



February 25, 2026

Sen. Michael J. Rodrigues, *Chair*
Ways and Means Committee
Michael.Rodrigues@masenate.gov

Sen. Joanne S. Comerford, *Vice Chair*
Ways and Means Committee
Jo.Comerford@masenate.gov

Re: Senate No. 198

Dear Senators Rodrigues and Comerford:

The Professional Certification Coalition (PCC)¹ writes regarding S 198. We respectfully request amendments to ensure that licensing agencies can carry out their statutory responsibilities, and to protect the public and the certification organizations that rely on licensure decisions.

The PCC agrees that having a criminal record should not stigmatize or automatically disqualify an individual from an occupational license. Safeguarding applicants against automatic disqualification from a license, however, does not require blocking licensing boards from holding applicants to the same conduct standards that apply to a current licensee. **Issuing a license conveys the state's endorsement that an applicant is fit to practice the profession without jeopardizing public health, safety, and welfare. Licensing boards must be able to make decisions that hold applicants and current licensees to consistent disciplinary standards.**

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. Moreover, whether misconduct is relevant to practicing an occupation cannot be determined solely based on whether the misconduct resulted in a misdemeanor or felony conviction. A misdemeanor conviction may result from a plea bargain based on the same underlying conduct that could otherwise have

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.

resulted in a felony conviction. Also, the same offense and length of jail sentence may be classified as a misdemeanor in one jurisdiction and a felony in another jurisdiction.

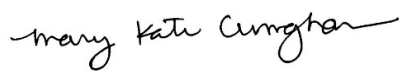
Because of S 198's broad sweep, the bill as currently drafted would prevent licensing boards from taking action based on information that was determined with full due process to the applicant and that is relevant to licensing decisions. To address these concerns, the PCC proposes the amendments in **Appendix A**.

Overly restricting licensing board decisions based on past conduct that appears in an applicant's criminal conviction history has downstream effects on the information available to private certification organizations. Most private certification organizations rely on agency determinations to enforce their eligibility and ethics codes, as they are non-governmental entities without the resources or legal authority to conduct full-fledged investigations, issue subpoenas, and hold trial-type proceedings.

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 amendments. Please feel free to reach out to us using the contact information identified below.

Sincerely,



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APPENDIX A

- Amend Section 172N(c)(5) to read “a non-violent misdemeanor **other than a criminal sexual act or fraud.**”
- Amend Section 172N(d)(1) to read: “A licensing authority may deny, diminish, suspend, revoke, withhold or otherwise limit a professional or occupational license only if the licensing authority determines, ~~by clear and convincing evidence,~~ that:
- Amend Section 172N(d)(1) to read: “First, an applicant’s non-excluded criminal record directly relates to the duties and responsibilities of the profession or occupation. **A criminal record is directly related to the duties and responsibilities of the profession or occupation if, given the circumstances of the offense in an individual’s criminal record and the nature of potential performance in the particular profession or occupation in which the individual seeks to practice would create an unreasonable risk to public safety, health, or welfare for the individual to practice the profession, or if the underlying conduct resulting in the conviction would be grounds for disciplinary action against a current licensee, certificant, or other individual holding state recognition.**”
- Add a safe harbor provision in Section 172N: “**Nothing in the chapter shall be construed to require a private certification organization to grant or deny private certification to any individual, nor 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.**”



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
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 Medical Certification
Association (AMCA)
American Nurses Credentialing
Center (ANCC)
American Payroll Association
(APA)
American Registry of
Radiologic Technologists
(ARRT)
American Society of
Association Executives (ASAE)
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)
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)
NALA – The Paralegal
Association

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 Board for
Acupuncture and Herbal
Medicine (NCBAHM)

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 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)

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