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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.

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

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

30 **58-75-102. Definitions.**

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

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

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

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

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

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

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

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

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

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

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

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

53 **Part 2. General Provisions**

54 **58-75-201. Board.**

55 (1) There is created the Genetic Counselors Licensing Board consisting of four persons
56 licensed in accordance with this chapter and engaged in the practice of genetic counseling within
57 this state and one member of the general public.

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

59 (3) The duties and responsibilities of the board shall be in accordance with Sections
60 58-1-202 and 58-1-203. In addition, the board shall designate one of its members on a permanent
61 or rotating basis to:

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

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

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

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

69 **Part 3. Licensing**

70 **58-75-301. Licensure required.**

71 (1) Beginning January 1, 2002, and except as provided in Sections 58-1-307 and
72 58-75-304, a license is required to engage in the practice of genetic counseling.

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

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

76 **58-75-302. Qualifications for licensure -- Temporary license.**

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

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

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

81 (c) be of good moral character;

82 (d) provide satisfactory documentation of having earned a Master's degree from a genetic
83 counseling training program that is accredited by the American Board of Genetic Counseling; and

84 (e) meet the examination requirement for certification as a genetic counselor by the
85 American Board of Genetic Counseling or the American Board of Medical Genetics.

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

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

90 **58-75-303. Term of license -- Expiration -- Renewal.**

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

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

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

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

100 **58-75-304. Exemptions from licensure.**

101 In addition to the exemptions from licensure in Section 58-1-307, persons who have
102 received a PhD in medical genetics from a program that is accredited by the American Board of
103 Medical Genetics may engage in the practice of genetic counseling without being licensed under
104 this chapter.

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

106 **Part 4. License Denial and Discipline**

107 **58-75-401. Grounds for denial of license -- Disciplinary proceedings.**

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

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

113 **Part 5. Unlawful and Unprofessional Conduct**

114 **58-75-501. Unlawful conduct.**

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

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

120 **58-75-502. Unprofessional conduct.**

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

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

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

127 (3) failing to maintain the confidentiality of any information received from a client, unless
128 released by the client; and

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

Legislative Review Note
as of 1-8-01 2:54 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel