

SENATE
STATE OF MINNESOTA
EIGHTY-NINTH SESSION

S.F. No. 37

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DATE	D-PG	OFFICIAL STATUS
01/08/2015	42	Introduction and first reading Referred to Health, Human Services and Housing
03/23/2016	5184a	Comm report: To pass as amended and re-refer to Judiciary
03/30/2016	5353a	Comm report: To pass as amended and re-refer to State and Local Government
04/07/2016	5741a	Comm report: To pass as amended and re-refer to Finance

A bill for an act

relating to health professions; licensing genetic counselors; proposing coding for new law as Minnesota Statutes, chapter 147F.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **[147F.01] DEFINITIONS.**

Subdivision 1. **Applicability.** For purposes of this chapter, the terms defined in this section have the meanings given them.

Subd. 2. **ABGC.** "ABGC" means the American Board of Genetic Counseling, a national agency for certification and recertification of genetic counselors, or its successor organization or equivalent.

Subd. 3. **ABMG.** "ABMG" means the American Board of Medical Genetics, a national agency for certification and recertification of genetic counselors, medical geneticists, and Ph.D. geneticists, or its successor organization.

Subd. 4. **ACGC.** "ACGC" means the Accreditation Council for Genetic Counseling, a specialized program accreditation board for educational training programs granting master's degrees or higher in genetic counseling, or its successor organization.

Subd. 5. **Board.** "Board" means the Board of Medical Practice.

Subd. 6. **Eligible status.** "Eligible status" means an applicant who has met the requirements and received approval from the ABGC to sit for the certification examination.

Subd. 7. **Genetic counseling.** "Genetic counseling" means the provision of services described in section 147F.03 to help clients and their families understand the medical, psychological, and familial implications of genetic contributions to a disease or medical condition.

2.1 Subd. 8. **Genetic counselor.** "Genetic counselor" means an individual licensed
2.2 under this chapter to engage in the practice of genetic counseling.

2.3 Subd. 9. **Licensed physician.** "Licensed physician" means an individual who is
2.4 licensed to practice medicine under chapter 147.

2.5 Subd. 10. **NSGC.** "NSGC" means the National Society of Genetic Counselors, a
2.6 professional membership association for genetic counselors that approves continuing
2.7 education programs.

2.8 Subd. 11. **Qualified supervisor.** "Qualified supervisor" means any person who is
2.9 licensed under this chapter as a genetic counselor or a physician licensed under chapter
2.10 147 to practice medicine in Minnesota.

2.11 Subd. 12. **Supervisee.** "Supervisee" means a genetic counselor with a provisional
2.12 license.

2.13 Subd. 13. **Supervision.** "Supervision" means an assessment of the work of the
2.14 supervisee, including regular meetings and file review, by a qualified supervisor according
2.15 to the supervision contract. Supervision does not require the qualified supervisor to be
2.16 present while the supervisee provides services.

2.17 **Sec. 2. [147F.03] SCOPE OF PRACTICE.**

2.18 The practice of genetic counseling by a licensed genetic counselor includes the
2.19 following services:

2.20 (1) obtaining and interpreting individual and family medical and developmental
2.21 histories;

2.22 (2) determining the mode of inheritance and the risk of transmitting genetic
2.23 conditions and birth defects;

2.24 (3) discussing the inheritance, features, natural history, means of diagnosis, and
2.25 management of conditions with clients;

2.26 (4) identifying, coordinating, ordering, and explaining the clinical implications of
2.27 genetic laboratory tests and other laboratory studies;

2.28 (5) assessing psychosocial factors, including social, educational, and cultural issues;

2.29 (6) providing client-centered counseling and anticipatory guidance to the client or
2.30 family based on their responses to the condition, risk of occurrence, or risk of recurrence;

2.31 (7) facilitating informed decision-making about testing and management;

2.32 (8) identifying and using community resources that provide medical, educational,
2.33 financial, and psychosocial support and advocacy; and

2.34 (9) providing accurate written medical, genetic, and counseling information for
2.35 families and health care professionals.

3.1 Sec. 3. **[147F.05] UNLICENSED PRACTICE PROHIBITED; PROTECTED**
3.2 **TITLES AND RESTRICTIONS ON USE.**

3.3 Subdivision 1. **Protected titles.** No individual may use the title "genetic counselor,"
3.4 "licensed genetic counselor," "gene counselor," "genetic consultant," "genetic assistant,"
3.5 "genetic associate," or any words, letters, abbreviations, or insignia indicating or implying
3.6 that the individual is eligible for licensure by the state as a genetic counselor unless the
3.7 individual has been licensed as a genetic counselor according to this chapter.

3.8 Subd. 2. **Unlicensed practice prohibited.** No individual may practice genetic
3.9 counseling unless the individual is licensed as a genetic counselor under this chapter
3.10 except as otherwise provided under this chapter.

3.11 Subd. 3. **Other practitioners.** (a) Nothing in this chapter shall be construed to
3.12 prohibit or restrict the practice of any profession or occupation licensed or registered by the
3.13 state by an individual duly licensed or registered to practice the profession or occupation
3.14 or to perform any act that falls within the scope of practice of the profession or occupation.

