

2018 Regular Session

HOUSE BILL NO. 584

BY REPRESENTATIVE STOKES

LICENSING: Provides for licensure of genetic counselors

1 AN ACT

2 To enact Part VIII of Chapter 15 of Title 37 of the Louisiana Revised Statutes of 1950, to
3 be comprised of R.S. 37:1360.101 through 1360.109, relative to health professions;
4 to provide relative to the profession of genetic counseling; to require state licensure
5 of genetic counselors; to provide for licensure of genetic counselors by the Louisiana
6 State Board of Medical Examiners; to establish and provide for duties of the
7 Louisiana Genetic Counselor Advisory Board; to establish requirements for such
8 licensure; to provide for unprofessional conduct and unlawful practice; to provide
9 for administrative rulemaking; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. Part VIII of Chapter 15 of Title 37 of the Louisiana Revised Statutes of
12 1950, comprised of R.S. 37:1360.101 through 1360.109, is hereby enacted to read as
13 follows:

14 PART VIII. GENETIC COUNSELORS

15 §1360.101. Definitions

16 As used in this Part, the following terms have the meaning ascribed in this

17 Section:

18 (1) "Advisory board" means the Louisiana Genetic Counselor Advisory
19 Board.

20 (2) "Board" means the Louisiana State Board of Medical Examiners.

1 (3) "Genetic counseling" means any of the following actions by a genetic
2 counselor which occur through and as a result of communication between the genetic
3 counselor and a patient:

4 (a) Obtaining and evaluating individual, family, and medical histories to
5 determine genetic risk for genetic or medical conditions and diseases in a patient, his
6 offspring, and other family members.

7 (b) Discussing the features, natural history, means of diagnosis, genetic and
8 environmental factors, and management of risk for genetic and medical conditions
9 and diseases.

10 (c) Identifying, ordering, and coordinating genetic laboratory tests and other
11 diagnostic studies as appropriate for the genetic assessment.

12 (d) Integrating genetic laboratory test results and other diagnostic studies
13 with personal and family medical history to assess and communicate risk factors for
14 genetic and medical conditions and diseases.

15 (e) Explaining the clinical implications of genetic laboratory tests and other
16 diagnostic studies and their results.

17 (f) Evaluating the client's or family's responses to the condition or risk of
18 recurrence and providing client-centered counseling and anticipatory guidance.

19 (g) Identifying and utilizing community resources that provide medical,
20 educational, financial, and psychosocial support and advocacy.

21 (h) Providing written documentation of medical, genetic, and counseling
22 information for families and health care professionals.

23 (4) "Genetic counselor" means an individual who is licensed pursuant to this
24 Part to provide genetic counseling.

25 (5) "Genetic supervision" refers to the assessment by an individual who is
26 licensed pursuant to this Part or a physician who is licensed pursuant to Part I of this
27 Chapter.

1 §1360.102. Louisiana Genetic Counselor Advisory Board; creation; purpose;
2 membership; duties and functions

3 A. The Genetic Counselor Advisory Board is hereby created and shall have
4 the purpose, composition, duties, and functions provided in this Section.

5 B. The purpose of the advisory board is to advise and make
6 recommendations to the Louisiana State Board of Medical Examiners regarding
7 genetic counseling and genetic counselor licensure.

8 C.(1) The advisory board shall be composed of five persons appointed by the
9 governor who are licensed in accordance with this Part. Each member of the
10 advisory board shall be a resident of this state.

11 (2) No member shall serve on the advisory board for more than four
12 consecutive years or be appointed to more than two consecutive full terms. A
13 member appointed for less than a full term may serve two full terms in addition to
14 such part of a full term. A former member shall be eligible for appointment after a
15 lapse of one year.

16 D. An advisory board member may be removed by the governor for neglect
17 of duty, misconduct, or malfeasance or misfeasance in office after a written notice
18 of the charges against him and an opportunity to be heard. Upon the death,
19 resignation, or removal for cause of any member of the board, the governor shall fill
20 the vacancy for the remainder of that member's year.

21 E. The board shall, at its first meeting and annually thereafter, organize by
22 electing from its membership a chairman, a vice-chairman, and a secretary. Those
23 officers shall serve until their successors are elected and qualified.

