



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 .

7 "Director" means the director of .

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

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

- 15 (1) Comprehend the medical facts, including the diagnosis,  
16 probable cause of the disorder, and available  
17 management of the disorder;
- 18 (2) Appreciate the way heredity contributes to the  
19 disorder and the risk of its occurrence in specified  
20 relatives;
- 21 (3) Understand the alternatives for dealing with the risk  
22 of occurrence;



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

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

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

11          §   -2   **Genetic counseling licensure program.** There is  
12          established a genetic counseling licensure program within the  
13          department to be administered by the director.

14          §   -3   **Powers and duties of the director.** In addition to  
15          any other powers and duties authorized by law, the director  
16          shall have the following powers and duties:

17          (1) Examine and approve the qualifications of all  
18          applicants under this chapter and issue a license to  
19          each successful applicant granting permission to use  
20          the title of "licensed genetic counselor" or "genetic  
21          counselor" in this State pursuant to this chapter and  
22          the rules adopted pursuant thereto;



- 1           (2) Adopt, amend, or repeal rules pursuant to chapter 91  
2           as the director finds necessary to carry out this  
3           chapter;
- 4           (3) Administer, coordinate, and enforce this chapter and  
5           rules adopted pursuant thereto;
- 6           (4) Discipline a licensed genetic counselor for any cause  
7           described by this chapter or for any violation of the  
8           rules, and refuse to license an individual for failure  
9           to meet licensure requirements or for any cause that  
10          would be grounds for disciplining a licensed genetic  
11          counselor; and
- 12          (5) Direct the department of health genetics program to  
13          assist with the implementation of this chapter and the  
14          rules adopted pursuant thereto.

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

21          §   -5   **Exemptions.** (a) This chapter does not prohibit  
22          any persons legally regulated in this State by any other law



1 from engaging in the practice for which they are authorized as  
2 long as they do not represent themselves by the title of  
3 "genetic counselor" or "licensed genetic counselor." This  
4 chapter does not prohibit the practice of non-regulated  
5 professions whose practitioners are engaged in the delivery of  
6 human services as long as these practitioners do not represent  
7 themselves as or use the title of "genetic counselor" or  
8 "licensed genetic counselor."

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

- 11 (1) A student, intern, resident, or fellow in genetic  
12 counseling or genetics seeking to fulfill educational  
13 requirements to qualify for a license under this  
14 chapter if those activities and services constitute a  
15 part of the student's supervised course of study;
- 16 (2) An individual seeking to fulfill the post-degree  
17 practice requirements to qualify for licensing under  
18 this chapter, as long as the activities and services  
19 are supervised by a qualified supervisor. A student,  
20 intern, resident, or fellow must be designated by the  
21 title "intern," "resident," "fellow," or any other  
22 designation of trainee status; or



1           (3) An American Board of Genetic Counseling or an American  
2           Board of Medical Genetics certified genetic counselor  
3           who is brought into the State as a consultant to train  
4           genetic counselors within the State. Nothing  
5           contained in this subsection shall be construed to  
6           permit students, interns, residents, fellows, or  
7           consultants to offer their services as genetic  
8           counselors or geneticists to any other person.

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

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

20          (e) Nothing in this chapter shall be construed to prevent  
21          any licensed social worker, licensed psychologist, licensed  
22          marriage and family therapist from practicing professional



1 counseling in this State as long as that person is not in any  
2 manner held out to the public as a "genetic counselor" or  
3 "licensed genetic counselor" and does not hold out his or her  
4 services as being genetic counseling.

5       **§ -6 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, or has a doctoral degree from a  
12 medical genetics training program accredited by the  
13 American Board of Medical Genetics or an equivalent as  
14 determined by the American Board of Medical Genetics;  
15 and

16       (2) A report of any disciplinary action or rejections of  
17 license applications or renewals relating to genetic  
18 counseling practice taken against the applicant in  
19 another jurisdiction.

20       **§ -7 Provisional license.** (a) The director shall  
21 grant, upon application and payment of proper fees, provisional  
22 licensure to:

- 1           (1) An individual who, at the time of application, is  
2           documented to be board eligible by the American Board  
3           of Genetic Counseling; or
- 4           (2) An individual who, at the time of application, has a  
5           doctoral degree from a medical genetics training  
6           program accredited by the American Board of Medical  
7           Genetics or an equivalent training program as  
8           determined by the American Board of Medical Genetics.
- 9           (b) Provisional licenses will only be issued for a maximum  
10          of four years from the time of granting of the provisional  
11          license.
- 12          §   -8   **Licensure by endorsement.** The director shall  
13          grant, upon application and payment of proper fees, licensure to  
14          an individual who, at the time of application, holds a valid  
15          license as a genetic counselor issued by another state,  
16          territory, or jurisdiction if the requirements for that  
17          certification or license are equal to, or greater than, the  
18          requirements of this chapter.
- 19          §   -9   **Issuance of license.** The director shall issue a  
20          license to any individual who meets the requirements of this  
21          chapter, upon payment of the prescribed fees.





