

Senate Study Bill 3143 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON MATHIS)

A BILL FOR

1 An Act providing for the licensure of genetic counselors,
2 making penalties applicable, and including effective date
3 and implementation provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 147.1, subsections 3 and 6, Code 2016,
2 are amended to read as follows:

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

19 6. "*Profession*" means medicine and surgery, podiatry,
20 osteopathic medicine and surgery, genetic counseling, practice
21 as a physician assistant, psychology, chiropractic, nursing,
22 dentistry, dental hygiene, dental assisting, optometry, speech
23 pathology, audiology, pharmacy, physical therapy, physical
24 therapist assisting, occupational therapy, occupational therapy
25 assisting, respiratory care, cosmetology arts and sciences,
26 barbering, mortuary science, marital and family therapy, mental
27 health counseling, polysomnography, social work, dietetics,
28 massage therapy, athletic training, acupuncture, nursing
29 home administration, practice as a hearing aid specialist,
30 sign language interpreting or transliterating, orthotics,
31 prosthetics, or pedorthics.

32 Sec. 2. Section 147.2, subsection 1, Code 2016, is amended
33 to read as follows:

34 1. A person shall not engage in the practice of medicine
35 and surgery, podiatry, osteopathic medicine and surgery,

1 genetic counseling, psychology, chiropractic, physical
2 therapy, physical therapist assisting, nursing, dentistry,
3 dental hygiene, dental assisting, optometry, speech pathology,
4 audiology, occupational therapy, occupational therapy
5 assisting, orthotics, prosthetics, pedorthics, respiratory
6 care, pharmacy, cosmetology arts and sciences, barbering,
7 social work, dietetics, marital and family therapy or mental
8 health counseling, massage therapy, mortuary science, athletic
9 training, acupuncture, nursing home administration, or sign
10 language interpreting or transliterating, or shall not practice
11 as a physician assistant or a hearing aid specialist, unless
12 the person has obtained a license for that purpose from the
13 board for the profession.

14 Sec. 3. Section 147.13, subsection 1, Code 2016, is amended
15 to read as follows:

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

19 Sec. 4. Section 147.74, Code 2016, is amended by adding the
20 following new subsection:

21 NEW SUBSECTION. 23A. A genetic counselor licensed under
22 chapter 148H may use the words "genetic counselor", "licensed
23 genetic counselor", "gene counselor", "genetic consultant",
24 "genetic associate" or any words, letters, abbreviations, or
25 insignia indicating that the person holds a genetic counseling
26 license after the person's name.

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

28 1. "*Active candidate status*" means a person has met the
29 requirements established by the American board of genetic
30 counseling to take the American board of genetic counseling
31 certification examination in general genetics and genetic
32 counseling and has been granted this designation by the
33 American board of genetic counseling.

34 2. "*Advisory board*" means the genetic counselor advisory
35 board established pursuant to this chapter.

1 3. "*Board*" means the board of medicine.

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

4 5. "*Genetic counseling intern*" means a student enrolled in a
5 genetic counseling program accredited by the American board of
6 genetic counseling or the American board of medical genetics
7 and genomics.

8 6. "*Genetic counselor*" means an individual who is licensed
9 under this chapter to engage in the competent practice of
10 genetic counseling.

11 7. "*Qualified supervisor*" means any person who is a genetic
12 counselor licensed under this chapter, a physician licensed
13 under chapter 148, or a nurse practitioner licensed under
14 chapter 152.

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

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

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

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

29 2. Discuss the features, history, means of diagnosis,
30 genetic and environmental factors, and management of risk for
31 genetic and medical conditions and diseases.

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

35 4. Refer a patient to a specialty or subspecialty department

1 as necessary for the purpose of collaborating on diagnosis and
2 treatment involving multiple body systems and general medical
3 management.

4 5. Integrate genetic laboratory test results and other
5 diagnostic studies with personal and family medical history to
6 assess and communicate risk factors for genetic and medical
7 conditions and diseases.

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

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

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

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

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

21 1. Each applicant for licensure under this chapter shall:

22 a. Submit an application form as prescribed by the board.

23 b. Pay a licensing fee as determined by the board.

24 c. Provide satisfactory evidence of certification as a
25 genetic counselor by the American board of genetic counseling
26 or the American board of medical genetics and genomics or as a
27 medical geneticist by the American board of medical genetics.

28 2. A license shall be issued for a two-year period upon
29 payment of the licensing fee and shall be renewed upon the
30 filing of a renewal application and renewal fee as prescribed
31 by the board.

32 3. An applicant who is licensed or registered under the
33 laws of another state or a territory or jurisdiction of the
34 United States, which in the opinion of the board imposes
35 substantially the same licensing requirements as this chapter,

1 may be licensed pursuant to this chapter.

2 4. a. The board may issue a provisional license to an
3 applicant who meets all of the requirements for licensure
4 except for the certification component and who has been granted
5 active candidate status.

6 b. The applicant shall pay a fee as determined by the board
7 upon filing of an application prescribed by the board for
8 provisional licensure.

9 c. A provisional license shall expire upon the earlier of
10 issuance of a full license by the board or the loss of active
11 candidate status from the American board of genetic counseling
12 by the holder of the provisional license.

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

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

16 1. A health care provider as defined in section 135.24 who
17 performs duties of a licensed genetic counselor while engaged
18 in the practice of the health care provider's profession.

19 2. A person employed as a genetic counselor by the federal
20 government or an agency thereof if such person provides genetic
21 counseling services solely under the direction and control of
22 the organization by which the person is employed.