24 F. The board shall meet at least semiannually and shall hold additional
25 meetings at the call of the chair or at such times as may be determined by the board.

26 G. Advisory board members shall serve without compensation but shall be
27 reimbursed for actual and reasonable expenses incurred in the performance of their
28 duties.

29 H. The advisory board shall have all of the following duties:

1 (1) To draft administrative rules and regulations for promulgation by the
2 Louisiana State Board of Medical Examiners as are necessary to regulate the practice
3 of genetic counseling.

4 (2) To draft policy for consideration by the board.

5 (3) To advise the board on budgetary matters.

6 (4) To receive, review, and recommend to the board the approval or
7 disapproval of applications for licensing, renewal, and reinstatement.

8 (5) To retain records of its actions and proceedings in accordance with the
9 Public Records Law, R.S. 44:1 et seq.

10 (6) To perform such other functions and duties as may be required to carry
11 out the provisions of this Part.

12 §1360.103. Louisiana State Board of Medical Examiners; regulation of genetic
13 counseling

14 A. The board shall be responsible for enforcement of the provisions of this
15 Part.

16 B. The board shall adopt rules in accordance with the Administrative
17 Procedure Act that are consistent with the provisions of this Part, provide for
18 enforcement of this Part, and regulate the conduct of the practice of genetic
19 counseling. Such rules shall provide, without limitation, for all of the following:

20 (1) Issuing a license to an applicant who meets the requirements of this Part,
21 except that the board shall not issue a license to an applicant who has committed any
22 act which if committed by a licensee would be grounds for suspension or revocation,
23 or has misrepresented any material fact on the application.

24 (2) Issuing a provisional temporary license to an applicant who is granted
25 active candidate status by the American Board of Genetic Counseling. The
26 provisional temporary license shall expire at the time of the expiration of board-
27 eligible status as defined by the American Board of Genetic Counseling.

28 (3) Conducting hearings on proceedings to refuse to issue, renew, or revoke
29 licenses or suspend, place on probation, censure, or reprimand persons licensed

1 pursuant to this Part; and to refuse to issue, renew, or revoke licenses or suspend,
2 place on probation, censure, or reprimand persons licensed pursuant to this Part.

3 (4) Maintaining rosters of the names and addresses of all licensees and all
4 persons whose licenses have been suspended, revoked, or denied. These rosters shall
5 be available upon written request and payment of the required fee.

6 (5) Reviewing and approving recommendations of the advisory board.

7 §1360.104. Genetic counselor; requirements for licensure

8 A. To qualify for licensure as a genetic counselor, an applicant shall do all
9 of the following:

10 (1) Submit an application on a form developed by the board.

11 (2) Pay the license fee required by the board.

12 (3) Provide written evidence that he has earned at least one of the following
13 degrees:

14 (a) A master's degree from a genetic counseling training program accredited
15 by the Accreditation Council for Genetic Counseling.

16 (b) A doctoral degree from a medical genetics training program accredited
17 by the American Board of Medical Genetics or its successor.

18 (4) Meet the examination requirement for certification as either of the
19 following:

20 (a) A genetic counselor certified by the American Board of Genetic
21 Counseling or the American Board of Medical Genetics, or the successor of these
22 entities.

23 (b) A medical geneticist by the American Board of Medical Genetics or its
24 successor.

25 B.(1) The board may issue a temporary license to an applicant who meets all
26 of the following conditions:

27 (a) He meets all requirements for licensure pursuant to this Part except the
28 examination for certification requirement set forth in Subsection A of this Section.

29 (b) He has an active candidate status for the certification.

1 (2) All of the following requirements and authorizations shall apply to an
2 individual who is issued a temporary license pursuant to this Subsection:

3 (a) He shall apply for and take the next available examination for
4 certification.

5 (b) He may practice under the temporary license only if directly supervised
6 by a licensed genetic counselor or a physician who is licensed pursuant to Part I of
7 this Chapter, and only in accordance with a genetic supervision contract.

8 (3) An individual who holds a temporary license issued pursuant to this
9 Subsection and fails to pass the examination for certification provided for in
10 Subsection A of this Section for the first time may reapply for a second temporary
11 license. The board shall not issue a temporary license to an individual who has failed
12 to pass the examination for certification more than one time.

