

June 26, 2018

The Honorable William P. Coley, II  
Chairman, Senate Government Oversight and Reform Committee  
Ohio Senate  
1 Capitol Square, 1<sup>st</sup> Floor  
Columbus, OH 43215

The Honorable Rob McColley  
Ohio Senate  
1 Capitol Square, Ground Floor  
Columbus, OH 43215

Dear Chairman Coley and Senator McColley:

I am writing today on behalf of many Ohio association professionals to express our concern with Ohio S.B. 255's provisions relating to professional certification. With more than 40,000 members, the American Society of Association Executives (ASAE) is the largest organization in the world representing the interests of associations.

Together, our members represent 7,400 organizations that make the world smarter, safer, and better every day. Associations build a stronger economy, enhance job skills, improve systems and structures, and strengthen lives. At the heart of our community are people – researchers, innovators, mentors, communicators – whose expertise and hard work collectively help to create a stronger America and world.

Nongovernmental professional credentialing is vital to America's workforce. Associations – the largest provider of post-college professional training for workers – administer credentialing and certification programs for many professionals as a means of enhancing their reputation and competence in their respective field and to enable those professionals to demonstrate that they meet established standards of professional skill, competence, and knowledge in their fields. **Because nongovernmental certification organizations are the recognized subject matter experts in those standards, many occupational licensing agencies expressly recognize or even require these private certifications to be held by practicing professionals. Unfortunately, S.B. 255's provisions would block such recognition, to the detriment of the residents of Ohio and of associations that credential Ohio professionals.**

The bill creates a presumption that professional certification is unnecessary, stating that state policy "shall presume that market competition and private remedies are sufficient to protect consumers." The bill mandates that the state "use the least restrictive regulation to protect consumers from present, significant, and substantiated harms that threaten public health and safety." In so doing, the bill wholly disregards other important public interests served by licensure laws that require certification, such as protecting consumers' financial welfare. Licensed CPAs, for example, safeguard the financial security of individuals and businesses, but not their health or safety, so they would not count as serving the "public interest."

In addition, where Ohio's licensure laws currently require professional certifications for licensure, it will be extremely difficult to point to "present, significant, and substantiated harms," because the existing licensure

laws prevent such harms. There is no data, for example, on harm to patients from licensed Physician Assistants practicing medicine without having passed the non-governmental certification exam, because Ohio and all other states require certification as a condition of initial licensure. To require agencies to justify their continued regulatory recognition of the important standards of professional certifications would recklessly and unnecessarily jeopardize the welfare and interests of Ohioans. ASAE supports and promotes vibrant economies and competition, but competition must be balanced against the public's legitimate interests in state recognition of high professional standards.

ASAE is also troubled by the perhaps unintended message of the bill directing the state to enter into the certification marketplace itself. Section 4798.02(B)(5) provides that, "If regulations are intended to protect consumers against asymmetrical information between the seller and the buyer, the appropriate state action shall be to offer voluntary certification." State agencies are not subject matter experts in the standards and knowledge base of the professions they regulate, and it would not serve the public interest for the state to set up certification programs that parallel certifications offered by private certification organizations.

For these reasons, ASAE opposes passage of S.B. 255. We suggest that instead the legislature establish a task force to consider the problem of excessive occupational licensing and to develop ways to address that problem without weakening the protections to the public offered by governmental recognition of private certification programs.

Sincerely,



John H. Graham IV, FASAE, CAE  
President and CEO

Cc: Senator Joe Uecker  
Senator Joseph Schiavoni  
Senator Kevin Bacon  
Senator Edna Brown  
Senator Matt Huffman  
Senator Kris Jordan  
Senator Frank LaRose  
Senator Bob Peterson  
Senator Michael Skindell