

1 "Board certified" means an individual who has passed the
2 American Board of Genetic Counseling or American Board of
3 Medical Genetics genetic counseling certification examination
4 and remains actively certified by the American Board of Genetic
5 Counseling or the American Board of Medical Genetics.

6 "Board eligible" means an individual who has documentation
7 of eligibility to take the American Board of Genetic Counseling
8 certification examination.

9 "Department" means the department of health.

10 "Director" means the director of health.

11 "Genetic counselor" means a person licensed under this
12 chapter who engages in genetic counseling practice.

13 "Genetic counseling practice" means rendering of
14 professional counseling services based on specialized education
15 and training to individuals, families, or groups for
16 compensation, monetary or otherwise. These counseling services
17 include the communication process which deals with the human
18 problems associated with the occurrence, or the risk of
19 occurrence, of a genetic disorder in a family. "Genetic
20 counseling practice" includes but is not limited to:

21 (1) Explaining the nature of genetics evaluation to
22 clients, and eliciting and interpreting comprehensive



- 1 and appropriate medical and family histories, based on
2 the referral indication, and documenting the family
3 history using standard pedigree nomenclature;
- 4 (2) Identifying additional client and family medical
5 information that is necessary for risk assessment and
6 consideration of differential diagnoses, and assisting
7 in obtaining that information;
- 8 (3) Researching and summarizing pertinent data from the
9 published literature, databases, and other
10 professional resources, as necessary for each client;
- 11 (4) Synthesizing client and family medical information and
12 data obtained from additional research as the basis
13 for risk assessment, differential diagnosis, genetic
14 testing options, reproductive options, follow-up
15 recommendations, and case management;
- 16 (5) Assessing and calculating the risk of occurrence or
17 recurrence of a genetic condition or birth defect
18 using a variety of techniques, including knowledge of
19 inheritance patterns, epidemiologic data, quantitative
20 genetics principles, statistical models, and
21 evaluation of clinical information, as applicable;



- 1 (6) Explaining to clients, verbally, in writing, or both,
2 medical information regarding the diagnosis or
3 potential occurrence of a genetic condition or birth
4 defect, including etiology, natural history,
5 inheritance, and potential treatment options;
- 6 (7) Comprehending the medical facts, including the
7 diagnosis, probable cause of the disorder, and
8 available management of the disorder;
- 9 (8) Interpreting individual family experiences, behaviors,
10 emotions, perceptions, values, and cultural and
11 religious beliefs in order to facilitate
12 individualized decision making and coping;
- 13 (9) Promoting client-specific decision making in an
14 unbiased noncoercive manner which respects a client's
15 culture, language, tradition, lifestyle, religious
16 beliefs, and values;
- 17 (10) Assessing client understanding and response to medical
18 information and its implications, and adjusting the
19 level of the educational intervention according to
20 client competencies; and
- 21 (11) Identifying clients psychological needs, stressors and
22 sources of emotional and psychological support in



1 order to determine appropriate interventions,
2 referrals, or both.

3 "Licensed genetic counselor" means an individual who holds
4 a license in good standing to practice genetic counseling under
5 this chapter.

6 § -2 **Genetic counseling licensure program.** There is
7 established a genetic counseling licensure program within the
8 department to be administered by the director.

9 § -3 **Powers and duties of the director.** In addition to
10 any other powers and duties authorized by law, the director
11 shall:

12 (1) Examine and approve the qualifications of all
13 applicants under this chapter and issue a license to
14 each successful applicant granting permission to use
15 the title of "licensed genetic counselor" or "genetic
16 counselor" in this State pursuant to this chapter and
17 the rules adopted pursuant thereto;

18 (2) Adopt, amend, or repeal rules pursuant to chapter 91
19 as the director finds necessary to carry out this
20 chapter;

21 (3) Administer, coordinate, and enforce this chapter and
22 rules adopted pursuant thereto;



1 (4) Discipline a licensed genetic counselor for any cause
2 described by this chapter or for any violation of the
3 rules, and refuse to license an individual for failure
4 to meet licensure requirements or for any cause that
5 would be grounds for disciplining a licensed genetic
6 counselor; and

7 (5) Direct the department of health genetics staff to
8 assist with the implementation of this chapter and the
9 rules adopted pursuant thereto.

