

LICENSING OF GENETIC COUNSELORS

2001 GENERAL SESSION

STATE OF UTAH

Sponsor: Paula F. Julander

This act modifies the Occupations and Professions Code by enacting the Genetic Counselors Licensing Act. The act defines the practice of genetic counseling and requires a license to practice genetic counseling within the state. The act creates the Genetic Counselors Licensing Board. The act sets forth the requirements for licensure. The act provides for exemptions from licensure. The act defines unlawful and unprofessional conduct and provides for discipline against licensees.

This act affects sections of Utah Code Annotated 1953 as follows:

ENACTS:

58-75-101, Utah Code Annotated 1953

58-75-102, Utah Code Annotated 1953

58-75-201, Utah Code Annotated 1953

58-75-301, Utah Code Annotated 1953

58-75-302, Utah Code Annotated 1953

58-75-303, Utah Code Annotated 1953

58-75-304, Utah Code Annotated 1953

58-75-401, Utah Code Annotated 1953

58-75-501, Utah Code Annotated 1953

58-75-502, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **58-75-101** is enacted to read:

CHAPTER 75. GENETIC COUNSELORS LICENSING ACT

Part 1. General Provisions

58-75-101. Title.

This chapter is known as the "Genetic Counselors Licensing Act."

Section 2. Section **58-75-102** is enacted to read:

58-75-102. Definitions.

In addition to the definitions in Section 58-1-102, as used in this chapter:

(1) "Board" means the Genetic Counselors Licensing Board created in Section 58-75-201.

(2) "Genetic counselor" means a person licensed under this chapter to engage in the practice of genetic counseling.

(3) "Practice of genetic counseling" means the communication process which deals with the human problems associated with the occurrence, or the risk of occurrence, of a genetic disorder in a family, including the provision of services to help an individual or family:

(a) comprehend the medical facts, including the diagnosis, probable cause of the disorder, and the available management;

(b) appreciate the way heredity contributes to the disorder and the risk of occurrence in specified relatives;

(c) understand the alternatives for dealing with the risk of occurrence;

(d) choose the course of action which seems appropriate to them in view of their risk, their family goals, and their ethical and religious standards, and to act in accordance with that decision; and

(e) make the best possible psychosocial adjustment to the disorder in an affected family member or to the risk of occurrence of that disorder.

(4) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-75-501.

(5) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-75-502 and as may be further defined by rule by the division in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act.

Section 3. Section **58-75-201** is enacted to read:

Part 2. General Provisions

58-75-201. Board.

(1) There is created the Genetic Counselors Licensing Board consisting of four persons licensed in accordance with this chapter and one member of the general public.

(2) The board shall be appointed and serve in accordance with Section 58-1-201.

(3) The duties and responsibilities of the board shall be in accordance with Sections 58-1-202 and 58-1-203. In addition, the board may designate one of its members on a permanent or rotating basis to:

(a) assist the division in reviewing complaints concerning the unlawful or unprofessional conduct of a licensee; and

(b) advise the division in its investigation of these complaints.

(4) A board member who has, under Subsection (3), reviewed a complaint or advised in its investigation may be disqualified from participating with the board when the board serves as a presiding officer of an administrative proceeding concerning the complaint.

Section 4. Section **58-75-301** is enacted to read:

Part 3. Licensing

58-75-301. Licensure required -- Issuance of licenses -- Effect on insurers.

(1) Beginning January 1, 2002, and except as provided in Sections 58-1-307 and 58-75-304, a license is required to engage in the practice of genetic counseling.

(2) The division shall issue to any person who qualifies under this chapter a license to practice genetic counseling.

(3) Nothing in this chapter shall be construed to require payment from insurers for genetic counseling services.

Section 5. Section **58-75-302** is enacted to read:

58-75-302. Qualifications for licensure -- Temporary license.

(1) Except as provided in Subsection (2), each applicant for licensure as a genetic counselor under this chapter shall:

(a) submit an application in a form prescribed by the division;

(b) pay a fee determined by the department under Section 63-38-3.2;

(c) be of good moral character;

(d) provide satisfactory documentation of having earned:

(i) a Master's degree from a genetic counseling training program that is accredited by the American Board of Genetic Counseling; or

(ii) a Doctoral degree from a medical genetics training program that is accredited by the American Board of Medical Genetics; and

(e) meet the examination requirement for certification as:

(i) a genetic counselor by the American Board of Genetic Counseling or the American Board of Medical Genetics; or

(ii) a medical geneticist by the American Board of Medical Genetics.

(2) The division may issue a temporary license, in accordance with Section 58-1-303 and any other conditions established by rule, to an applicant who meets all of the requirements for licensure except the examination requirement of Subsection (1)(e).

Section 6. Section **58-75-303** is enacted to read:

58-75-303. Term of license -- Expiration -- Renewal.

(1) The division shall issue each license under this chapter in accordance with a two-year renewal cycle established by rule. The division may by rule extend or shorten a renewal cycle by as much as one year to stagger the renewal cycles it administers.

(2) Each licensee shall, at the time of applying for renewal, demonstrate compliance with continuing education requirements established by rule by the division in collaboration with the board.

(3) Each license automatically expires on the expiration date shown on the license unless the licensee renews it in accordance with Section 58-1-308.

Section 7. Section **58-75-304** is enacted to read:

58-75-304. Exemptions from licensure.

In addition to the exemptions from licensure set forth in Section 58-1-307, the following persons may engage in the practice of genetic counseling subject to the stated circumstances and limitations without being licensed under this chapter:

(1) an individual licensed as a physician and surgeon or osteopathic physician and surgeon under Chapter 67, Utah Medical Practice Act, and Chapter 68, Utah Osteopathic Medical Practice Act; and

(2) a commissioned physician or surgeon serving in the armed forces of the United States

or other federal agency.

Section 8. Section **58-75-401** is enacted to read:

Part 4. License Denial and Discipline

58-75-401. Grounds for denial of license -- Disciplinary proceedings.

Grounds for refusing to issue a license to an applicant, for refusing to renew the license of a licensee, for revoking, suspending, restricting, or placing on probation the license of a licensee, for issuing a public or private reprimand to a licensee, and for issuing a cease and desist order shall be in accordance with Section 58-1-401.

Section 9. Section **58-75-501** is enacted to read:

Part 5. Unlawful and Unprofessional Conduct

58-75-501. Unlawful conduct.

"Unlawful conduct" includes, in addition to the definition in Section 58-1-501, using the title "genetic counselor" or any other title or designation tending to indicate that the person is a genetic counselor unless that person has a current license as a genetic counselor issued under this chapter.

Section 10. Section **58-75-502** is enacted to read:

58-75-502. Unprofessional conduct.

"Unprofessional conduct" includes, in addition to the definition in Section 58-1-501 and as may be further defined by rule:

(1) engaging in any act or practice in a professional capacity which the licensee is not competent to perform through training or experience;

(2) failing to refer a client to other competent professionals when the licensee is unable or unwilling to adequately support or serve the client;

(3) failing to maintain the confidentiality of any information received from a client, unless released by the client or otherwise authorized or required by law; and

(4) exploiting a client for personal advantage, profit, or interest.