
A BILL FOR AN ACT

RELATING TO PROFESSIONAL LICENSURE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The purpose of this Act is to regulate
2 individuals offering genetic counseling services and to:
3 (1) Safeguard the public health, safety, and welfare;
4 (2) Protect those seeking genetic counseling services from
5 incompetent and unscrupulous persons, and persons
6 unauthorized to perform these services;
7 (3) Assure the highest degree of professional conduct on
8 the part of genetic counselors; and
9 (4) Assure the availability of high quality genetic
10 counseling services.

11 SECTION 2. The Hawaii Revised Statutes is amended by
12 adding a new chapter to be appropriately designated and to read
13 as follows:

"CHAPTER

GENETIC COUNSELORS

16 § -1 **Definitions.** As used in this chapter:

17 "Board certified" means an individual who has passed the
18 American Board of Genetic Counseling certification examination



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 commerce and consumer
7 affairs.

8 "Director" means the director of commerce and consumer
9 affairs.

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

12 "Genetic counseling practice" means the communication
13 process which deals with the human problems associated with the
14 occurrence, or the risk of occurrence, of a genetic disorder in
15 a family, including the provision of services to help an
16 individual or family:

17 (1) Comprehend the medical facts, including the diagnosis,
18 probable cause of the disorder, and available
19 management of the disorder;

20 (2) Appreciate the way heredity contributes to the
21 disorder and the risk of its occurrence in specified
22 relatives;

1 (3) Understand the alternatives for dealing with the risk
2 of occurrence;

3 (4) Choose the course of action which seems appropriate in
4 view of the risk, family goals, and the individual's
5 ethical and religious standards, and to act in
6 accordance with that decision; and

7 (5) Make the best possible psychosocial adjustment to the
8 disorder in an affected family member or to the risk
9 of occurrence of that disorder.

10 "Licensed genetic counselor" means an individual who holds
11 a license in good standing to practice genetic counseling under
12 this chapter.

13 § -2 **Genetic counseling licensure program.** There is
14 established a genetic counseling licensure program within the
15 department to be administered by the director.

16 § -3 **Powers and duties of the director.** In addition to
17 any other powers and duties authorized by law, the director
18 shall have the following powers and duties:

19 (1) Examine and approve the qualifications of all
20 applicants under this chapter and issue a license to
21 each successful applicant granting permission to use
22 the title of "licensed genetic counselor" or "genetic

1 counselor" in this State pursuant to this chapter and
2 the rules adopted pursuant thereto;

3 (2) Adopt, amend, or repeal rules pursuant to chapter 91
4 as the director finds necessary to carry out this
5 chapter;

6 (3) Administer, coordinate, and enforce this chapter and
7 rules adopted pursuant thereto;

8 (4) Discipline a licensed genetic counselor for any cause
9 described by this chapter or for any violation of the
10 rules, and refuse to license an individual for failure
11 to meet licensure requirements or for any cause that
12 would be grounds for disciplining a licensed genetic
13 counselor; and

14 (5) Direct the department of health genetics program to
15 assist with the implementation of this chapter and the
16 rules adopted pursuant thereto.

17 § -4 **Licensure required.** No individual shall purport to
18 be a licensed genetic counselor or use the letters "L.G.C." in
19 connection with the individual's name, or use any words or
20 symbols indicating or tending to indicate that the individual is
21 a licensed genetic counselor without meeting the applicable
22 requirements and holding a license as set forth in this chapter.

1 § -5 **Exemptions.** (a) This chapter does not prohibit
2 any persons legally regulated in this State by any other law
3 from engaging in the practice for which they are authorized as
4 long as they do not represent themselves by the title of
5 "genetic counselor" or "licensed genetic counselor." This
6 chapter does not prohibit the practice of non-regulated
7 professions whose practitioners are engaged in the delivery of
8 human services as long as these practitioners do not represent
9 themselves as or use the title of "genetic counselor" or
10 "licensed genetic counselor."

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

13 (1) A student, intern, resident, or fellow in genetic
14 counseling or genetics seeking to fulfill educational
15 requirements to qualify for a license under this
16 chapter if those activities and services constitute a
17 part of the student's supervised course of study; or

18 (2) An individual seeking to fulfill the post-degree
19 practice requirements to qualify for licensing under
20 this chapter, as long as the activities and services
21 are supervised by a qualified supervisor. A student,
22 intern, resident, or fellow must be designated by the

1 title "intern," "resident," "fellow," or any other
2 designation of trainee status. Nothing contained in
3 this subsection shall be construed to permit students,
4 interns, residents, or fellows to offer their services
5 as genetic counselors or geneticists to any other
6 person.

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

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

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

1 "licensed genetic counselor" and does not hold out his or her
2 services as being genetic counseling.

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

8 (1) The applicant is board certified by the American Board
9 of Genetic Counseling; and

10 (2) A report of any disciplinary action or rejections of
11 license applications or renewals relating to genetic
12 counseling practice taken against the applicant in
13 another jurisdiction.

14 § -7 **Provisional license.** The director shall grant,
15 upon application and payment of proper fees, provisional
16 licensure to an individual who, at the time of application, is
17 documented to be board eligible by the American Board of Genetic
18 Counseling. Provisional licenses will only be issued for a
19 maximum of four years from the time of granting of the
20 provisional license.

21 § -8 **Licensure by endorsement.** The director shall
22 grant, upon application and payment of proper fees, licensure to



1 an individual who, at the time of application, holds a valid
2 license as a genetic counselor issued by another state,
3 territory, or jurisdiction if the requirements for that
4 certification or license are equal to, or greater than, the
5 requirements of this chapter.

6 § -9 **Issuance of license.** The director shall issue a
7 license to any individual who meets the requirements of this
8 chapter, upon payment of the prescribed fees.

9 § -10 **Renewal of license.** (a) Every license issued
10 under this chapter shall be renewed annually on or before
11 June 30, with the first renewal deadline occurring on July 1,
12 2008. Failure to renew a license shall result in a forfeiture
13 of the license. Licenses that have been so forfeited may be
14 restored within one year of the expiration date upon payment of
15 renewal and penalty fees. Failure to restore a forfeited
16 license within six months of the date of its expiration shall
17 result in the automatic termination of the license, and re-
18 licensure may require the individual to apply as a new
19 applicant.

20 (b) An applicant who is board eligible shall obtain
21 American Board of Genetic Counseling certification within two

1 examination cycles to continue to be eligible for license
2 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 of commerce and consumer affairs. An applicant
6 shall provide the following 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 penal 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
16 831-3.1;
- 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 or
21 territory;

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

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

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

9 § -12 Fees; disposition. (a) Application, examination,
10 reexamination, license, renewal, late renewal penalty fees,
11 inactive, and other reasonable and necessary fees relating to
12 administration of this chapter shall be as provided in rules
13 adopted by the director pursuant to chapter 91.

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

17 § -13 Revocation, suspension, denial, or condition of
18 licenses; fines. In addition to any other acts or conditions
19 provided by law, the director may refuse to renew, reinstate, or
20 restore, or may deny, revoke, suspend, fine, or condition in any
21 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 as set by the National Society of Genetic
16 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 will establish a
6 hearing and appeals process for persons who wish to appeal their
7 revocation, suspension, denial, or condition of license.

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."

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

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. (SD1)

