



1 "Active candidate status" means an individual who has  
2 documentation of eligibility to take the American Board of  
3 Genetic Counseling or its equivalent certification examinations.

4 "Board certified" means an individual who has passed the  
5 American Board of Genetic Counseling certification examination  
6 and remains actively certified by American Board of Genetic  
7 Counseling.

8 "Department" means the department of health.

9 "Director" means the director of health.

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

18 (1) Explaining the nature of genetics' evaluation to  
19 clients. Elicit and interpret comprehensive and  
20 appropriate medical and family histories, based on the  
21 referral indication, and document the family history  
22 using standard pedigree nomenclature;

- 1           (2) Identify additional client and family medical  
2           information that is necessary for risk assessment and  
3           consideration of differential diagnoses, and assist in  
4           obtaining that information;
- 5           (3) Research and summarize pertinent data from the  
6           published literature, databases, and other  
7           professional resources, as necessary for each client;
- 8           (4) Synthesize client and family medical information and  
9           data obtained from additional research as the basis  
10          for risk assessment, differential diagnosis, genetic  
11          testing options, reproductive options, follow-up  
12          recommendations, and case management;
- 13          (5) Assess and calculate the risk of occurrence or  
14          recurrence of a genetic condition or birth defect  
15          using a variety of techniques, including knowledge of  
16          inheritance patterns, epidemiologic data, quantitative  
17          genetics principles, statistical models, and  
18          evaluation of clinical information, as applicable;
- 19          (6) Explain to clients, verbally, in writing, or both,  
20          medical information regarding the diagnosis or  
21          potential occurrence of a genetic condition or birth  
22          defect, including etiology, natural history,

- 1 inheritance, and potential treatment options.
- 2 Comprehend the medical facts, including the diagnosis,
- 3 probable cause of the disorder, and available
- 4 management of the disorder;
- 5 (7) Interpret individual family experiences, behaviors,
- 6 emotions, perceptions, values, and cultural and
- 7 religious beliefs in order to facilitate
- 8 individualized decision making and coping. Promote
- 9 client-specific decision making in an unbiased non-
- 10 coercive manner that respects a client's culture,
- 11 language, tradition, lifestyle, religious beliefs, and
- 12 values;
- 13 (8) Assess client understanding and response to medical
- 14 information and its implications, and adjust the level
- 15 of the educational intervention according to client
- 16 competencies;
- 17 (9) Identify clients' psychological needs, stressors and
- 18 sources of emotional and psychological support in
- 19 order to determine appropriate interventions,
- 20 referrals, or both; and

1 (10) Provide accurate written documentation of medical,  
2 genetic, and counseling information for families and  
3 health care professionals.

4 "Genetic counselor" means a person licensed under this  
5 chapter who engages in the practice of genetic counseling.

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

9 § -2 **Genetic counseling licensure program.** There is  
10 established a genetic counseling licensure program within the  
11 department to be administered by the director.

12 § -3 **Powers and duties of the director.** In addition to  
13 any other powers and duties authorized by law, the director  
14 shall have the following powers and duties:

15 (1) Examine and approve the qualifications of all  
16 applicants under this chapter and issue a license to  
17 each successful applicant granting permission to use  
18 the title of "licensed genetic counselor" or "genetic  
19 counselor" in this State pursuant to this chapter and  
20 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, or 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 the person's  
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; 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, a  
18 provisional license to an individual who, at the time of  
19 application, is documented to have active candidate status by  
20 the American Board of Genetic Counseling or its equivalent.

21       (b) An individual who has been granted a provisional  
22 license by the director must meet the requirements for full

1 licensure within the first two available examination cycles of  
2 the American Board of Genetic Counseling or its equivalent after  
3 receiving the provisional license.

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

11       §   -9   **Issuance of license.**   The director shall issue a  
12 license to any individual who meets the requirements of this  
13 chapter, upon payment of the prescribed fees.

14       §   -10   **Renewal of license.**   (a)   Every license issued  
15 under this chapter shall be renewed annually on or before June  
16 30, with the first renewal deadline occurring on July 1, 2010.  
17 Failure to renew a license shall result in a forfeiture of the  
18 license.   Licenses that have been so forfeited may be restored  
19 within one year of the expiration date upon payment of renewal  
20 and penalty fees.   Failure to restore a forfeited license within  
21 six months of the date of its expiration shall result in the

1 automatic termination of the license, and re-licensure may  
2 require the individual to apply as a new applicant.

3 (b) Proof of maintenance of American Board of Genetic  
4 Counseling certification or its equivalent shall be required for  
5 license renewal.

6 (c) Proof of continued active candidate status shall be  
7 required for provisional license renewal.

8 § -11 **Application for licensure.** (a) Application for a  
9 license shall be made on an application form to be furnished by  
10 the department. An applicant shall provide the following  
11 information on the application form:

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

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

4 (6) Disclosure of similar licensure in any state or  
5 territory;

6 (7) Disclosure of disciplinary action by any state or  
7 territory against any license held by the applicant;  
8 and

9 (8) Any other information the licensing authority may  
10 require to investigate the applicant's qualifications  
11 for licensure.

12 (b) Failure to provide the above information and pay the  
13 required fees shall be grounds to deny the application for  
14 licensure.

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

20 (b) Fees assessed shall defray all costs to be incurred by  
21 the director to support the operation of the genetic counselor  
22 licensure program.

1           §   -13 **Revocation, suspension, denial, or condition of**  
2 **licenses; fines.** In addition to any other acts or conditions  
3 provided by law, the director may refuse to renew, reinstate, or  
4 restore, or may deny, revoke, suspend, fine, or condition in any  
5 manner any license for any one or more of the following acts or  
6 conditions on the part of the applicant or licensed genetic  
7 counselor:

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

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

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

- 1 (4) Use of fraud, deception, or misrepresentation in  
2 obtaining a license;
- 3 (5) Revocation, suspension, or other disciplinary action  
4 by another state, territory, federal agency, or  
5 country against the licensed genetic counselor or  
6 applicant for any reason provided under this section;  
7 or
- 8 (6) Other just and sufficient cause that renders an  
9 individual unfit to practice genetic counseling.

10 § -14 **Hearings; appeals.** The director shall establish a  
11 hearing and appeals process for persons who wish to appeal their  
12 revocation, suspension, denial, or condition of license.

13 § -15 **Prohibited acts; penalties.** (a) No individual  
14 shall:

- 15 (1) Use in connection with the person's name any  
16 designation tending to imply that the individual is a  
17 licensed genetic counselor unless the individual is  
18 duly licensed and authorized under this chapter; or
- 19 (2) Make a representation that the individual is a  
20 licensed genetic counselor during the time the  
21 person's license issued under this chapter is

1           forfeited, inactive, terminated, suspended, or  
2           revoked.

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

6           § -16 Rules. The department of health may adopt rules  
7 pursuant chapter 91 as necessary for the purpose of this  
8 chapter."

9           SECTION 3. This Act shall take effect on July 1, 2009.

**Report Title:**

Health; Genetic Counselors; Licensure

**Description:**

Establishes a licensure program for genetic counselors. (SD1)