Emerging Policy Issues Affecting Professional Certification

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About the Professional Certification Coalition (PCC)

PROFESSIONAL CERTIFICATION COALITION: 101

- 100+ Member Organizations
- 50+ Industries & Professions
- Legislative & Regulatory Analysis
- Federal & State Advocacy
Private Professional Certification

Key Elements
• Voluntary
• Granted by non-governmental organizations
• Reflect established standards defined by subject matter experts
• Credentials require establishing necessary qualifications and adhering to codes of conduct

Key Benefits
• Promotes competition and informed choice
• Enables the public to distinguish between qualified and unqualified professionals
• Prospective professionals can identify necessary skills and demonstrate mastery
Certifications and Licensure Promote Opportunity

According to a 2017 Working Paper from the Human Capital and Economic Opportunity Global Working Group of the University of Chicago, both certification and occupational licensure reduce the racial wage gap among men by 43% and the gender wage gap between women and white men by 36%-40%.
PCC State Legislative and Regulatory Monitoring

132 bills in 46 states
Key Policy Areas for PCC Engagement

• Overarching PCC Principles
• Expansion of universal licensing laws
• Ex-offender reentry legislation
• “Clean Slate” legislation
• Viewpoint-specific legislation
PCC Principles: Occupational Licensing Reform

• Ensure **balanced standards** for determining whether an occupational licensing regime for a certain field should be renewed

• The public expects licensure laws to set a higher bar than merely protecting against gross negligence and injury – **competency standards established by subject matter experts protect the public.**
Universal Licensure Expansion

• Initially: specific interstate agreements or populations with special circumstances (e.g., military spouses, COVID-19)

• Recently, expansion to work experience or credential-based alternative pathways for licensure for **unlicensed** out-of-state individuals
Ex-Offender Reentry Legislation

• Challenge: achieve the right balance between opportunity for ex-offenders and protecting the public
• Reflects distrust of licensing agencies’ subjective decisions by barring consideration of certain convictions
Ex-Offender Legislation: PCC Common Amendments

• Amendments seek to allow licensing boards to consider convictions that pose a “threat to public safety, health, or welfare.”

• Amendments clarify that the bill does not apply to private certification organizations.

• Amendments seek to allow licensing agencies to consider if ex-offenders have pending charges.
“Clean Slate” Legislation
Alternatives

• Completion of sentence, not date of conviction, starts clock for automatic sealing based on passage of time.
• Delay automatic sealing if pending charges.
• Broaden categories of offenses excluded from automatic erasure.
• Permit licensing agencies to consider sealed records of offenses that would violate licensee conduct standards
Viewpoint Specific Legislation

- Bills would restrict licensing boards and certification organizations from taking disciplinary action based on certain conduct that violates the profession’s values
- Examples: spreading misinformation, voicing support for hate speech/groups, prescribing discredited COVID-19 treatments
- Typically aimed at conduct codes that reflect more progressive positions
Viewpoint Restrictions

• **Oppose** content and viewpoint-based restrictions on decisions and business contracts of wholly private organizations on constitutional grounds

• *Kenney v. Am. Board of Internal Medicine*: a certification organization “has the right to control who it is certifying and what standards and requirements are necessary.”
Questions?

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