**Model Legislative Provisions**

This document is organized similar to how licensure legislation is written beginning with a series of definitions followed by qualifications for licensure, continuing education requirements, and administration. Modifications are expected and NSGC encourages the use of our lobbyists to ensure the bills are written in accordance with the NSGC guiding principles for licensure.

* [Definitions](https://www.nsgc.org/p/cm/ld/fid%3D18#definitions)
* [Genetic Counselor Scope of Practice](https://www.nsgc.org/p/cm/ld/fid%3D18#scope)
* [Qualifications for Licensure](https://www.nsgc.org/p/cm/ld/fid%3D18#qualifications)
* [Licensure Required](https://www.nsgc.org/p/cm/ld/fid%3D18#required)
* [Provisional/Temporary Licensed Genetic Counselor](https://www.nsgc.org/p/cm/ld/fid%3D18#temp)
* [Title Protection - Restricted Use of "Genetic Counselor"](https://www.nsgc.org/p/cm/ld/fid%3D18#titleprotection)
* [Certain Exemptions from Licensure](https://www.nsgc.org/p/cm/ld/fid%3D18#exemptions)
* [Continuing Education Requirements](https://www.nsgc.org/p/cm/ld/fid%3D18#CEUrequirements)
* [Duties, Functions, and Responsibilities of the Board/Regulatory agency & Genetic Counselor Licensing Board](https://www.nsgc.org/p/cm/ld/fid%3D18#duties)
* [Departmental Agency or Board of Medicine](https://www.nsgc.org/p/cm/ld/fid%3D18#deptagency)
* [Unlawful and Unprofessional Conduct](https://www.nsgc.org/p/cm/ld/fid%3D18#unlawful)

Definitions

***"ABGC"*** means the American Board of Genetic Counseling, its successor or equivalent.

***"ABMG"*** means the American Board of Medical Genetics, its successor or equivalent.

***"NSGC"***means the National Society of Genetic Counselors, its successor or equivalent.

***"Genetic counselor"*** means an individual, who is licensed under this Act, to engage in the competent practice of genetic counseling.

***"Genetic counseling"***means the provision of services by an individual who qualifies for a license under this Act.

***"ACS"***means Active Candidate Status conferred by the American Board of Genetic Counseling.

***"Active Candidate Status"***means a person who has met the requirements established by the ABGC to take the ABGC certification examination in general genetics and genetic counseling and has been granted this designation by ABGC.

***"Board"*** means the Genetic Counselors Licensing Board or (Board of Medical Examiners).

***"CEU"***means continuing education unit as defined by the NSGC.

***"Department"***means the Department of Health or Department of Consumer Affairs, etc.

***"Provisional/Temporary licensed genetic counselor"***means a genetic counselor with a provisional/temporary license.

***"Genetic counseling intern"***means a student enrolled in a genetic counseling program accredited by ABGC or ABMG.

***"Examination for licensure"***means the ABGC or ABMG certification exam.

***"Referral"***means a written or telecommunicated authorization for genetic counseling services from a physician licensed to practice medicine in all its branches, an advanced practice nurse who has a collaborative agreement with a physician that authorizes referrals to a genetic counselor, or a physician assistant who has been delegated authority to make referrals to genetic counselors.

***"Supervision"***means a qualified supervisor who has the overall responsibility to assess the work of the supervisee, including regular meetings and chart review; provided that an annual supervision contract signed by the supervisor and supervisee be on file with both parties. The supervisor’s presence is not required during the performance of the service.

***"Supervisee"***means a genetic counselor with a temporary license.

***"Qualified Supervisor"***means any person who is a licensed genetic counselor, as defined by this act, a physician licensed to practice medicine in all its branches, or a nurse practitioner.

***"Reciprocity"***means the issuance of a license by the Board under this Act to a person who has been granted a license under the laws of another state, territory or jurisdiction of the United States, which in the opinion of the Board imposes substantially the same licensing requirements as this Act.

Add the following definitions when the scope includes "ordering tests":

***"Collaboration"***means an interaction between a licensed genetic counselor and
licensed physician for the purpose of providing medical services; no employment relationship is required or implied for this interaction.

***"Collaborating physician"***means a physician licensed to practice medicine who works with a genetic counselor and provides medical support as documented in a written collaborative agreement.

***"Collaborative agreement"***means a written document that memorializes a relationship between a genetic counselor and a physician and that authorizes a genetic counselor to perform the functions specified in subsection XXX as applied to the practice of genetic counseling.

