

Senate File 2228 - Enrolled

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AN ACT

PROVIDING FOR THE LICENSURE OF GENETIC COUNSELORS, MAKING PENALTIES APPLICABLE, AND INCLUDING EFFECTIVE DATE AND IMPLEMENTATION PROVISIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 147.1, subsections 3 and 6, Code 2018, are amended to read as follows:

3. "*Licensed*" or "*certified*", when applied to a physician and surgeon, podiatric physician, osteopathic physician and surgeon, genetic counselor, physician assistant, psychologist, chiropractor, nurse, dentist, dental hygienist, dental assistant, optometrist, speech pathologist, audiologist, pharmacist, physical therapist, physical therapist assistant, occupational therapist, occupational therapy assistant, orthotist, prosthetist, pedorthist, respiratory care practitioner, practitioner of cosmetology arts and sciences, practitioner of barbering, funeral director, dietitian, marital and family therapist, mental health counselor, respiratory care and polysomnography practitioner, polysomnographic technologist, social worker, massage therapist, athletic trainer, acupuncturist, nursing home administrator, hearing aid specialist, or sign language interpreter or transliterator means a person licensed under [this subtitle](#).

6. "*Profession*" means medicine and surgery, podiatry, osteopathic medicine and surgery, genetic counseling, practice as a physician assistant, psychology, chiropractic, nursing,

dentistry, dental hygiene, dental assisting, optometry, speech pathology, audiology, pharmacy, physical therapy, physical therapist assisting, occupational therapy, occupational therapy assisting, respiratory care, cosmetology arts and sciences, barbering, mortuary science, marital and family therapy, mental health counseling, polysomnography, social work, dietetics, massage therapy, athletic training, acupuncture, nursing home administration, practice as a hearing aid specialist, sign language interpreting or transliterating, orthotics, prosthetics, or pedorthics.

Sec. 2. Section 147.2, subsection 1, Code 2018, is amended to read as follows:

1. A person shall not engage in the practice of medicine and surgery, podiatry, osteopathic medicine and surgery, genetic counseling, psychology, chiropractic, physical therapy, physical therapist assisting, nursing, dentistry, dental hygiene, dental assisting, optometry, speech pathology, audiology, occupational therapy, occupational therapy assisting, orthotics, prosthetics, pedorthics, respiratory care, pharmacy, cosmetology arts and sciences, barbering, social work, dietetics, marital and family therapy or mental health counseling, massage therapy, mortuary science, polysomnography, athletic training, acupuncture, nursing home administration, or sign language interpreting or transliterating, or shall not practice as a physician assistant or a hearing aid specialist, unless the person has obtained a license for that purpose from the board for the profession.

Sec. 3. Section 147.13, subsection 1, Code 2018, is amended to read as follows:

1. For medicine and surgery, osteopathic medicine and surgery, ~~and acupuncture~~, and genetic counseling, the board of medicine.

Sec. 4. Section 147.74, Code 2018, is amended by adding the following new subsection:

NEW SUBSECTION. 23A. A genetic counselor licensed under chapter 148H may use the words "genetic counselor" or "licensed genetic counselor" or corresponding abbreviations after the person's name.

Sec. 5. NEW SECTION. 148H.1 **Definitions.**

1. "*Active candidate status*" means a person has met the requirements established by the American board of genetic counseling or its equivalent or successor organization to take the American board of genetic counseling certification examination in general genetics and genetic counseling or its equivalent or successor examination and has been granted this designation by the American board of genetic counseling or its equivalent or successor organization.

2. "*Board*" means the board of medicine.

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

4. "*Genetic counseling intern*" means a student enrolled in a genetic counseling program accredited by the accreditation council for genetic counseling or its equivalent or successor organization, the American board of medical genetics and genomics or its equivalent or successor organization.

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

6. "*Qualified supervisor*" means any person who is a genetic counselor licensed under this chapter, a physician licensed under chapter 148, or an advanced registered nurse practitioner licensed under chapter 152.

7. "*Supervision*" means supervision by a qualified supervisor who has the overall responsibility of assessing the work of a provisional licensee, provided that an annual supervision contract signed by the qualified supervisor and the provisional licensee is on file with both parties. "*Supervision*" does not require the qualified supervisor's presence during the performance of services.

Sec. 6. NEW SECTION. 148H.2 **Scope of practice.**

A person licensed under this chapter may do any of the following:

1. Obtain and evaluate individual, family, and medical histories to determine genetic risk for genetic and medical conditions and diseases in a patient, the patient's offspring, and other family members.

2. Discuss the features, history, means of diagnosis, genetic and environmental factors, and management of risk for

genetic and medical conditions and diseases.

3. Identify, order, and coordinate genetic laboratory tests and other diagnostic studies as appropriate for the genetic assessment of a patient.

4. Refer a patient to a specialty or subspecialty department as necessary for the purpose of collaborating on diagnosis and treatment involving multiple body systems and general medical management.

