



PROFESSIONAL CERTIFICATION COALITION

Notes

PCC Member Strategy Call Wednesday, September 9, 2026 1:00 pm ET

Steering Committee: I.C.E. (Denise Roosendaal), ASAE (Kyle Hayes)

Legal Counsel: Jerry Jacobs, Craig Saperstein, Julia Judish, Lori Panosyan, Laura Killalea, Jaria Martin (Pillsbury)

1. Welcome/Membership Updates

- a. Invoices for FY26-27: Transition to new password on For Members section of the PCC website in October for members who are up-to-date on their dues payments.

2. Guest Presentation: Alvin Dunn, Senior Counsel, Pillsbury Winthrop Shaw Pittman LLP

- a. Update on Antitrust Developments Affecting the Certification Community
 - i. Members of professional societies are often direct competitors selling services to the same customers, while certification organizations may have the ability to determine which individuals or organizations are authorized to compete in a particular market.
 - ii. Federal antitrust laws apply to certain agreements among competitors as well as certain unilateral conduct that excludes competitors from a market.
 - iii. Federal and state laws also prohibit unfair competition and unfair or deceptive acts or practices in or affecting commerce.
- b. *Lincoln Memorial University v. American Veterinary Medical Association*
 - i. On September 1, 2026, the court dismissed Lincoln Memorial University's claims against the American Veterinary Medical Association (AVMA) without prejudice.
 - ii. The court determined that LMU's claims were not yet ripe because LMU's Tennessee program remains on probationary accreditation status and could receive either a good-cause extension or full accreditation rather than terminal accreditation. AVMA has also provided LMU's Florida program with a Letter of Reasonable Assurance and now lists the program as provisionally accredited.
 - iii. The court found that LMU had not demonstrated a current injury because compliance with AVMA's internal procedures (including the availability of an internal appeal process) did not itself constitute harm. The potential future denial of accredited status was also too speculative at this stage. Although this case relates to accreditation, the holding here is relevant to certification organizations.
- c. *American College of Nurse-Midwives v. Mississippi State Board of Medical Licensure*
 - i. The Mississippi State Board of Medical Licensure filed an answer to the complaint rather than moving to dismiss the case.
 - ii. A status conference was scheduled for September 9, and the litigation has

otherwise progressed slowly.

d. FTC and State Enforcement Activity

- i. The Federal Trade Commission previously issued Civil Investigative Demands (CIDs) to the American Academy of Pediatrics and the Endocrine Society. Although the FTC denied the organizations' motions to quash the CIDs in March, both organizations subsequently prevailed in separate federal court actions challenging the demands.
- ii. In June, the FTC, together with Alaska, Iowa, Nebraska, and Texas, filed suit against the World Professional Association for Transgender Health alleging deceptive trade practices.
- iii. Separately, the Florida Attorney General previously brought a deceptive trade practices action against transgender organizations in December 2025. The defendants obtained a stay from an Illinois federal court in June, but the stay was lifted in July pending en banc review by the Seventh Circuit.
- iv. These cases illustrate that the forum in which an enforcement dispute proceeds can have significant implications for the litigation.

e. *American Osteopathic Association v. American Board of Internal Medicine*

- i. The American Osteopathic Association (AOA) and American Board of Internal Medicine (ABIM) both offer board certification in internal medicine.
- ii. Previously, both organizations permitted residency program directors certified by either AOA or ABIM to attest to a candidate's completion of a residency program for purposes of taking either organization's board certification examination.
- iii. ABIM changed its requirements so that candidates seeking to take the ABIM board certification examination must come from a program directed by an ABIM-certified program director. AOA continues to permit candidates from programs led by either AOA- or ABIM-certified directors to take its examination.
- iv. AOA challenged the new requirement under Sections 1 and 2 of the Sherman Act. On July 20, 2026, the district court dismissed the Section 1 claims because AOA had not plausibly alleged an agreement to unreasonably restrain trade.
- v. The court permitted the Section 2 monopolization claim to proceed, finding that AOA's allegations that the new attestation requirement lacked a legitimate justification and excluded AOA-certified program directors from the market were sufficient at the motion-to-dismiss stage.

f. Federal and State Challenges to ABA Law School Accreditation

- i. Federal and state officials have also taken steps challenging the American Bar Association's role in law school accreditation.
- ii. In April, the FTC and Department of Justice recommended that the Tennessee Supreme Court end Tennessee's reliance on ABA accreditation, asserting that the ABA has an accreditation monopoly and that Tennessee should open the accreditation market to competition.
- iii. In August, Department of Education staff recommended that the Department deny recognition to the ABA's law school accreditation arm. The recommendation did not directly allege monopolization or harm to

competition, but instead raised concerns regarding whether the accreditation arm is sufficiently separate and independent from the ABA.

- iv. At the state level, some states are also taking steps to end the ABA's status as the sole qualifying accreditor for law schools

3. Federal Updates

- a. Language supporting greater harmonization and expansion of military credentialing assistance was included in the committee report accompanying the Senate version of the National Defense Authorization Act and appears to have been inspired, at least in part, by the PCC's advocacy. At the same time, language related to military occupational specialties included in that committee report gives us pause.
- b. The PCC continues to monitor the language as the NDAA process develops and will engage with relevant committee staff; however, progress has been slower given the election-year legislative calendar.

4. State Legislative Activity

- a. New 2026 watchlist on the "For Members" portion of the PCC website.
- b. The Credentialing Industry Action Alliance (CIAA) has continued advancing its model legislation at the state level.
 - i. Georgia has enacted legislation based on CIAA's model bill. Similar legislation has been introduced in Missouri and Ohio, with Colorado, Nebraska, New Jersey, and Iowa expressing interest in the model legislation.

5. Questions