



PROFESSIONAL
CERTIFICATION
COALITION

March 25, 2025

Representative Ken King, *Chair*
Committee on State Affairs
ken.king@house.texas.gov

Representative Ana Hernandez, *Vice-Chair*
Committee on State Affairs
ana.hernandez@house.texas.gov

Re: HB 2690

Dear Representatives King and Hernandez:

The Professional Certification Coalition (PCC)¹ writes to raise concerns regarding HB 2690. In its current form, HB 2690 would incentivize individuals to challenge any occupational licensing regulations – even those that reflect a nationwide consensus for the need for licensing requirements – waste taxpayer dollars, and endanger the health, safety, and welfare of Texas citizens who trust the state to protect them. **For these reasons, the PCC must oppose HB 2690.**

The PCC supports a careful review of licensure laws to ensure that unnecessary obstacles to professions are lightened or removed. However, HB 2690's extremely broad prohibition and untenable evidentiary standard would open the floodgates to costly litigation against government agencies and put the public at risk.

First, by definition, **all licensure laws impose “a burden on an individual’s right to earn a living.”** This, coupled with new Section 2402.004(b)'s expansive grant of standing, means virtually anyone who gives the slightest consideration to engaging in a licensed profession can sue a licensing agency. The bill does not include any exceptions, which means, for example, officials of the Texas medical boards would be subject to suit, that Texas would incur litigation expenses even for frivolous claims, and that the medical board officials would have to justify that medical licensing is necessary to protect public health.

Inviting costly litigation that the state would have to defend would waste limited state resources and taxpayer dollars – money that could be used to process applications, grant licenses, and enable more Texas residents to earn a living.

Second, the bill sets up an impossible burden for the state to meet. As occupational regulations have not had to meet the requirements of new Sec. 2402.003 before adoption, no government

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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agency will have data to prove that licensure requirements are the least restrictive way to protect public health, safety, or welfare. No agency is currently collecting proof of actual public harm at each level of regulatory restriction. With respect, the PCC suggests that the legislature and state agencies should 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.

The PCC stands ready to work with lawmakers who seek 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 in enabling removal of 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,

A handwritten signature in black ink, appearing to read "Craig Saperstein".

Craig Saperstein
Partner, Pillsbury Winthrop Shaw Pittman LLP
Legal Counsel to the PCC
Email: craig.saperstein@pillsburylaw.com

cc: The Honorable Brian Harrison
brian.harrison@house.texas.gov



AABC Commissioning Group
ABRET Neurodiagnostic
Credentialing & Accreditation
(ABRET)
ABS International: the
Association for Biosafety and
Biosecurity (ABSIA)
Academy for Certification of
Vision Rehabilitation &
Education Professionals
(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
Board of Standards (CFP Board)
Certified Fund Raising
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 25, 2025