

Senate Study Bill 3005 - Introduced

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

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 2018,
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 2018, 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
8 mental health counseling, massage therapy, mortuary science,
9 polysomnography, athletic training, acupuncture, nursing
10 home administration, or sign language interpreting or
11 transliterating, or shall not practice as a physician assistant
12 or a hearing aid specialist, unless the person has obtained a
13 license for that purpose from the board for the profession.

14 Sec. 3. Section 147.13, subsection 1, Code 2018, 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 2018, 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" or "licensed
23 genetic counselor" or corresponding abbreviations after the
24 person's name.

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

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

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

35 3. "*Genetic counseling*" means the provision of services by

1 an individual who qualifies for a license under this chapter.

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

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

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

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

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

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

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

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

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

34 4. Refer a patient to a specialty or subspecialty department
35 as necessary for the purpose of collaborating on diagnosis and

1 treatment involving multiple body systems and general medical
2 management.

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

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

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

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

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

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

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

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

22 b. Provide satisfactory evidence of certification as a
23 genetic counselor by the American board of genetic counseling
24 or its equivalent or successor organization, the American board
25 of medical genetics and genomics or its equivalent or successor
26 organization, or as a medical geneticist by the American board
27 of medical genetics and genomics or its equivalent or successor
28 organization.

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

32 3. A licensee shall maintain active certification as a
33 genetic counselor by the American board of genetic counseling
34 or its equivalent or successor organization, the American board
35 of medical genetics and genomics or its equivalent or successor

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

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

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

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

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

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

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

23 1. A physician or surgeon or an osteopathic physician or
24 surgeon licensed under chapter 148, a registered nurse or an
25 advanced registered nurse practitioner licensed under chapter
26 152, a physician assistant licensed under chapter 148C, or
27 other persons licensed under chapter 147 when acting within the
28 scope of the person's profession and doing work of a nature
29 consistent with the person's education and training.

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

34 3. A person employed as a genetic counselor by the federal
35 government or an agency thereof if the person provides genetic

1 counseling services solely under the direction and control of
2 the entity by which the person is employed.

3 4. A genetic counseling intern.

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

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

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

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

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

20 1. In addition to the grounds for revocation or suspension
21 referred to in section 147.55 and in accordance with the
22 disciplinary process established for the board by section
23 148.6, the board may discipline a person licensed under this
24 chapter who is guilty of any of the following acts or offenses:

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

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

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

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

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

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

5 3. A provisional licensee who loses active candidate status
6 with the American board of genetic counseling or its equivalent
7 or successor organization shall surrender the provisional
8 license to the board immediately.

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

14 EXPLANATION

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

17 This bill provides for the licensure of genetic counselors.
18 Under the bill, the board of medicine would be responsible
19 for the licensure, discipline, and rulemaking relating to the
20 practice of genetic counseling. The bill establishes a scope
21 of practice for genetic counselors, provides requirements for
22 licensure and continuing education, and includes licensee
23 discipline provisions. The bill provides that persons not
24 licensed under the bill but who refer to themselves as genetic
25 counselors or use other similar terms or abbreviations shall
26 be guilty of a simple misdemeanor. A simple misdemeanor is
27 punishable by confinement for no more than 30 days or a fine of
28 at least \$65 but not more than \$625 or by both.

29 The bill takes effect January 1, 2019, except that the board
30 of medicine may begin implementation before that date.