



PROFESSIONAL
CERTIFICATION
COALITION

February 6, 2020

Representative Brandon Vick
John L. O'Brien Building
504 - 15th Avenue, SW
Room 465
Olympia, WA 98504
(Brandon.Vick@leg.wa.gov)

Re: Washington H.B. 2477

Dear Representative Vick:

The Professional Certification Coalition (PCC) writes to suggest amendments to H.B. 2477, relating to occupational licensing reform. The PCC shares your objective that occupational licensing regulations should balance the needs of market competition with consumer protection. In its current form, however, we believe that H.B. 2477 could have a negative impact on professional certification organizations and on Washington State citizens who have earned those certifications.

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, reimbursors, and the general public—as well as of individual professionals themselves who achieve professional certification status, including many residents of Washington. 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.

Unfortunately, in its current form, H.B. 2477 could have the effect of restricting regulatory agencies from requiring private certification as a condition of licensure. Certifications communicate to the public that certified professionals have met established standards for knowledge, skill, and competency in their fields. As subject matter experts, private certification organizations are in the best position to develop requirements for their 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. 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.

With these considerations in mind, the PCC encourages the following amendments to H.B. 2477:

1. The bill establishes a sunrise review process for any future regulation. The following amendment clarifies that the bill does not apply to private certification organizations operating in Washington.
 - The definition of “professional license” in Section 2(3) should be amended to state that “*Professional license’ means a license, certificate, registration, permit, or other form of authorization issued by the state and required by law or a state agency rule that must be obtained by an individual to engage in a particular occupation or profession which is regulated by the department of licensing.*”
2. Many private certification organizations issue credentials that confer the title “certified” or “registered” on their credential-holders. So as to not preclude individuals from using the titles of credentials they have earned from non-governmental programs, we request the following amendment:
 - Change all references to “registration” and “certification” in all instances to “**government registration**” or “**government certification.**”
3. In its current form, H.B. 2477 appears to call for the state to establish its own certification programs, rather than relying on private certifications. Doing so would be a waste of taxpayer money for occupations in which well-established and recognized private voluntary professional certifications already exist. There is no reason for the state to expend taxpayer resources to enter into the certification business by establishing costly new programs, in many instances competing with private organizations that have already established certification programs based on their unique expertise in the field or profession. The PCC therefore encourages adoption of the following amendment to this provision:
 - Amend Section 3(2)(d) to state “Where the consumer may have a substantial basis for relying on the services of a practitioner, the regulation should implement a system of certification **unless suitable, private certification for the relevant occupation is available. As used in this chapter, ‘suitable’ means widely recognized as reflecting established standards of competency, skill, or knowledge in the field....**”

4. Finally, to avoid creating barriers to state recognition of private certification in licensure requirements for occupations in which the private certification sets the widely acknowledged threshold of baseline proficiency, we also request that the bill be revised to add the following provisions:
 - **“Nothing in this chapter is intended to restrict an agency from requiring, as a condition of licensure, that an individual’s personal qualifications include obtaining or maintaining private certification from a private organization that credentials individuals in the relevant occupation.”**
 - **“The state may regulate and adopt licensure requirements for any occupation for which 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.”**

The PCC applauds Washington for its efforts to remove unnecessary barriers to entry into professions in order to promote market competition and employment opportunities through H.B. 2477. We respectfully request, however, that the legislature amend the bill as recommended above to better balance the protections to public health, safety and welfare derived from professional certification with the laudable objectives of occupational licensing reform.

Thank you for your consideration of this letter. 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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