1           **§ -10 Renewal of license.** (a) Every license issued  
2 under this chapter shall be renewed annually on or before  
3 June 30, with the first renewal deadline occurring on July 1,  
4 2008. Failure to renew a license shall result in a forfeiture  
5 of the license. Licenses that have been so forfeited may be  
6 restored within one year of the expiration date upon payment of  
7 renewal and penalty fees. Failure to restore a forfeited  
8 license within six months of the date of its expiration shall  
9 result in the automatic termination of the license, and re-  
10 licensure may require the individual to apply as a new  
11 applicant.

12           (b) An applicant who is board eligible shall obtain  
13 American Board of Genetic Counseling certification within two  
14 examination cycles to continue to be eligible for license  
15 renewal.

16           **§ -11 Application for licensure.** (a) Application for a  
17 license shall be made on an application form to be furnished by  
18 the department. An applicant shall provide the following  
19 information on the application form:

- 20           (1) The applicant's legal name;
- 21           (2) The applicant's current residence and business mailing  
22           addresses and phone numbers;



- 1           (3) The applicant's social security number;
- 2           (4) The date and place of any conviction of a penal crime  
3           directly related to the profession or vocation in  
4           which the applicant is applying for licensure, unless  
5           the conviction has been expunged or annulled, or is  
6           otherwise precluded from consideration by section  
7           831-3.1;
- 8           (5) Proof that the applicant is a United States citizen, a  
9           United States national, or an alien authorized to work  
10          in the United States;
- 11          (6) Disclosure of similar licensure in any state or  
12          territory;
- 13          (7) Disclosure of disciplinary action by any state or  
14          territory against any license held by the applicant;  
15          and
- 16          (8) Any other information the licensing authority may  
17          require to investigate the applicant's qualifications  
18          for licensure.

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

21           **§ -12 Fees; disposition.** (a) Application, examination,  
22 reexamination, license, renewal, late renewal penalty fees,



1 inactive, and other reasonable and necessary fees relating to  
2 administration of this chapter shall be as provided in rules  
3 adopted by the director pursuant to chapter 91.

4 (b) Fees assessed shall defray all costs to be incurred by  
5 the director to support the operation of the genetic counselor  
6 licensure program.

7 **§ -13 Revocation, suspension, denial, or condition of**  
8 **licenses; fines.** In addition to any other acts or conditions  
9 provided by law, the director may refuse to renew, reinstate, or  
10 restore, or may deny, revoke, suspend, fine, or condition in any  
11 manner any license for any one or more of the following acts or  
12 conditions on the part of the applicant or licensed genetic  
13 counselor:

14 (1) Conviction by a court of competent jurisdiction of a  
15 crime that the director has determined to be of a  
16 nature that renders the individual convicted unfit to  
17 practice genetic counseling;

18 (2) Failure to report in writing to the director any  
19 disciplinary decision or rejection of license  
20 application or renewal related to genetic practice  
21 issued against the licensed genetic counselor or the  
22 applicant in any jurisdiction within thirty days of



1 the disciplinary decision or within twenty days of  
2 licensure;

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

6 (4) Use of fraud, deception, or misrepresentation in  
7 obtaining a license;

8 (5) Revocation, suspension, or other disciplinary action  
9 by another state, territory, federal agency, or  
10 country against the licensed genetic counselor or  
11 applicant for any reason provided under this section;  
12 or

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

15 **§ -14 Hearings; appeals.** The director will establish a  
16 hearing and appeals process for persons who wish to appeal their  
17 revocation, suspension, denial, or condition of license.

18 **§ -15 Prohibited acts; penalties.** (a) No individual  
19 shall:

20 (1) Use in connection with the person's name any  
21 designation tending to imply that the individual is a



1 licensed genetic counselor unless the individual is  
2 duly licensed and authorized under this chapter; or

3 (2) Make a representation that the individual is a  
4 licensed genetic counselor during the time the  
5 person's license issued under this chapter is  
6 forfeited, inactive, terminated, suspended, or  
7 revoked.

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

11 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. (SD2)