13 (4) A temporary license issued under this Section expires upon the earliest
14 of the following dates:

15 (a) The date on which the individual meets the applicable requirements of
16 this Part and is issued a license.

17 (b) The date that is thirty days after the individual fails the examination for
18 certification provided for in Subsection A of this Section.

19 (c) The date printed on the temporary license.

20 (5) An individual who is issued a temporary license pursuant to this
21 Subsection shall inform the board of the results of the his examination for
22 certification provided for in Subsection A of this Section.

23 C. The board may issue a license to an individual who meets all of the
24 following qualifications and requirements:

25 (1) He is licensed, certified, or registered in another state or territory of the
26 United States that has requirements determined by the board to be substantially
27 equivalent to the requirements specified in this Part.

28 (2) His license is in good standing in the other state or territory in which he
29 is licensed.

1 (3) He applies in the manner required by the board.

2 (4) He pays an application fee required by the board.

3 §1360.105. Exceptions to licensure requirement

4 The following persons are not required to be licensed in accordance with this

5 Part:

6 (1)(a) A physician who is licensed pursuant to Part I of this Chapter.

7 (b) No physician shall use the title "genetic counselor" or any other title that
8 indicates that he is a genetic counselor unless he is licensed in accordance with this
9 Part.

10 (2) A student or an intern from an accredited school who is participating in
11 a supervised genetic counseling training program.

12 (3) An individual from another state who is certified by the American Board
13 of Medical Genetics or the American Board of Genetic Counseling and is acting in
14 Louisiana on a consultant basis.

15 §1360.106. Expiration of license; renewal; fee; expired license

16 A. A license issued by the board shall expire on a date in even-numbered
17 years established by the board.

18 B. To renew a license, a genetic counselor shall pay a renewal fee required
19 by the board not later than the expiration date of the license, and meet all other
20 requirements for renewal provided in this Part.

21 C. If an individual fails to pay a renewal fee on or before the expiration date
22 of a license, the license shall become invalid without further action by the board.

23 D.(1) To renew a license issued in accordance with this Part, an applicant
24 shall satisfy either of the following continuing education requirements:

25 (a) Completion in each two-year license cycle of at least fifty contact hours
26 that have been approved by the National Society of Genetic Counselors.

27 (b) Successful completion in each two-year license cycle of a reading
28 assignment and proctored examination in medical genetics provided by the American
29 Board of Medical Genetics.

1 (2) An applicant seeking renewal of a license shall certify to the board either
2 of the following:

3 (a) That he has complied with the continuing education requirement
4 provided for in this Subsection.

5 (b) That he has not complied with the continuing education requirement
6 provided for in this Subsection but is seeking a waiver of such requirement from the
7 board as provided in Subsection E of this Section.

8 E. The board may grant an applicant seeking renewal of a license a waiver
9 from all or part of the continuing education requirement for the renewal period if the
10 applicant was not able to fulfill the requirement due to a hardship that resulted from
11 any of the following conditions:

12 (1) Service in the armed forces of the United States during a substantial part
13 of the renewal period.

14 (2) An incapacitating illness or injury.

15 (3) Other circumstances as determined by the board.

16 §1360.107. Improper and unprofessional conduct

17 The board may deny or refuse to renew a license or, after a hearing pursuant
18 to the applicable provisions R.S. 37:1360.103, revoke, suspend, or cancel the license
19 or place on probation, reprimand, censure, or otherwise discipline a licensee upon
20 proof satisfactory to a majority of the board that the person has done or been any of
21 the following:

22 (1) He has obtained or attempted to obtain a license by fraud or deception.

23 (2) He has been convicted of a felony under state or federal law or
24 committed any other offense involving moral turpitude.

25 (3) He has been adjudged to have a mental illness or incompetent by a court
26 of competent jurisdiction.

27 (4) He has used illicit drugs or intoxicating liquors to the extent which
28 adversely affects his practice.

1 (5) He has engaged in unethical or unprofessional conduct including, without
2 limitation, willful acts, negligence, or incompetence in the course of professional
3 practice.

4 (6) He has violated any lawful order, rule, or regulation rendered or adopted
5 by the board.

