

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

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

8 "Department" means the department of .

9 "Director" means the director of .

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

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

20 (1) Explaining the nature of genetics' evaluation to
21 clients. Elicit and interpret comprehensive and



1 appropriate medical and family histories, based on the
2 referral indication, and document the family history
3 using standard pedigree nomenclature;

4 (2) Identify additional client and family medical
5 information that is necessary for risk assessment and
6 consideration of differential diagnoses, and assist in
7 obtaining that information;

8 (3) Research and summarize pertinent data from the
9 published literature, databases, and other
10 professional resources, as necessary for each client;

11 (4) Synthesize 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) Assess and calculate 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) Explain 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 Comprehend the medical facts, including the diagnosis,
7 probable cause of the disorder, and available
8 management of the disorder;
- 9 (7) Interpret individual family experiences, behaviors,
10 emotions, perceptions, values, and cultural and
11 religious beliefs in order to facilitate
12 individualized decision making and coping. Promote
13 client-specific decision making in an unbiased non-
14 coercive manner that respects a client's culture,
15 language, tradition, lifestyle, religious beliefs, and
16 values;
- 17 (8) Assess client understanding and response to medical
18 information and its implications, and adjust the level
19 of the educational intervention according to client
20 competencies; and
- 21 (9) Identify 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 have the following powers and duties:

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 program 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 non-regulated
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 genetic
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 must be designated by the
16 title "intern," "resident," "fellow," or any other
17 designation of trainee status; or

18 (3) An American Board of Genetic Counseling or an American
19 Board of Medical Genetics certified genetic counselor
20 who is brought into the State as a consultant to train
21 genetic counselors within the State. Nothing
22 contained in this subsection shall be construed to



1 permit students, interns, residents, fellows, or
2 consultants to offer their services as genetic
3 counselors or geneticists 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
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 as deemed necessary for the licensure of genetic
3 counselors to protect public health and safety and may consider
4 the following factors as evidence in determining whether an
5 applicant is qualified to be licensed:

- 6 (1) The applicant is board certified by the American Board
7 of Genetic Counseling, or has a doctoral degree from a
8 medical genetics training program accredited by the
9 American Board of Medical Genetics or an equivalent as
10 determined by the American Board of Medical Genetics;
11 and
- 12 (2) A report of any disciplinary action or rejections of
13 license applications or renewals relating to genetic
14 counseling practice taken against the applicant in
15 another jurisdiction.

16 **§ -7 Provisional license.** (a) The director shall
17 grant, upon application and payment of proper fees, provisional
18 licensure to:

- 19 (1) An individual who, at the time of application, is
20 documented to be board eligible by the American Board
21 of Genetic Counseling; or



1 (2) An individual who, at the time of application, has a
2 doctoral degree from a medical genetics training
3 program accredited by the American Board of Medical
4 Genetics or an equivalent training program as
5 determined by the American Board of Medical Genetics.

6 (b) Provisional licenses will only be issued for a maximum
7 of four years from the time of granting of the provisional
8 license.

9 § -8 **Licensure by endorsement.** The director shall
10 grant, upon application and payment of proper fees, licensure to
11 an individual who, at the time of application, holds a valid
12 license as a genetic counselor issued by another state,
13 territory, or jurisdiction if the requirements for that
14 certification or license are equal to, or greater than, the
15 requirements of this chapter.

16 § -9 **Issuance of license.** The director shall issue a
17 license to any individual who meets the requirements of this
18 chapter, upon payment of the prescribed fees.

19 § -10 **Renewal of license.** (a) Every license issued
20 under this chapter shall be renewed annually on or before
21 June 30, with the first renewal deadline occurring on July 1,
22 2008. Failure to renew a license shall result in a forfeiture



1 of the license. Licenses that have been so forfeited may be
2 restored within one year of the expiration date upon payment of
3 renewal and penalty fees. Failure to restore a forfeited
4 license within six months of the date of its expiration shall
5 result in the automatic termination of the license, and re-
6 licensure may require the individual to apply as a new
7 applicant.

8 (b) An applicant who is board eligible shall obtain
9 American Board of Genetic Counseling certification within two
10 examination cycles to continue to be eligible for license
11 renewal.

12 § -11 Application for licensure. (a) Application for a
13 license shall be made on an application form to be furnished by
14 the department. An applicant shall provide the following
15 information on the application form:

- 16 (1) The applicant's legal name;
17 (2) The applicant's current residence and business mailing
18 addresses and phone numbers;
19 (3) The applicant's social security number;
20 (4) The date and place of any conviction of a penal crime
21 directly related to the profession or vocation in
22 which the applicant is applying for licensure, unless



1 the conviction has been expunged or annulled, or is
2 otherwise precluded from consideration by section
3 831-3.1;

4 (5) Proof that the applicant is a United States citizen, a
5 United States national, or an alien authorized to work
6 in the United States;

7 (6) Disclosure of similar licensure in any state or
8 territory;

9 (7) Disclosure of disciplinary action by any state or
10 territory against any license held by the applicant;
11 and

12 (8) Any other information the licensing authority may
13 require to investigate the applicant's qualifications
14 for licensure.

15 (b) Failure to provide the above information and pay the
16 required fees shall be grounds to deny the application for
17 licensure.

18 § -12 Fees; disposition. (a) Application, examination,
19 reexamination, license, renewal, late renewal penalty fees,
20 inactive, and other reasonable and necessary fees relating to
21 administration of this chapter shall be as provided in rules
22 adopted by the director pursuant to chapter 91.



1 (b) Fees assessed shall defray all costs to be incurred by
2 the director to support the operation of the genetic counselor
3 licensure program.

4 § -13 Revocation, suspension, denial, or condition of
5 licenses; fines. In addition to any other acts or conditions
6 provided by law, the director may refuse to renew, reinstate, or
7 restore, or may deny, revoke, suspend, fine, or condition in any
8 manner any license for any one or more of the following acts or
9 conditions on the part of the applicant or licensed genetic
10 counselor:

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

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



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

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

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

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

13 § -14 **Hearings; appeals.** The director shall establish a
14 hearing and appeals process for persons who wish to appeal their
15 revocation, suspension, denial, or condition of license.

16 § -15 **Prohibited acts; penalties.** (a) No individual
17 shall:

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



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

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

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

10

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Report Title:

Genetic Counselors; Licensure

Description:

Establishes a licensure program for genetic counselors.

