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1st Amendment and Licensing

The Constitution of the United States of America.

Our First Amendment states:

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

Let's focus on one specific part of this salient passage. Congress shall make no law...abridging the freedom of speech. This is a fundamental freedom that is valued by virtually all Americans. However, it does not mean that anyone can say anything at any time. For example: you cannot yell "fire" in a crowded theater when no danger exists, and you cannot dispense medical advice just because you "play a doctor on TV."

Governments and courts traditionally have viewed the regulation of certain professional practices as being for the common good or for the protection of the public. It is not the intention of these regulations to restrict the free flow of information; to the contrary, it is to ensure the accuracy of the information in those areas that are deemed critical.

An interesting legal challenge has surfaced in the state of Kentucky. A newspaper advice columnist has been charged with practicing psychology in their state without the appropriate license. His columns deal primarily with family issues, and he responds to questions with case-specific bits of advice. The individual has a master's degree and is licensed as a "psychological associate" in his home state of North Carolina. The Kentucky Board of Examiners of Psychology has issued a cease-and-desist letter and states that, through his newspaper column, he is practicing psychology without a license. The columnist counters that it is his First Amendment right and that he should not be censored. In response to the filing of a federal lawsuit, the chair of the state board, Eva Markham, stated that "His use of the title of psychologist is a violation of the title act, that's all this is about."

Constitution Facts:

- Two (2) physicians and one college president were among the 39 signers of the Constitution.
- The population of the United States at the time the Constitution was signed was four (4) million.

The overarching legal precedent is that the practice of a regulated profession (such as psychology) by an unlicensed person is illegal even if there has been no actual harm to the public. Professional speech is looked at as being "non-expressive"

in that it is intended to convey a specific message in a controlled environment, much like a written prescription for medication.

"Expressive speech" is what we refer to when we discuss the freedom of speech and expression. The framers of the Constitution felt very strongly about this issue - so strongly that it was the very first amendment made to our Constitution.

LABOR DAY

Since we've just celebrated another Labor Day, it is worth noting that the First Labor Day was celebrated in the United States on September 5, 1882. Some historians think the observance was the brainchild of Peter J. McGuire, the co-founder of the American Foundation of Labor (AFL portion of what later became the AFL-CIO union). Others say that it was in fact, Matthew Maguire of the Central Labor Union in New York that proposed the celebration of a "workingman's holiday." No matter whose idea it was, on June 28, 1894, Congress passed an act making the first Monday in September a legally observed holiday.

Originally, Labor Day was promoted as a celebration of labor unions and organizations. According to some sources, today, less than 14% of American workers are members of unions (down from a high of 40% in the 1950s). Today, the focus of Labor Day has become more of a tribute to the universal spirit and ingenuity of all Americans in the

workforce. Depending on your personality, you might have driven out to the lake for fishing, fun or some sun; attended or hosted a barbecue; spent time with your family or loved ones; curled up with a good book; completed projects around the house that you have been putting off; or a combination of all the aforementioned.

While Labor Day is uniquely American, celebrations for laborers are held around the world; for example, European countries, Russia and China all celebrate May Day. Here in America, there are many who say that Labor Day signals the end of summer. To some, it signals the beginning of football season, not to wear "white," and when West Texas cowboys switch from their "Summer Straw" hat to their "Winter-Felt". Here at PCS, it signals the demise of wearing shorts in the office on casual days. No matter what Labor Day signals for you, we hope you enjoyed a well-deserved day off. ➤

KEEPING YOU ON *TRAC*

The Sales and Marketing Team is excited to announce the PCS SuccessTrac program. As you know, PCS offers an amazing array of services to our clients. Ultimately, these services are geared to enhance our clients' end-users/applicants. In our industry, our "business processes" can be somewhat complex in nature and difficult to explain to potential clients. With our clients in mind, we worked closely with our executive team, managers, supervisors, and coordinators to develop a new, streamlined, and simplified message. Instituting a logical, step-by-step methodology to explain this very complex business process in ten (10) or less identifiable steps, our revamped marketing materials now illustrates how we take our client's end-users/applicants from submission of their initial application to sit for an examination all the way through receiving their license or certification.