6 (7) He has been refused issuance of a license or been disciplined in
7 connection with a license issued by any other state or country.

8 §1360.108. Unlawful practice; injunctive relief; penalty

9 A. An individual who does not have a valid license or temporary license as
10 a genetic counselor issued in accordance with this Part may not use the title "genetic
11 counselor", "licensed genetic counselor", or any word, letter, abbreviation, or
12 insignia that indicates or implies that he has been issued a license or has met the
13 qualifications for licensure established by this Part.

14 B.(1) If the board believes that a person has engaged in or is going to engage
15 in an act or practice that constitutes or will constitute a violation of this Section, the
16 board may apply to a district court of appropriate jurisdiction for an order enjoining
17 the act or practice.

18 (2) If the board determines that a person has engaged in or is going to engage
19 in an act or practice that constitutes or will constitute a violation of this Section, a
20 district court of appropriate jurisdiction may grant an injunction, a restraining order,
21 or another appropriate order relative to the prohibited act or practice.

22 C. Any person who violates this Section shall, upon conviction, be guilty of
23 a misdemeanor punishable by a fine not to exceed one thousand dollars for the first
24 offense and two thousand dollars for each subsequent offense. In addition to any
25 other penalty imposed for a violation of this Section, the board may petition a district
26 court of appropriate jurisdiction to enjoin the person who violates this Section from
27 practicing genetic counseling.

- 1 §1360.109. Rulemaking
- 2 The board shall promulgate all rules in accordance with the Administrative
- 3 Procedure Act as are necessary for the regulation of the profession of genetic
- 4 counseling in accordance with the provisions of this Part.
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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 584 Original

2018 Regular Session

Stokes

Abstract: Establishes the licensed profession of genetic counselor in La.

Proposed law establishes the licensed profession of genetic counselor in La. and provides for licensure of genetic counselors by the La. State Board of Medical Examiners.

Proposed law defines "genetic counseling" as any of the following actions by a genetic counselor which occur through and as a result of communication between the genetic counselor and a patient:

- (1) Obtaining and evaluating individual, family, and medical histories to determine genetic risk for genetic or medical conditions and diseases in a patient, his offspring, and other family members.
- (2) Discussing the features, natural history, means of diagnosis, genetic and environmental factors, and management of risk for genetic and medical conditions and diseases.
- (3) Identifying, ordering, and coordinating genetic laboratory tests and other diagnostic studies as appropriate for the genetic assessment.
- (4) Integrating genetic laboratory test results and other diagnostic studies with personal and family medical history to assess and communicate risk factors for genetic and medical conditions and diseases.
- (5) Explaining the clinical implications of genetic laboratory tests and other diagnostic studies and their results.
- (6) Evaluating the client's or family's responses to the condition or risk of recurrence and providing client-centered counseling and anticipatory guidance.
- (7) Identifying and utilizing community resources that provide medical, educational, financial, and psychosocial support and advocacy.
- (8) Providing written documentation of medical, genetic, and counseling information for families and health care professionals.

Proposed law creates the Genetic Counselor Advisory Board for the purpose of advising and make recommendations to the La. State Board of Medical Examiners regarding genetic counseling and genetic counselor licensure. Provides for composition, duties, and functions of the advisory board.

Proposed law requires the La. State Board of Medical Examiners, referred to hereafter as the "board", to adopt administrative rules which provide for all of the following:

- (1) Issuing a license to an applicant who meets the requirements of proposed law, except that the board shall not issue a license to an applicant who has committed any act which if committed by a licensee would be grounds for suspension or revocation, or has misrepresented any material fact on the application.
- (2) Issuing a provisional temporary license to an applicant who is granted active candidate status by the American Board of Genetic Counseling. The provisional temporary license shall expire at the time of the expiration of board-eligible status as defined by the American Board of Genetic Counseling.
- (3) Conducting hearings on proceedings to refuse to issue, renew, or revoke licenses or suspend, place on probation, censure, or reprimand persons licensed pursuant to this Part; and to refuse to issue, renew, or revoke licenses or suspend, place on probation, censure, or reprimand persons licensed pursuant to proposed law.
- (4) Maintaining rosters of the names and addresses of all licensees and all persons whose licenses have been suspended, revoked, or denied. These rosters shall be available upon written request and payment of the required fee.
- (5) Reviewing and approving recommendations of the advisory board.