10 § -4 **Licensure required.** No individual shall purport to
11 be a licensed genetic counselor or use the letters "L.G.C." in
12 connection with the individual's name, or use any words or
13 symbols indicating or tending to indicate that the individual is
14 a licensed genetic counselor without meeting the applicable
15 requirements and holding a license as set forth in this chapter.

16 § -5 **Exemptions.** (a) This chapter does not prohibit
17 any persons legally regulated in this State by any other law
18 from engaging in the practice for which they are authorized as
19 long as they do not represent themselves by the title of
20 "genetic counselor" or "licensed genetic counselor". This
21 chapter does not prohibit the practice of nonregulated
22 professions whose practitioners are engaged in the delivery of



1 human services as long as these practitioners do not represent
2 themselves as or use the title of "genetic counselor" or
3 "licensed genetic counselor."

4 (b) Nothing in this chapter shall be construed to limit
5 the activities and services of:

- 6 (1) A student, intern, resident, or fellow in genetics
7 counseling or genetics seeking to fulfill educational
8 requirements to qualify for a license under this
9 chapter if those activities and services constitute a
10 part of the student's supervised course of study;
- 11 (2) An individual seeking to fulfill the post-degree
12 practice requirements to qualify for licensing under
13 this chapter, as long as the activities and services
14 are supervised by a qualified supervisor. A student,
15 intern, resident, or fellow shall be designated by the
16 title "intern", "resident", "fellow", or any other
17 designation of trainee status; or
- 18 (3) A genetic counselor certified by the American Board of
19 Genetic Counseling or the American Board of Medical
20 Genetics who is brought into the State as a consultant
21 to train genetic counselors within the State. Nothing
22 contained in this paragraph shall be construed to



1 permit students, interns, residents, fellows, or
2 consultants to offer their services as genetic
3 counselors to any other person.

4 (c) Nothing in this chapter shall be construed to prevent
5 a physician licensed to practice medicine in this State or an
6 intern, fellow, or resident from performing genetic counseling
7 within the person's scope of practice as long as the person is
8 not in any manner held out to the public as a "genetic
9 counselor" or "licensed genetic counselor".

10 (d) Nothing in this chapter shall be construed to prevent
11 any licensed nurse in this State from performing genetic
12 counseling within the nurse's scope of practice as long as the
13 nurse is not in any manner held out to the public as a "genetic
14 counselor" or "licensed genetic counselor".

15 (e) Nothing in this chapter shall be construed to prevent
16 any licensed social worker, licensed psychologist, or licensed
17 marriage and family therapist from practicing professional
18 counseling in this State as long as that person is not in any
19 manner held out to the public as a "genetic counselor" or
20 "licensed genetic counselor" and does not hold out the person's
21 services as being genetic counseling.



1 § **-6 Licensure requirements.** The director shall adopt
2 rules in accordance with chapter 91 as deemed necessary for the
3 licensure of genetic counselors to protect public health and
4 safety and may consider the following factors as evidence in
5 determining whether an applicant is qualified to be licensed:

6 (1) The applicant is, or was, board certified by the
7 American Board of Genetic Counseling or the American
8 Board of Medical Genetics;

9 (2) The applicant has participated in continuing education
10 in the field of genetic counseling; and

11 (3) The applicant has a report of any disciplinary action
12 or rejection of a license application or renewal
13 relating to genetic counseling practice taken against
14 the applicant in another jurisdiction.

15 § **-7 Provisional license.** (a) The director shall
16 grant, upon application and payment of proper fees, provisional
17 licensure to an individual who, at the time of application, is
18 documented to be board eligible by the American Board of Genetic
19 Counseling.

20 (b) Provisional licenses may be issued for a maximum of
21 four years.



1 § **-8 Licensure by endorsement.** The director may grant,
2 upon application and payment of proper fees, licensure to an
3 individual who, at the time of application, holds a valid
4 license as a genetic counselor issued by another state,
5 territory, or jurisdiction if the requirements for that
6 certification or license are equal to, or more stringent than,
7 the requirements of this chapter, as determined by the director.

8 § **-9 Issuance of license.** The director shall issue a
9 license to any individual who meets the requirements of this
10 chapter, upon payment of the prescribed fees.

