



April 25, 2025

Representative Tom Oliverson
tom.oliverson@house.texas.gov

Representative Ellen Troxclair
ellen.troxclair@house.texas.gov

Re: HB 4547

Dear Reps. Oliverson and Troxclair:

The Professional Certification Coalition (PCC)¹ writes to raise concerns regarding HB 4547. As drafted, HB 4547 would 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 4547.**

As a threshold matter, legislation to authorize private suits against unconstitutional regulations is unnecessary—any person who practices a profession can already bring First Amendment challenges to professional regulations. However, the bill goes beyond that to take the extreme position that engaging in religious views and freedom of speech should in all cases override generally applicable rules and procedures of licensing authorities, even if the government has a compelling interest in enforcing those regulations for public safety, health, and welfare.

The true effect of HB 4547 is to incentivize litigation against the state and government employees by offering the prospect of attorney’s fees and treble damages, wasting taxpayer money in having to defend against a spate of likely meritless suits. The legislation’s breadth and vagueness results in an expansive grant of standing and means that virtually anyone who is disciplined can claim grounds to 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 regularly have to justify in court that medical licensing is necessary to protect public health.

With respect to prohibited actions, the provision barring complaints based on “speech or conduct” that “is not made or done in the license holder’s professional capacity” is dangerously overbroad and exposes Texas residents to abuse and harm by unethical and unfit professionals. An occupational license conveys the state’s endorsement that a licensee is fit to practice the profession without jeopardizing public health, safety, and welfare. **Licensing boards must be**

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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able to make decisions that hold applicants and current licensees to consistent eligibility and disciplinary standards, regardless of whether the applicant or licensee contends the license denial or disciplinary action involved in the exercise of a First Amendment right.

Additionally, because the legislation exposes any license-holder who files such a report to disciplinary action, the bill will prevent state licensing boards from learning of serious risks. For example, this provision would prohibit a person from reporting to a licensing board that a child psychologist views child pornography at home, since it is not done in their professional capacity. It would prohibit a colleague from reporting a concern that a surgeon suffers from an opioid addiction, or that a pilot has been discussing suicidal ideations, if those incidents were observed outside of work. **Indeed, prohibiting the act of reporting such concerns is itself an assault on the First Amendment free speech rights of Texas residents.**

Finally, the proposed legislation is especially of concern to private certification organizations in fields in which the private certification is a requirement for licensure. Private certification organizations have their own First Amendment rights to establish and enforce codes of conduct. In many professions, including in healthcare fields, adverse disciplinary action by certification organizations against certificants are reported to licensing boards (and vice versa). However, this bill would prohibit the reporting of disciplinary action against certificants if it is based on conduct that occurred outside the license holder's professional capacity, essentially barring the current reciprocal reporting structure.

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,



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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 April 25, 2025