Proposed law provides that in order to qualify for licensure as a genetic counselor, an applicant shall do all of the following:

- (1) Submit an application on a form developed by the board.
- (2) Pay the license fee required by the board.
- (3) Provide written evidence that he has earned at least one of the following degrees:
 - (a) A master's degree from a genetic counseling training program accredited by the Accreditation Council for Genetic Counseling.
 - (b) A doctoral degree from a medical genetics training program accredited by the American Board of Medical Genetics or its successor.
- (4) Meet the examination requirement for certification as either of the following:
 - (a) A genetic counselor certified by the American Board of Genetic Counseling or the American Board of Medical Genetics, or the successor of these entities.
 - (b) A medical geneticist by the American Board of Medical Genetics or its successor.

Proposed law authorizes the board to issue a temporary license to an applicant who meets all of the following conditions:

- (1) He meets all requirements for licensure pursuant to proposed law except the examination for certification requirement.
- (2) He has an active candidate status for the certification.

Proposed law provides that a temporary license expires upon the earliest of the following dates:

- (1) The date on which the individual meets the applicable requirements of proposed law and is issued a license.
- (2) The date that is thirty days after the individual fails the examination for certification provided for in proposed law.
- (3) The date printed on the temporary license.

Proposed law authorizes the board to issue a license to an individual who meets all of the following qualifications and requirements:

- (1) He is licensed, certified, or registered in another state or territory of the United States that has requirements determined by the board to be substantially equivalent to the requirements specified in proposed law.
- (2) His license is in good standing in the other state or territory in which he is licensed.
- (3) He applies in the manner required by the board.
- (4) He pays an application fee required by the board.

Proposed law stipulates that the following persons are not required to be licensed in accordance with proposed law:

- (1) A physician who is licensed pursuant to present law. Stipulates that no physician shall use the title "genetic counselor" or any other title that indicates that he is a genetic counselor unless he is licensed in accordance with proposed law.
- (2) A student or an intern from an accredited school who is participating in a supervised genetic counseling training program.
- (3) An individual from another state who is certified by the American Board of Medical Genetics or the American Board of Genetic Counseling and is acting in La. on a consultant basis.

Proposed law provides conditions and procedures for renewal of licenses, including fees therefor.

Proposed law authorizes the board to deny or refuse to renew a license; revoke, suspend, or cancel a license; or place on probation, reprimand, censure, or otherwise discipline a licensee upon proof satisfactory to a majority of the board that the person has done or been any of the following:

- (1) He has obtained or attempted to obtain a license by fraud or deception.
- (2) He has been convicted of a felony under state or federal law or committed any other offense involving moral turpitude.
- (3) He has been adjudged to have a mental illness or incompetent by a court of competent jurisdiction.
- (4) He has used illicit drugs or intoxicating liquors to the extent which adversely affects his practice.
- (5) He has engaged in unethical or unprofessional conduct including, without limitation, willful acts, negligence, or incompetence in the course of professional practice.

- (6) He has violated any lawful order, rule, or regulation rendered or adopted by the board.
- (7) He has been refused issuance of a license or been disciplined in connection with a license issued by any other state or country.

Proposed law prohibits any individual who does not have a valid license as a genetic counselor issued in accordance with proposed law from using the title "genetic counselor", "licensed genetic counselor", or any word, letter, abbreviation, or insignia that indicates or implies that he has been issued a license or has met the qualifications for licensure established by proposed law.

Proposed law provides that if the board believes that a person has engaged in or is going to engage in an act or practice that constitutes or will constitute a violation of proposed law, the board may apply to a district court of appropriate jurisdiction for an order enjoining the act or practice. Provides that if the board determines that a person has engaged in or is going to engage in an act or practice that constitutes or will constitute a violation of proposed law, a district court of appropriate jurisdiction may grant an injunction, a restraining order, or another appropriate order relative to the prohibited act or practice.

Proposed law provides that a violation of proposed law shall be a misdemeanor punishable by a fine not to exceed \$1,000 for the first offense and \$2,000 for each subsequent offense.

(Adds R.S. 37:1360.101-1360.109)