Genetic Counselor Scope of Practice:

a) obtain and evaluate individual, family, and medical histories to determine genetic risk for genetic/medical conditions and diseases in a patient, his/her offspring, and other family members;

b) discuss the features, natural history, means of diagnosis, genetic and environmental factors, and management of risk for genetic/medical conditions and diseases;

c) identify and coordinate genetic laboratory tests and other diagnostic studies as appropriate for the genetic assessment;

d) integrate genetic laboratory test results and other diagnostic studies with personal and family medical history to assess and communicate risk factors for genetic/medical conditions and diseases;

e) explain the clinical implications of genetic laboratory tests and other diagnostic studies and their results;

f) evaluate the client's or family's responses to the condition or risk of recurrence and provide client-centered counseling and anticipatory guidance;

g) identify and utilize community resources that provide medical, educational, financial, and psychosocial support and advocacy; and

h) provide written documentation of medical, genetic, and counseling information for families and health care professionals.

Qualifications for Licensure

The Board shall require the following as a minimum to qualify for Genetic Counseling Licensure. Each applicant under this act shall:

a) Submit an application prescribed by the board \*(department)

b) Pay a fee determined by the board \*(department)

c) Provide satisfactory evidence of having certification as a:

1) genetic counselor by the ABGC or ABMG or

2) medical geneticist by the ABMG

d) A provisional or temporary license may be issued to an applicant who meets all of the requirements for licensure except for the certification component and has been granted ACS.

e) An applicant who satisfies the board that the applicant is licensed or registered under the laws of another state, territory or jurisdiction of the United States, which in the opinion of the board imposes substantially the same licensing requirements as this act may be licensed pursuant to this act.

f) An individual may apply to the Board for licensure who does not qualify for licensure under this Act but who has worked as a genetic counselor for a minimum of 10 years preceding the enactment of these provisions and who provides documentation of the following:

1) has a Master’s or higher degree in genetics or related field of study AND

2) has never failed the ABMG/ABGC certification examination AND

3) submits 3 letters of recommendation from at least one geneticcounselor who qualifies for licensure under this Act, and either a clinical geneticist certified by ABMG or medical geneticist certified by ABMG. All individuals submitting letters of recommendation must have worked with the applicant in an employment setting during the last 10 years and can attest to the applicant’s competency in providing genetic counseling services AND

4) can provide documentation of attending NSGC/ABGC approved CEU programs within the last 5 years.
\*if license is administered by a genetic Counselor Licensing Board

Licensure Required

Beginning (Month/ Day/ Year) a license is required to engage in the practice of genetic counseling.

a) Except in the case of a provisional or temporary license issued pursuant to section XXX of this act, all licenses shall be issued for a two-year period upon the payment of the licensing fee prescribed by the board (Secretary), and shall be renewed upon the filing of a renewal application and the payment of the licensing renewal fee.

b) A genetic counselor whose license is suspended or revoked or whose surrender of license with or without prejudice has been accepted by the board or the committee, shall promptly deliver the original license and current biennial registration to the board or committee.

Provisional/Temporary Licensed Genetic Counselor

The Board may grant a person who has been granted ACS a temporary/provisional genetic counselor license for that person to practice
genetic counseling upon filing an approved application with the Board and payment of a fee to be determined by the board (Secretary of Health etc.). Such license shall be valid for 1 year from the date of its issue and may be renewed for an additional 1 year if an applicant fails the first sitting of the ABGC or ABMG certification exam. Such provisional license shall expire automatically upon the earliest of the following:

a) issuance of a full license;

b) 30 days after the applicant fails to pass the complete certification examination; or

c) the date printed on the temporary license.

An application for extension of the temporary/provisional license shall be signed by a supervisor. A provisional/temporary licensed genetic counselor shall work under the general supervision of a licensed genetic counselor or a licensed physician at all times during which the provisional/temporary licensed genetic counselor performs genetic counseling.

Title Protection - Restricted Use of "Genetic Counselor"

No person shall hold themselves out as a genetic counselor unless he/she is licensed in accordance with this Act. No person, who is not so licensed may use in connection with his/her name or place of business, the title "genetic counselor", "licensed genetic counselor", "gene counselor", "genetic consultant", "genetic associate" or any words, letters, abbreviations or insignia indicating or implying a person holds a genetic counseling license.

Certain Exemptions from Licensure

The provisions of this act shall not apply to:

a) any person licensed by the State to practice in a profession other than that of genetic counseling when acting within the scope of the person's profession and doing work of a nature consistent with the person's training. The person cannot not hold himself out to the public as a genetic counselor;

b) any person employed as a genetic counselor by the federal government or an agency thereof if such person provides genetic counseling services solely under the direction and control of the organization by which he/she is employed

c) a student or intern enrolled in an ABGC accredited genetic counseling educational program if genetic counseling services performed by the student are an integral part of the student's course of study and are performed under the direct supervision of a licensed genetic counselor assigned to supervise the student and who is on duty and available in the assigned patient care area and if the person is designated by a title "genetic counseling intern;"

Continuing Education Requirements

Each applicant shall present satisfactory evidence when seeking license renewal that in the period since the license was issued or last renewed the applicant has completed 50 hours of NSGC or ABMG continuing education units and/or other means as approved by NSGC for re-certification by NSGC or ABMG, prorated for the length of the license.