The goal is to get the word out about PCS to new markets and to differentiate our offerings by spotlighting our strengths. Our new branding will include a family of marketing pieces that are consistent in their messaging (look and feel) but customized for its target market. Each vertical market that we serve will have its own easy to understand and specific TRAC: NurseTrac, MemberTrac, CosmetologyTrac, ProTrac, etc. We are not only in business to provide our clients with "Solutions That Exceed Expectations," but also to serve their end-users/applicants by keeping their professional careers OnTRAC! You may have questions and we are here to answer them. Contact us today for more information at 877.887.9727. ➤



Success **TRAC**

BEHIND THE SCENES AT PCS

Brandi Ray

Brandi (B-Ray) joined PCS as a Customer Service Associate in 2006. Currently she is the coordinator for Massachusetts Funeral Directors, Health Officers, Hearing Instruments, Psychologists, Sanitariums, Pennsylvania Funeral Directors, Osteopathic Manipulative Therapist, Podiatry Radiologists, Psychologists, Tennessee Fire, National Parking, and the Psychiatric Rehabilitation Association. She received a Bachelor of Science Degree in Marketing from Tennessee State University, in Nashville in 2006. When not working, Brandi enjoys playing softball, volleyball, boating, camping, hunting, and hanging out with friends.



Shaina Luter

Shaina joined PCS in 2006 as the lead Customer Services Representative. She has since been the coordinator for nineteen professions, and is currently the Massachusetts Nursing Coordinator. Shaina attended school at Tennessee Tech University and is the middle of three sisters, all of whom are experiencing major life milestones; the eldest is scheduled to have her first child in February, Shaina is getting married in April, and the youngest just moved into her first home (on her own). When not working, Shaina enjoys DIY projects (Pinterest is to blame), spending time with family and friends, and painting.



HELPING PEOPLE FIND “THE WAY”

As many of our readers have read in previous PCS Connects newsletters (available on our website for your viewing pleasure), PCS is a big proponent of giving back to the community and to humanity. As we all know, giving back does more than just pay for tangible and intangible goods for someone; it also helps us as individuals to be better people, and a better human race as a whole. There are many ways to volunteer and give back. PCS recently learned that our most recent hire, Sara McClure, who just joined the PCS Cosmetology team in June of this year, has been spending most of her time outside the PCS office by giving back to the community in spades.

In addition to helping run The Way Community Center, Sara and her husband Brian serve at Friendship World Outreach as Music and Youth pastors. The Way is a faith based community center in the town of Pegram, TN, which is about twenty miles outside of Nashville. Pegram is an area where over 60% of the residents are considered low-income and 85% of the students in the local schools are on government subsidized meal plans. The goal of The Way is to create a safe gathering place for young people. It provides tutoring, counseling, and meals to those seeking fellowship. This investment in the community and the lives of individuals has grown to include friends of all ages, from eight to eighty.

The Way's work is not limited to their new meeting place, a former barbecue restaurant located in the heart of town; they are beginning to reach out to older, retired and home-bound members of the community to help with material needs as well as offering friendship and encouragement. In addition to tutoring, counseling and non-denominational services, they also host Summer Block Parties that include food, live music and games; special teen nights; Friday parents night out; and on-stage events for local singers and songwriters.

Sarah says, “We do all this because The Way's heart is people. Loving people. Providing what they need because God calls us to love one another. And that means everyone; not just a select few. That's the kind of love that will change our world. Wouldn't you want to be a world changer? I sure do.” Prior to joining PCS, Sara worked with women affected by human trafficking and taught 5th and 6th graders Math, English, and Science for a year and a half in the Dominican Republic. She was born in Huntington, WV and graduated from Marshall University with a BFA in Theatre performance.



ReMarks

from the desk of Mark Setash

In the last Connects newsletter, I informed our readers that four of our employees announced the pending births of their children. I'd like to begin this edition by providing a brief update. We have been very fortunate and blessed with the arrival/addition of three healthy baby girls and one healthy baby boy. Ms. Christina Williams, Ms. Elizabeth Goodowens, and Ms. LaToya Snead gave birth to Brooklyn, Breanna and Jeianira, respectively. Ms. Amy Duncan gave birth to Hunter. We are extremely fortunate and so very pleased to have so many new additions. Congratulations to all and enjoy this special time, as it goes by too fast!

Next, as I'm wont to do, I'd like to share a sentence or two on the weather. If you're like us "Nashvillians," you experienced a very wet and mild summer. Today, as I write, it is early September, and we will struggle to reach eighty degrees (update: we made it!). While some say the weather is "scary," I've adopted an attitude of

"can't control it, best enjoy every second of it while it lasts." I hope the weather where you are has allowed you to enjoy the outdoors during this "odd" summer.

Finally, as summer wanes, I yet again think about how fortunate we are at PCS to have the people we do and the fine level of service they provide. Yes, it's a bit of a "commercial" for PCS but, the truth is, we really do care about our customers and, in most cases, they really do care about us. Our summer outing was a few weeks ago and we elected to have a putt-putt tournament, eat barbecue and race Go-Karts. We had great fun seeing everyone outside of the office and sharing camaraderie, food and fun. We hope that, if you aren't already, you find a way of joining our extended family in the future for either business, or just for fun.)

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