

1 and remains actively certified by American Board of Genetic
2 Counseling.

3 "Board eligible" means an individual who has documentation
4 of eligibility to take the American Board of Genetic Counseling
5 certification examinations.

6 "Department" means the department of health.

7 "Director" means the director of health.

8 "Genetic counseling practice" means the integration and
9 application of scientific principles of genetics, behavioral,
10 and social sciences for the evaluation, risk determination,
11 management, and prevention strategies for genetic disorders
12 throughout the life cycle.

13 "Licensed genetic counselor" means an individual who holds
14 a license in good standing to practice genetic counseling under
15 this chapter.

16 **§ -2 Genetic counseling licensure program.** There is
17 established a genetic counseling licensure program within the
18 department to be administered by the director.

19 **§ -3 Powers and duties of the director.** In addition to
20 any other powers and duties authorized by law, the director
21 shall have the following powers and duties:



- 1 (1) Examine and approve the qualifications of all
2 applicants under this chapter and issue a license to
3 each successful applicant granting permission to use
4 the title of "licensed genetic counselor" or "genetic
5 counselor" in this State pursuant to this chapter and
6 the rules adopted pursuant thereto;
- 7 (2) Adopt, amend, or repeal rules pursuant to chapter 91
8 as the director finds necessary to carry out this
9 chapter;
- 10 (3) Administer, coordinate, and enforce this chapter and
11 rules adopted pursuant thereto;
- 12 (4) Discipline a licensed genetic counselor for any cause
13 described by this chapter or for any violation of the
14 rules, and refuse to license an individual for failure
15 to meet licensure requirements or for any cause that
16 would be grounds for disciplining a licensed genetic
17 counselor; and
- 18 (5) Direct the department of health genetics program to
19 assist with the implementation of this chapter and the
20 rules adopted pursuant thereto.

21 § -4 **Licensure required.** No individual shall purport to
22 be a licensed genetic counselor or use the letters "L.G.C." in

1 connection with the individual's name, or use any words or
2 symbols indicating or tending to indicate that the individual is
3 a licensed genetic counselor without meeting the applicable
4 requirements and holding a license as set forth in this chapter.

5 **§ -5 Licensure requirements.** The director shall adopt
6 rules as deemed necessary for the licensure of genetic
7 counselors to protect public health and safety and may consider
8 the following factors as evidence in determining whether an
9 applicant is qualified to be licensed:

- 10 (1) The applicant is board certified by the American Board
11 of Genetic Counseling; and
- 12 (2) A submitted report of any disciplinary action or
13 rejections of license applications or renewals
14 relating to genetic counseling practice taken against
15 the applicant in another jurisdiction.

16 **§ -6 Provisional license.** The director shall grant,
17 upon application and payment of proper fees, provisional
18 licensure to an individual who, at the time of application, is
19 documented to be board eligible by the American Board of Genetic
20 Counseling. Provisional licenses will only be issued for a
21 maximum of four years from the time of granting of the
22 provisional license.



1 **§ -7 Licensure by endorsement.** The director shall
2 grant, upon application and payment of proper fees, licensure to
3 an 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 greater than, the
7 requirements of this chapter.

8 **§ -8 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 **§ -9 Renewal of license.** (a) Every license issued
12 under this chapter shall be renewed annually on or before
13 June 30, with the first renewal deadline occurring on July 1,
14 2008. Failure to renew a license shall result in a forfeiture
15 of the license. Licenses that have been so forfeited may be
16 restored within one year of the expiration date upon payment of
17 renewal and penalty fees. Failure to restore a forfeited
18 license within six months of the date of its expiration shall
19 result in the automatic termination of the license, and re-
20 licensure may require the individual to apply as a new
21 applicant.



1 (b) An applicant who is board eligible must obtain
2 American Board of Genetic Counseling certification within two
3 examination cycles to continue to be eligible for license
4 renewal.

5 **§ -10 Application for licensure.** (a) Application for a
6 license shall be made on an application form to be furnished by
7 the department of health. An applicant shall provide the
8 following information on the application form:

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

- 1 (6) Disclosure of similar licensure in any state or
- 2 territory;
- 3 (7) Disclosure of disciplinary action by any state or
- 4 territory against any license held by the applicant;
- 5 and
- 6 (8) Any other information the licensing authority may
- 7 require to investigate the applicant's qualifications
- 8 for licensure.

9 Failure to provide the above information and pay the required
10 fees shall be grounds to deny the application for licensure.

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

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

19 **§ -12 Revocation, suspension, denial, or condition of**
20 **licenses; fines.** In addition to any other acts or conditions
21 provided by law, the director may refuse to renew, reinstate, or
22 restore, or may deny, revoke, suspend, fine, or condition in any

1 manner any license for any one or more of the following acts or
2 conditions on the part of the applicant or licensed genetic
3 counselor:

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

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

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

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

20 (5) Revocation, suspension, or other disciplinary action
21 by another state, territory, federal agency, or
22 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 § -13 **Hearings; appeals.** The director will establish a
6 hearing and appeals process for persons who wish to appeal their
7 revocation, suspension, denial, or condition of license.

8 § -14 **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) Represent oneself as a licensed genetic counselor
15 during the time the person's license issued under this
16 chapter is forfeited, inactive, terminated, suspended,
17 or revoked.

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

1 SECTION 3. This Act shall take effect on its approval.

2

INTRODUCED BY: OCY.2 - (AR)

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Report Title:

Genetic Counselor; Licensure; Professional; Health Care

Description:

Establishes guidelines for licensure of genetic counselors to ensure professional and quality services for public safety and welfare.

