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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. **3272**

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The bill was read for the first time and referred to the Committee on Health Care and Human Services Policy and Oversight

1.1 A bill for an act
1.2 relating to health professions; licensing genetic counselors; proposing coding for
1.3 new law as Minnesota Statutes, chapter 147F.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. [147F.01] DEFINITIONS.

1.6 Subdivision 1. **Applicability.** The definitions in this section apply to this chapter.

1.7 Subd. 2. **ABGC.** "ABGC" means the American Board of Genetic Counseling, a
1.8 national agency for certification and recertification of genetic counselors, or its successor
1.9 agency.

1.10 Subd. 3. **ABMG.** "ABMG" means the American Board of Medical Genetics,
1.11 a national agency for certification and recertification of genetic counselors, medical
1.12 geneticists, and Ph.D. geneticists or its successor agency.

1.13 Subd. 4. **Active candidate status.** "Active candidate status" or "ACS" means an
1.14 applicant who has met the requirements and received approval from the ABGC to sit
1.15 for the certification examination.

1.16 Subd. 5. **Board.** "Board" means the Board of Medical Practice.

1.17 Subd. 6. **Genetic counselor.** "Genetic counselor" means an individual licensed
1.18 under this chapter to engage in the practice of genetic counseling.

1.19 Subd. 7. **Licensed physician.** "Licensed physician" means an individual who holds
1.20 a degree as a doctor of medicine or a degree as a doctor of osteopathy and is licensed to
1.21 practice medicine in Minnesota under chapter 147.

1.22 Subd. 8. **NSGC.** "NSGC" means the National Society of Genetic Counselors,
1.23 a professional membership association for genetic counselors that approves continuing
1.24 education programs.

2.1 Subd. 9. **Qualified supervisor.** "Qualified supervisor" means any person who is
 2.2 licensed under this chapter as a genetic counselor or a physician licensed to practice
 2.3 medicine in Minnesota.

2.4 Subd. 10. **Supervisee.** "Supervisee" means a genetic counselor with a temporary
 2.5 license.

2.6 Subd. 11. **Supervision.** "Supervision" means a qualified supervisor's assessment
 2.7 of the work of the supervisee, including regular meetings and file review. An annual
 2.8 supervision contract signed by the supervisor and supervisee must be on file with both
 2.9 parties. The qualified supervisor is not required to be present while the supervisee
 2.10 provides services.

2.11 **Sec. 2. [147F.03] SCOPE OF GENETIC COUNSELING.**

2.12 A licensed genetic counselor may perform the following services:

2.13 (1) obtain and interpret individual and family medical and developmental histories;

2.14 (2) determine the mode of inheritance and the risk of transmitting genetic conditions
 2.15 and birth defects;

2.16 (3) discuss the inheritance, features, natural history, means of diagnosis, and
 2.17 management of conditions with clients;

2.18 (4) identify, coordinate, interpret, and explain genetic laboratory tests and other
 2.19 laboratory studies;

2.20 (5) assess psychosocial factors, including social, educational, and cultural issues;

2.21 (6) communicate information to clients in language they can understand;

2.22 (7) provide client-centered counseling and anticipatory guidance to the client or
 2.23 family based on their responses to the condition, risk of occurrence, or risk of recurrence;

2.24 (8) facilitate informed decision-making about testing, management, and reproductive
 2.25 alternatives;

2.26 (9) identify and use community resources that provide medical, educational,
 2.27 financial, and psychosocial support and advocacy; and

2.28 (10) provide accurate written medical, genetic, and counseling information for
 2.29 families and health care professionals.

2.30 **Sec. 3. [147F.05] PROTECTED TITLES AND RESTRICTIONS ON USE.**

2.31 Subdivision 1. **Protected titles.** No individual may use the title "genetic counselor,"
 2.32 "licensed genetic counselor," "gene counselor," "genetic consultant," "genetic associate,"
 2.33 or any words, letters, abbreviations, or insignia indicating or implying that the individual

3.1 is eligible for licensure by the state as a genetic counselor unless the individual has been
3.2 licensed as a genetic counselor according to this chapter.

