

**Rate Your Risk:
Is Your Certification Program Legally Vulnerable?**

Certification programs may be vulnerable to legal challenges in a number of areas. The following questions focus on some of the most common legal pitfalls for certification programs. Use them to gauge your potential risk.

- ❑ Are nonmembers of the parent association permitted to apply for certification?
- ❑ Are the examination specifications based on the results of a formal job/practice analysis study?
- ❑ Are psychometric analyses performed regularly to evaluate whether the exam is a fair and reliable tool for measuring knowledge/skills?
- ❑ Is the passing score for the examination based on a criterion-referenced method?
- ❑ Is there a formal process through which applicants, candidates and certificants can appeal potentially adverse decisions made regarding their status?
- ❑ Do you take care to ensure that the program does not make any unsupportable guarantees, either implicit or explicit, regarding the competency of certificants?
- ❑ Are marketing materials reviewed to ensure that they do not disparage the competency of those who are not credentialed?

If you answered “No” to one or more of the above questions, you may wish to conduct further research on the topic and/or consult an attorney with expertise in professional certification.