23 3. A genetic counseling intern.

24 4. A genetic counselor visiting from outside the state
25 performing activities or services for less than thirty days
26 each year. A visiting genetic counselor shall be licensed
27 by the genetic counselor's home state if such licensure is
28 available in the home state.

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

30 1. An applicant for renewal of a license under this
31 chapter shall submit satisfactory evidence to the board that
32 in the period since the license was issued or last renewed,
33 the applicant has completed thirty hours of national society
34 of genetic counselors or American board of medical genetics
35 continuing education units or other continuing education

1 approved by the board.

2 2. The board shall adopt rules to allow exceptions to the
3 requirements in subsection 1.

4 Sec. 10. NEW SECTION. 148H.6 **Duties of board.**

5 The board shall adopt rules consistent with this chapter and
6 chapters 147 and 148 which are necessary for the performance of
7 its duties under this chapter.

8 Sec. 11. NEW SECTION. 148H.7 **Advisory board.**

9 1. *a.* Under the supervision of the board, there shall be
10 established a genetic counselor advisory board consisting of
11 five persons licensed in accordance with this chapter.

12 *b.* Advisory board members shall be appointed by the
13 governor, serve terms of no greater than four consecutive
14 years, and be residents of this state. An advisory board
15 member shall not be appointed to more than two consecutive full
16 terms. Advisory board members appointed for less than a full
17 term may serve two full terms in addition to such part of a full
18 term. A former member shall be eligible for appointment after
19 a lapse of one year.

20 *c.* An advisory board member may be removed by the governor
21 for neglect of duty, misconduct, or malfeasance in office after
22 a written notice of the charges against the member and an
23 opportunity to be heard. Upon a vacancy on the advisory board,
24 the governor shall fill the vacancy for the remainder of that
25 member's term.

26 *d.* The advisory board shall, at its first meeting and
27 annually thereafter, organize by electing from its membership
28 a chairman, a vice chairman, and a secretary. Those officers
29 shall serve until their successors are elected and qualified.

30 *e.* The advisory board shall meet at least twice annually and
31 shall hold additional meetings at the call of the chair or at
32 such times as may be determined by the advisory board.

33 2. The duties and responsibilities of the board shall
34 include the following:

35 *a.* Draft rules as are necessary to enforce this chapter for

1 review and adoption by the board.

2 *b.* Receive, review, and recommend to the board the approval
3 or disapproval of applications for licensure, renewal, and
4 reinstatement.

5 *c.* Perform such other functions and duties as may be
6 required to carry out this chapter.

7 3. Advisory board members shall serve without compensation
8 but shall be reimbursed for actual and reasonable expenses
9 incurred in the performance of their duties.

10 Sec. 12. NEW SECTION. 148H.8 Licensee discipline — license
11 revocation or suspension.

12 1. In addition to the grounds for revocation or suspension
13 referred to in section 147.55 and in accordance with the
14 disciplinary process established for the board by section
15 148.6, a license issued under this chapter shall be revoked or
16 suspended when the genetic counselor is guilty of any of the
17 following acts or offenses:

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

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

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

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

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

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

33 Sec. 13. TRANSITION PROVISIONS.

34 1. Notwithstanding section 147.16, the governor may
35 appoint, as the initial members of the genetic counselor

1 advisory board created in section 148H.7, individuals who have
2 been certified as genetic counselors by the American board of
3 genetic counseling or the American board of medical genetics
4 and genomics or as medical geneticists by the American board of
5 medical genetics. The initial members shall have been engaged
6 in the practice of genetic counseling for not less than five
7 years before being appointed by the governor.

8 2. Notwithstanding section 148H.3, subsection 1, as enacted
9 in this Act, during the period of one year from the effective
10 date of rules implementing this Act, the board of medicine
11 may grant a license to practice genetic counseling for an
12 applicant who provides documentation satisfactory to the board
13 that the applicant is certified as a genetic counselor by the
14 American board of genetic counseling or the American board of
15 medical genetics and genomics or as a medical geneticist by the
16 American board of medical genetics and has been engaged in the
17 practice of genetic counseling for not less than five years at
18 the time of the effective date of rules adopted by the board to
19 implement this Act.

20 Sec. 14. EFFECTIVE DATE AND IMPLEMENTATION. This Act shall
21 take effect January 1, 2017, except that the board of medicine
22 may begin implementation prior to that date, to the extent
23 necessary to fully implement the provisions providing for the
24 licensure of genetic counselors by January 1, 2017.

25 EXPLANATION

26 The inclusion of this explanation does not constitute agreement with
27 the explanation's substance by the members of the general assembly.

28 This bill provides for the licensure of genetic counselors.
29 Under the bill, the board of medicine would be responsible
30 for the licensure, discipline, and rulemaking relating to the
31 practice of genetic counseling. The bill establishes a scope
32 of practice for genetic counselors, provides requirements for
33 licensure and continuing education, and includes licensee
34 discipline provisions. The bill creates a genetic counselor
35 advisory board to propose rules and make recommendations on

1 licensure to the board. The bill provides that persons not
2 licensed under the bill, but who refer to themselves as genetic
3 counselors or use other similar terms or abbreviations shall
4 be guilty of a simple misdemeanor. A simple misdemeanor is
5 punishable by confinement for no more than 30 days or a fine of
6 at least \$65 but not more than \$625 or by both.

7 The bill takes effect January 1, 2017, except that the board
8 of medicine may begin implementation before that date.