3.3 Subd. 2. **Other practitioners.** Nothing in this chapter may be construed to prohibit
3.4 or restrict:

3.5 (1) the practice of a profession by individuals who are licensed, certified, or
3.6 registered under the laws of this state and are performing services within their authorized
3.7 scope of practice;

3.8 (2) the practice of genetic counseling by any individual employed as a genetic
3.9 counselor by the federal government or an agency thereof if the individual is providing
3.10 services under the direction and control of the employer;

3.11 (3) a student or intern enrolled in an ABGC-accredited genetic counseling
3.12 educational program from providing genetic counseling services that are an integral part of
3.13 the student's course of study, and are performed under the direct supervision of a licensed
3.14 genetic counselor or physician who is on duty in the assigned patient care area, and the
3.15 student is identified by the title "genetic counseling intern"; or

3.16 (4) the use of a visiting ABGC- or ABMG-certified genetic counselor as a consultant
3.17 who permanently resides outside of the state, or the occasional use of services from
3.18 organizations from outside of the state that employ ABGC- or ABMG-certified genetic
3.19 counselors. Certified genetic counselors from outside of the state must be licensed in their
3.20 state of residence if that credential is available.

3.21 **Sec. 4. [147F.07] LICENSURE REQUIREMENTS.**

3.22 Subdivision 1. **General requirements for licensure.** To be eligible for licensure, an
3.23 applicant, with the exception of those seeking licensure by reciprocity under subdivision
3.24 2, must:

3.25 (1) submit a completed application on forms provided by the board along with all
3.26 fees required by the board that includes:

3.27 (i) the applicant's name, Social Security number, home address and telephone
3.28 number, and business address and telephone number;

3.29 (ii) the name and location of the genetic counseling or medical program the applicant
3.30 completed;

3.31 (iii) a list of degrees received from other educational institutions;

3.32 (iv) a description of the applicant's professional training;

3.33 (v) a list of registrations, certifications, and licenses held in other jurisdictions;

3.34 (vi) a description of any other jurisdiction's refusal to credential the applicant;

4.1 (vii) a description of all professional disciplinary actions initiated against the
4.2 applicant in any jurisdiction; and

4.3 (viii) any history of drug or alcohol abuse, and any misdemeanor or felony
4.4 conviction;

4.5 (2) submit evidence of graduation from an education program accredited by the
4.6 ABGC or ABMG;

4.7 (3) submit satisfactory evidence of certification by the ABGC or ABMG as a genetic
4.8 counselor, or by the ABMG as a medical geneticist;

4.9 (4) submit additional information as requested by the board, including any additional
4.10 information necessary to ensure that the applicant is able to practice with reasonable skill
4.11 and safety to the public;

4.12 (5) sign a statement that the information in the application is true and correct to the
4.13 best of the applicant's knowledge and belief; and

4.14 (6) sign a waiver authorizing the board to obtain access to the applicant's records
4.15 in this or any other state in which the applicant completed an educational program or
4.16 engaged in the practice of genetic counseling.

4.17 Subd. 2. **Licensure by reciprocity.** To be eligible for licensure by reciprocity,
4.18 the applicant must hold a current genetic counselor or medical geneticist registration
4.19 or license in another state, the District of Columbia, or a territory of the United States,
4.20 whose standards for registration or licensure are at least equivalent to those of Minnesota,
4.21 and must:

4.22 (1) submit the application materials and fees as required by subdivision 1, clauses
4.23 (1), (2), and (4) to (6);

4.24 (2) provide a verified copy from the appropriate government body of a current
4.25 registration or license for the practice of genetic counseling in another jurisdiction that has
4.26 initial registration or licensing requirements equivalent to or higher than the requirements
4.27 in subdivision 1; and

4.28 (3) provide letters of verification from the appropriate government body in each
4.29 jurisdiction in which the applicant holds a registration or license. Each letter must state
4.30 the applicant's name, date of birth, registration or license number, date of issuance, a
4.31 statement regarding disciplinary actions, if any, taken against the applicant, and the terms
4.32 under which the registration or license was issued.

4.33 Subd. 3. **Provisional license.** (a) The board may issue a provisional license if an
4.34 applicant meets all of the requirements for licensure listed in subdivision 1, except for the
4.35 certification requirement if the applicant has been granted active candidate status.

5.1 (b) The provisional license shall be valid for one year from the date it was issued, and
5.2 may be renewed for one additional year if the applicant fails the certification examination.

5.3 The provisional license automatically expires:

5.4 (i) when the applicant is issued a license;

5.5 (ii) 30 days after the applicant fails the certification examination unless the applicant
5.6 has applied for renewal of the provisional license;

5.7 (iii) the date printed on the provisional license; or

5.8 (iv) upon notice of the second failure of the certification examination.

5.9 (c) An application for extension of a provisional license must be signed by the
5.10 applicant's supervisor. A genetic counselor working under a provisional license must be
5.11 under the general supervision of a licensed genetic counselor or a licensed physician.