5. Integrate 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.

6. Explain the clinical implications of genetic laboratory tests and other diagnostic studies and their results.

7. Evaluate the responses of a patient or patient's family to the condition or risk of recurrence and provide patient-centered genetic counseling and anticipatory guidance.

8. Identify and utilize community resources that provide medical, educational, financial, and psychosocial support and advocacy.

9. Provide written documentation of medical, genetic, and counseling information for families and health care professionals.

Sec. 7. NEW SECTION. 148H.3 Qualifications for licensure — provisional licensure.

1. Each applicant for licensure under this chapter shall:

- a. Submit an application form as prescribed by the board.
- b. Provide satisfactory evidence of certification as a genetic counselor by the American board of genetic counseling or its equivalent or successor organization, the American board of medical genetics and genomics or its equivalent or successor organization, or as a medical geneticist by the American board of medical genetics and genomics or its equivalent or successor organization.

2. A license shall be issued for a two-year period and shall be renewed upon the filing of a renewal application as prescribed by the board.

3. A licensee shall maintain active certification as a genetic counselor by the American board of genetic counseling

or its equivalent or successor organization, the American board of medical genetics and genomics or its equivalent or successor organization, or as a medical geneticist by the American board of medical genetics and genomics, or its equivalent or successor organization.

4. *a.* The board may issue a provisional license to an applicant who meets all of the requirements for licensure except for the certification component and who has been granted active candidate status by the American board of genetic counseling or its equivalent or successor organization.

b. The applicant shall submit a provisional license application form prescribed by the board as determined by the board.

c. A provisional license shall expire upon the earlier of issuance of a full license by the board or the loss of active candidate status from the American board of genetic counseling or its equivalent or successor organization by the holder of the provisional license.

d. A person with a provisional license shall only practice genetic counseling under the supervision of a qualified supervisor.

Sec. 8. NEW SECTION. 148H.4 Scope of chapter.

This chapter shall not be construed to apply to any of the following:

1. A physician or surgeon or an osteopathic physician or surgeon licensed under chapter 148, a registered nurse or an advanced registered nurse practitioner licensed under chapter 152, a physician assistant licensed under chapter 148C, or other persons licensed under chapter 147 when acting within the scope of the person's profession and doing work of a nature consistent with the person's education and training.

2. A person who is certified by the American board of medical genetics and genomics or its equivalent or successor organization as a doctor of philosophy and is not a genetic counselor licensed pursuant to this chapter.

3. A person employed as a genetic counselor by the federal government or an agency thereof if the person provides genetic counseling services solely under the direction and control of the entity by which the person is employed.

4. A genetic counseling intern.

Sec. 9. NEW SECTION. 148H.5 Continuing education.

An applicant for renewal of a license under this chapter shall submit satisfactory evidence to the board that in the period since the license was issued or last renewed, the applicant has completed thirty hours of national society of genetic counselors or its equivalent or successor organization or American board of medical genetics and genomics or its equivalent or successor organization continuing education units as approved by the board.

Sec. 10. NEW SECTION. 148H.6 Rules — authority of board.

The board shall adopt rules consistent with this chapter and chapters 147 and 148 which are necessary for the performance of its duties under this chapter. The board may consult with genetic counselors during an investigative or disciplinary proceeding as it deems necessary.

Sec. 11. NEW SECTION. 148H.7 Licensee discipline.

1. In addition to the grounds for revocation or suspension referred to in section 147.55 and in accordance with the disciplinary process established for the board by section 148.6, the board may discipline a person licensed under this chapter who is guilty of any of the following acts or offenses:

a. Conviction of a felony under state or federal law or commission of any other offense involving moral turpitude.

b. Having been adjudged mentally ill or incompetent by a court of competent jurisdiction.

c. Engaging in unethical or unprofessional conduct including but not limited to negligence or incompetence in the course of professional practice.

d. Violating any lawful order, rule, or regulation rendered or adopted by the board.

e. Having been refused issuance of or disciplined in connection with a license issued by any other jurisdiction.

2. A genetic counselor whose license is suspended or revoked or whose surrender of license with or without prejudice has been accepted by the board shall promptly deliver the original license to the board.

3. A provisional licensee who loses active candidate status with the American board of genetic counseling or its equivalent

or successor organization shall surrender the provisional license to the board immediately.

Sec. 12. EFFECTIVE DATE AND IMPLEMENTATION. This Act shall take effect January 1, 2019, except that the board of medicine may begin implementation prior to that date, to the extent necessary to fully implement the provisions providing for the licensure of genetic counselors by January 1, 2019.

CHARLES SCHNEIDER
President of the Senate

LINDA UPMEYER
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2228, Eighty-seventh General Assembly.

W. CHARLES SMITHSON
Secretary of the Senate

Approved _____, 2018

KIM REYNOLDS
Governor