



PROFESSIONAL
CERTIFICATION
COALITION

February 6, 2020

Senator Tyler Pace
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Representative Anthony Kern
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Re: Arizona S.B. 1142

Dear Senator Pace and Representative Kern:

The Professional Certification Coalition (PCC) writes regarding the potential harmful effects of Arizona S.B. 1142 on important protections for the public. We appreciate that S.B. 1142 has been drafted to include provisions designed to avoid intruding on the credentialing decisions of private certification organizations. Nonetheless, in its current form, S.B. 1142 imposes obstacles to state recognition of professional certification standards that protect the public from low-quality or harmful services.

The PCC is a nonprofit association founded in 2018 to address legislative initiatives that affect professional certification programs, those who hold private certification credentials, and the many constituencies that rely on professional certification as a signal of professional competence. The PCC currently has more than 100 organizational members, including non-governmental professional certification organizations, professional societies and service providers. The PCC's members reflect a wide spectrum of professions, including health care professionals, professional and civil engineers, financial professionals, and information technology professionals, among many others. The PCC advances the best interests of those who use or rely on professional certification—such as employers, reimbursers, and the general public—as well as of individual professionals themselves who achieve professional certification status, including many residents of Arizona. 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) – serve as the Steering Committee for the PCC.

Members of the PCC provide certifications that communicate to the public that certified professionals have met established standards for knowledge, skill, and competency in their fields. Unfortunately, in its current form, S.B. 1142 would restrict regulatory agencies from requiring private certification as a condition of licensure in non-health care professions. As subject matter experts, private certification organizations are in the best position to develop requirements for certificants that are necessary to protect the public. In some fields, such as safety-related roles and the engineering and financial industries, regulatory agencies have

incorporated the competency standards established by non-governmental professional certification programs into licensure requirements. These regulatory requirements serve to acknowledge both the importance of setting competency standards for the protection of the public and the value of having those standards defined by subject matter experts rather than by government officials. For these professions, the *content* of the standards is best established by the non-governmental professional certification program, but *enforcement* of the standards is more effectively done by the licensing agency. In professions for which state licensing boards have historically provided oversight, it would not serve the public interest to eliminate or weaken licensure requirements and shift the enforcement function currently performed by licensure boards onto private certification programs. Private certification organizations lack the legal authority and the resources to serve as a substitute for licensing boards for professions for which licensure is required to protect public health, safety or welfare.

The PCC is concerned that S.B. 1142 creates a rebuttable presumption that state occupational licenses should be abolished and incorporates weighted and incomplete evidentiary standards. The bill would require a recommendation against licensure regulations in any profession or occupation unless there is a showing by “empirical evidence of present, significant and substantiated harm” that the occupation is regulated in the “least restrictive manner.” The bill provides little guidance on how the committee of reference will determine whether a regulation is “the least restrictive manner.” For many traditionally licensed professions – such as civil or nuclear engineers, structural architects, certified public accountants, and many more – the nearly universal existence of these licensure requirements means that there, thankfully, is no “present” data on the harms of unlicensed and unqualified practitioners engaging in these professions.

With these considerations in mind, the PCC requests that the Arizona State Legislature add the following three provisions to avoid abolishing regulations that provide important protections to the public and to ensure continued safeguards against recognizable dangers:

- **“Nothing in this chapter shall be construed to 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.”**
- **“Notwithstanding other provisions in this chapter, the state may regulate a profession or occupation and impose licensure requirements for practice of that occupation if the licensure requirements are based on uniform national laws, practices, and/or examinations that have been adopted by at least two-thirds of states and territories in the United States.”**
- Amend Section 41-3502 to replace “there is credible empirical evidence of present, significant and substantiated harm that the unregulated practice threatens the public health, safety or welfare in this state” with **“it can be demonstrated that the unregulated practice of the profession or occupation can clearly harm or endanger the health, safety, or welfare of the public and the potential for the harm is recognizable and not remote or speculative.”**

We also request two clarifying amendments:

February 6, 2020

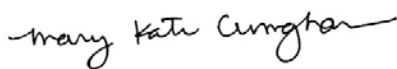
Page 3

- The definition of “private certification” should be revised to state that “‘Private Certification’ means “a nontransferable recognition granted to an individual by a private organization in which the individual meets personal qualifications **relevant to performance of the occupation to which the certification pertains, including by demonstrating a specified level of knowledge and skill required to meet standards in the profession**, as established by the private organization.”
- Amend Section 41-3502(H) to add: “**Notwithstanding any other provision of Section B, C, and D, no individual shall be restricted from using the title “certified” or the title “registered” to the extent that title reflects a credential held by the individual that was issued by a private certification organization that confers credentials to individuals meeting the qualifications set by the organization’s certification or certificate program.**”

The PCC supports efforts to remove unnecessary barriers to entry into professions in order to promote market competition and employment opportunities. We respectfully request, however, that you and your colleagues in the legislature amend the bill as we have requested above to avoid stripping important protections from the public.

Thank you for your consideration of these amendments. If you have any questions regarding this letter, please feel free to reach out to us using the contact information identified below.

Sincerely,



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