11 § **-10 Renewal of license.** (a) Every license issued
12 under this chapter shall be renewed annually before July 1.
13 Failure to renew a license shall result in a suspension of the
14 license. Licenses that have been so suspended may be restored
15 within six months after the expiration date upon payment of
16 renewal and penalty fees. Failure to restore a suspended
17 license within six months after the date of its expiration shall
18 result in the automatic termination of the license, and
19 relicensure shall require the individual to apply as a new
20 applicant.

21 (b) An applicant who is board eligible shall obtain
22 certification from the American Board of Genetic Counseling



1 within two examination cycles to continue to be eligible for
2 provisional license renewal.

3 § -11 **Application for licensure.** (a) Application for a
4 license shall be made on an application form to be furnished by
5 the department. An applicant shall provide the following
6 information on the application form:

- 7 (1) The applicant's legal name;
- 8 (2) The applicant's current residence and business mailing
9 addresses and phone numbers;
- 10 (3) The applicant's social security number;
- 11 (4) The date and place of any conviction of a crime
12 directly related to the profession or vocation in
13 which the applicant is applying for licensure, unless
14 the conviction has been expunged or annulled, or is
15 otherwise precluded from consideration by section 831-
16 3.1;
- 17 (5) Proof that the applicant is a United States citizen, a
18 United States national, or an alien authorized to work
19 in the United States;
- 20 (6) Disclosure of similar licensure in any state,
21 territory or other jurisdiction;



1 (7) Disclosure of disciplinary action by any state,
 2 territory, or other jurisdiction regarding any license
 3 held by the applicant; and

4 (8) Any other information the donate may require to
 5 investigate the applicant's qualifications for
 6 licensure.

7 (b) Failure to provide the information required under
 8 subsection (a) or to pay the required fees shall be grounds to
 9 deny the application for licensure.

10 § -12 Fees; disposition. (a) Application, license
 11 renewal, late renewal penalty fees, inactive, and other
 12 reasonable and necessary fees relating to administration of this
 13 chapter shall be as provided in rules adopted by the director
 14 pursuant to chapter 91.

15 (b) Fees assessed shall defray all costs to be incurred by
 16 the director to support the operation of the genetic counselor
 17 licensure program.

18 § -13 Revocation, suspension, denial, or condition of
 19 licenses; fines. In addition to any other acts or conditions
 20 provided by law, the director may refuse to renew, reinstate, or
 21 restore, or may deny, revoke, suspend, fine, or condition in any
 22 manner any license for any one or more of the following acts or



1 conditions on the part of the applicant or licensed genetic
2 counselor:

3 (1) Conviction by a court of competent jurisdiction of a
4 crime that the director has determined to be of a
5 nature that renders the individual convicted unfit to
6 practice genetic counseling;

7 (2) Failure to report in writing to the director any
8 disciplinary decision or rejection of license
9 application or renewal related to genetic practice
10 issued against the licensed genetic counselor or the
11 applicant in any jurisdiction within thirty days of
12 the disciplinary decision or within twenty days of
13 licensure;

14 (3) Violation of recognized ethical standards for genetic
15 counselors established by the National Society of
16 Genetic Counselors;

17 (4) Use of fraud, deception, or misrepresentation in
18 obtaining a license;

19 (5) Revocation, suspension, or other disciplinary action
20 by another state, territory, federal agency, or
21 country against the licensed genetic counselor or



1 applicant for any reason provided under this section;
2 or

3 (6) Other just and sufficient cause that renders an
4 individual unfit to practice genetic counseling.

5 § -14 **Hearings; appeals.** The director shall establish a
6 hearing and appeals process for persons who wish to appeal any
7 action of the director.

8 § -15 **Prohibited acts; penalties.** (a) No individual
9 shall:

10 (1) Use in connection with the person's name any
11 designation tending to imply that the individual is a
12 licensed genetic counselor unless the individual is
13 duly licensed and authorized under this chapter; or

14 (2) Make a representation that the individual is a
15 licensed genetic counselor during the time the
16 person's license issued under this chapter is
17 forfeited, inactive, terminated, suspended, or
18 revoked.

19 (b) Any individual who violates this section shall be
20 subject to a fine of not more than \$1,000 and each day's
21 violation shall be deemed a separate offense."



1 SECTION 3. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun, before its effective date.

4 SECTION 4. This Act shall take effect on July 1, 2008.
5

INTRODUCED BY:

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JAN 24 2007



Report Title:

Professional Licensure; License Genetic Counselors

Description:

Establishes licensing requirements for genetic counselors in the State.

