigable, especially to a clear and convincing level of evidence. For example, with respect to medical practitioners, Nevada law (NRS 630.301) provides that certain conduct and convictions are grounds to deny a license, including “any offense regarding moral turpitude,” which licensing boards have relied on to deny a license to applicants based on their convictions for possession of child pornography. If such an applicant asserts that their conduct arose from a period of addiction from which the applicant has now recovered, no licensing board would be able to establish by clear and convincing evidence that the risk of the applicant abusing the intimate access medical practitioners have to children would be “unmitigable.” But licensing

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.

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boards rightly, in such situations, are unwilling to shift the burden of risk of these kinds of grave harms from the applicant to vulnerable members of the public.

As this example illustrates, a wide range of conduct that may result in criminal convictions can be relevant to decisions on whether to grant a license that places practitioners in a position of trust or gives them access to vulnerable individuals. Even nonviolent and non-sex-offender crimes, such as fraud, can merit a continuing disqualification from certain professions. For example, if a home health nurse has engaged in identity theft or embezzlement, the licensing board should be permitted to consider whether that applicant would still pose a risk to clients. AB 264's focus only on "public health and safety" but not also "public welfare" also discounts important categories of harms. AB 264's extremely high burden limits an agency's ability to make nuanced determinations and devalues the expertise of the state's agencies.

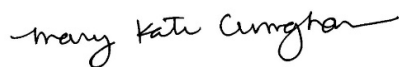
Forcing licensing agencies to defend their determinations in court wastes limited state resources and taxpayer dollars – money that could be used to process applications, grant licenses, and enable more Nevada residents to earn a living.

With respect, the PCC suggests that the legislature and licensing agencies instead take a leadership role in carefully considering, with respect to particular occupations, whether any specific occupational licensure requirements may be unduly restrictive, rather than spurring litigation battles for judges to resolve.

Both members of the public and private certification organizations rely on licensing authorities to make informed decisions. Licensing boards must have authority to deny licenses to individuals who have engaged in conduct that casts serious doubt on their fitness to practice the profession or that indicates that the individual poses an unacceptable risk to the people to whom the applicant would interact in the conduct of the profession.

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

Sincerely,



Mary Kate Cunningham, CAE
Chief Public Policy and Governance Officer
ASAE: The Center for Association Leadership
Phone: (202) 626-2722
Email: mcunningham@asaecenter.org



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



AABC Commissioning Group
ABRET Neurodiagnostic
Credentialing & Accreditation
(ABRET)
ABS International: the
Association for Biosafety and
Biosecurity (ABSIA)
Academy for Certification of
Vision Rehabilitation &
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(ACVREP)
American Association of
Critical-Care Nurses (AACN)
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
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 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
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Executive International (CFRE)
Chartered Financial Analyst
Institute (CFA Institute)
Commission for Case Manager
Certification (CCMC)
Community Association
Institute (CAI)
Competency & Credentialing
Institute (CCI)

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)
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 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 for Health Education Credentialing (NCHEC)

National Commission on Certification of Physician Assistants (NCCPA)

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)

Pearson Vue

Pediatric Nursing Certification Board (PNCB)

Pharmacy Technician Certification Board (PTCB)

Professional Association of Therapeutic Horsemanship International (PATH)

Project Management Institute (PMI)

PSI Services

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)

Spray Polyurethane Foam Alliance (SPFA)

Towing and Recovery Association of America, Inc. (TRA)

Last updated March 12, 2025