5.12 Subd. 4. **Licensure by equivalency.** The board may grant a license to an individual
5.13 who does not meet the licensure requirements in subdivision 1 or 2 but who has been
5.14 continuously employed as a genetic counselor for a minimum of ten years and who
5.15 provides the following documentation no later than 180 days after enactment of this
5.16 chapter:

5.17 (1) proof of a Master's or higher degree in genetics or related field of study from an
5.18 accredited educational institution;

5.19 (2) proof that the individual has never failed the ABGC or ABMG certification
5.20 examination;

5.21 (3) three letters of recommendation, with at least one from an individual eligible
5.22 for licensure under this chapter, and at least one from an individual certified as a
5.23 clinical geneticist by the ABMG or an individual certified as a medical geneticist by
5.24 the ABMG. An individual who submits a letter of recommendation must have worked
5.25 with the applicant in an employment setting during the past ten years and must attest to
5.26 the applicant's competency; and

5.27 (4) documentation of the completion of 100 hours of NSGC-approved continuing
5.28 education credits within the past five years.

5.29 Subd. 5. **License expiration.** Except in the case of a provisional license issued
5.30 under subdivision 3, a genetic counselor license shall be valid for a two-year period from
5.31 the date of issuance.

5.32 Subd. 6. **License renewal.** To be eligible for license renewal, a licensed genetic
5.33 counselor must:

5.34 (1) complete a renewal application on a form provided by the board;

5.35 (2) submit the nonrefundable renewal fee;

- 6.1 (3) provide evidence of compliance with the continuing education requirements
6.2 in section 147F.11; and
6.3 (4) submit any additional information requested by the board.

6.4 **Sec. 5. [147F.09] BOARD ACTION ON APPLICATIONS FOR LICENSURE.**

- 6.5 (a) The board shall act on each application for licensure according to paragraphs
6.6 (b) to (d).

- 6.7 (b) The board shall determine if the applicant meets the requirements for licensure
6.8 under section 147F.07. The board may investigate information provided by an applicant to
6.9 determine whether the information is accurate and complete.

- 6.10 (c) The board shall notify each applicant in writing of action taken on the application,
6.11 the grounds for denying licensure if a license is denied, and the applicant's right to review
6.12 under paragraph (d).

- 6.13 (d) Applicants denied licensure may make a written request to the board, within 30
6.14 days of the board's notice, to appear before the advisory council and for the advisory
6.15 council to review the board's decision to deny the applicant's license. After reviewing the
6.16 denial, the advisory council shall make a recommendation to the board as to whether
6.17 the denial shall be affirmed. Each applicant is allowed only one request for review per
6.18 licensure period.

6.19 **Sec. 6. [147F.11] CONTINUING EDUCATION REQUIREMENTS.**

- 6.20 (a) A licensed genetic counselor must complete a minimum of 50 hours of NSGC-
6.21 or ABMG-approved continuing education units during each two-year license period. If a
6.22 licensee's renewal term is prorated to be less or more than two years, the required number
6.23 of continuing education units is prorated proportionately.

- 6.24 (b) The board may grant a variance to the continuing education requirements
6.25 specified in this section when a licensee demonstrates to the satisfaction of the board
6.26 that the licensee is unable to complete the required number of educational units during
6.27 the renewal term. The board may allow the licensee to complete the required number of
6.28 continuing education units within a time frame specified by the board. In no case shall
6.29 the board allow the licensee to complete less than the required number of continuing
6.30 education units.

6.31 **Sec. 7. [147F.15] DISCIPLINE; REPORTING.**

- 6.32 For purposes of this chapter, licensed genetic counselors and applicants are subject
6.33 to sections 147.091 to 147.162.

7.1 Sec. 8. [147F.20] LICENSED GENETIC COUNSELOR ADVISORY COUNCIL.

7.2 Subdivision 1. Membership. The board shall appoint a five-member Licensed
7.3 Genetic Counselor Advisory Council. One member shall be a licensed physician, three
7.4 members shall be licensed genetic counselors, and one shall be a public member.

7.5 Subd. 2. Organization. The advisory council shall be organized and administered
7.6 under section 15.059.

7.7 Subd. 3. Duties. The advisory council shall:

7.8 (1) advise the board regarding standards for licensed genetic counselors;

7.9 (2) provide for distribution of information regarding licensed genetic counselor
7.10 practice standards;

7.11 (3) advise the board on enforcement of this chapter;

7.12 (4) review applications and recommend granting or denying licensure or license
7.13 renewal;

7.14 (5) advise the board on issues related to receiving and investigating complaints,
7.15 conducting hearings, and imposing disciplinary action in relation to complaints against
7.16 licensed genetic counselors; and

7.17 (6) perform other duties authorized for advisory councils by chapter 214, as directed
7.18 by the board.

7.19 Subd. 4. Expiration. Notwithstanding section 15.059, the advisory council does
7.20 not expire.