The Board shall make exceptions for licensees from the continuing education requirements including waiver of all or a portion of these requirements or the granting of an extension of time in which to complete these requirements upon a finding of good cause following receipt of a written request for exception based upon emergency or hardship. Emergency or hardship cases are those: 1) involving long term personal illness or illness involving a close relative or person for whom the licensee has care-giving responsibilities; 2) where the licensee can demonstrate that the required course(s) are not reasonably available; and 3) other demonstrated economic, technological or legal hardships that substantially relate to the ability to perform or complete the continuing education requirements.

Duties, Functions, and Responsibilities of the Board/Regulatory agency & Genetic Counselor Licensing Board

The board shall have the following powers and duties:

a) There is created the Genetic Counselors Licensing Board consisting of X persons licensed in accordance with this chapter and X member(s) of the general public. (The majority of the Board should be members of this profession)

b) The board shall be appointed by the Governor and serve a term of no greater than X consecutive years. Members of the board shall be
residents of the state.

c) No member shall be appointed to more than 2 consecutive full terms.

d) members appointed for less than a full term may serve 2 full terms in addition to such part of a full term. A former member shall be eligible for appointment after a lapse of 1 year.

e) A member may be removed by the Governor for neglect of duty, misconduct or malfeasance or misfeasance in office after a written notice of the charges against him and an opportunity to be heard. Upon the death, resignation or removal for cause of any member of the board, the governor shall fill the vacancy for the remainder of that member's year.

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

g) The board shall meet at least 2 times annually and shall hold additional meetings at the call of the chair or at such times as may be determined by the board.

h) The duties and responsibilities of the board shall include the following:

i.) develop appropriate rules/regulations as are necessary to regulate genetic counselors;

ii.) recommend policy and budgetary matters to the state’s licensing department

iii.) establish administrative procedures for processing applications for licenses and license renewals and to hire or appoint such
agents as are appropriate for processing applications for licenses and license renewals;

iv.) receive, review, approve or disapprove applications for licensing, renewal and reinstatement and to issue those licenses;

v.) retain records of its actions and proceedings in accordance with public records laws;

vi.) conduct hearings, fine, censure, revoke, suspend or deny a license, place on probation, reprimand or otherwise discipline licensees for violations of the code of ethics or the rules of the board in accordance with section XXX of chapter XXX, but the board shall not have the power of subpoena.

vii.) summarily suspend the license of a licensee who poses an imminent danger to the public but a hearing shall be afforded to the licensee within 7 days of an action by the board to determine whether such summary action is warranted; and

viii.) maintain 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.

ix.) perform such other functions and duties as may be required to carry out this section.

Board members shall serve without compensation but shall be reimbursed for actual and reasonable expenses incurred in the performance of their duties.

**OR**

Departmental Agency or Board of Medicine

Subject to the provisions of this Act, the Board shall:

a) issue a license to an applicant who meets the requirements of this act except that, a license shall not be issued 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.

b) issue a provisional license to an applicant who is granted active candidate status by the American Board of Genetic Counseling. The provisional license shall expire with the expiration of board eligible status as defined by the American Board of Genetic Counseling.

c) conduct hearings on proceedings to refuse to issue or renew or to revoke licenses or suspend, place on probation, censure, or reprimand persons licensed under this Act, and to refuse to issue or renew or to revoke licenses, or suspend, place on probation, censure, or reprimand persons licensed under this Act;

d) maintain 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.

Unlawful and Unprofessional Conduct

The board may deny or refuse to renew a license or, after a hearing pursuant to section XXX of this act, revoke, suspend or cancel the 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:

a) obtained or attempted to obtain a license by fraud or deception;

b) been convicted of a felony under state or federal law or committed any other offense involving moral turpitude;

c) been adjudged mentally ill or incompetent by a court of competent jurisdiction;

d) used illicit drugs or intoxicating liquors to the extent which adversely affects his practice;

e) engaged in unethical or unprofessional conduct including, but not limited to, willful acts, negligence or incompetence in the course of professional practice;

f) violated any lawful order, rule or regulation rendered or adopted by the board;

or

g) been refused issuance or been disciplined in connection with a license issued by any other state or country.