3.15 (b) Nothing in this chapter shall be construed to require a license under this chapter
3.16 for:

3.17 (1) an individual employed as a genetic counselor by the federal government or a
3.18 federal agency if the individual is providing services under the direction and control of
3.19 the employer;

3.20 (2) a student or intern, having graduated within the past six months, or currently
3.21 enrolled in an ACGC-accredited genetic counseling educational program providing
3.22 genetic counseling services that are an integral part of the student's or intern's course
3.23 of study, are performed under the direct supervision of a licensed genetic counselor or
3.24 physician who is on duty in the assigned patient care area, and the student is identified by
3.25 the title "genetic counseling intern";

3.26 (3) a visiting ABGC- or ABMG-certified genetic counselor working as a consultant
3.27 in this state who permanently resides outside of the state, or the occasional use of services
3.28 from organizations from outside of the state that employ ABGC- or ABMG-certified
3.29 genetic counselors. This is limited to practicing for 30 days total within one calendar year.
3.30 Certified genetic counselors from outside of the state working as a consultant in this state
3.31 must be licensed in their state of residence if that credential is available; or

3.32 (4) an individual who is licensed to practice medicine under chapter 147.

3.33 Subd. 4. **Sanctions.** An individual who violates this section is guilty of a
3.34 misdemeanor and shall be subject to sanctions or actions according to section 214.11.

3.35 Sec. 4. **[147F.07] LICENSURE REQUIREMENTS.**

4.1 Subdivision 1. **General requirements for licensure.** To be eligible for licensure, an
4.2 applicant, with the exception of those seeking licensure by reciprocity under subdivision
4.3 2, must submit to the board:

4.4 (1) a completed application on forms provided by the board along with all fees
4.5 required under section 147F.17. The applicant must include:

4.6 (i) the applicant's name, Social Security number, home address and telephone
4.7 number, and business address and telephone number if currently employed;

4.8 (ii) the name and location of the genetic counseling or medical program the applicant
4.9 completed;

4.10 (iii) a list of degrees received from other educational institutions;

4.11 (iv) a description of the applicant's professional training;

4.12 (v) a list of registrations, certifications, and licenses held in other jurisdictions;

4.13 (vi) a description of any other jurisdiction's refusal to credential the applicant;

4.14 (vii) a description of all professional disciplinary actions initiated against the
4.15 applicant in any jurisdiction; and

4.16 (viii) any history of drug or alcohol abuse, and any misdemeanor, gross
4.17 misdemeanor, or felony conviction;

4.18 (2) evidence of graduation from an education program accredited by the ACGC or
4.19 its predecessor or successor organization;

4.20 (3) a verified copy of a valid and current certification issued by the ABGC or ABMG
4.21 as a certified genetic counselor, or by the ABMG as a certified medical geneticist;

4.22 (4) additional information as requested by the board, including any additional
4.23 information necessary to ensure that the applicant is able to practice with reasonable skill
4.24 and safety to the public;

4.25 (5) a signed statement verifying that the information in the application is true and
4.26 correct to the best of the applicant's knowledge and belief; and

4.27 (6) a signed waiver authorizing the board to obtain access to the applicant's records
4.28 in this or any other state in which the applicant completed an educational program or
4.29 engaged in the practice of genetic counseling.

4.30 Subd. 2. **Licensure by reciprocity.** To be eligible for licensure by reciprocity,
4.31 the applicant must hold a current genetic counselor or medical geneticist registration
4.32 or license in another state, the District of Columbia, or a territory of the United States,
4.33 whose standards for registration or licensure are at least equivalent to those of Minnesota,
4.34 and must:

4.35 (1) submit the application materials and fees as required by subdivision 1, clauses
4.36 (1), (2), and (4) to (6);

5.1 (2) provide a verified copy from the appropriate government body of a current
5.2 registration or license for the practice of genetic counseling in another jurisdiction that has
5.3 initial registration or licensing requirements equivalent to or higher than the requirements
5.4 in subdivision 1; and

5.5 (3) provide letters of verification from the appropriate government body in each
5.6 jurisdiction in which the applicant holds a registration or license. Each letter must state
5.7 the applicant's name, date of birth, registration or license number, date of issuance, a
5.8 statement regarding disciplinary actions, if any, taken against the applicant, and the terms
5.9 under which the registration or license was issued.

5.10 Subd. 3. **Licensure by equivalency.** (a) The board may grant a license to an
5.11 individual who does not meet the certification requirements in subdivision 1 but who
5.12 has been employed as a genetic counselor for a minimum of ten years and provides the
5.13 following documentation to the board no later than February 1, 2017:

5.14 (1) proof of a master's or higher degree in genetics or related field of study from an
5.15 accredited educational institution;

5.16 (2) proof that the individual has never failed the ABGC or ABMG certification
5.17 examination;

5.18 (3) three letters of recommendation, with at least one from an individual eligible
5.19 for licensure under this chapter, and at least one from an individual certified as a genetic
5.20 counselor by the ABGC or ABMG or an individual certified as a medical geneticist by
5.21 the ABMG. An individual who submits a letter of recommendation must have worked
5.22 with the applicant in an employment setting during the past ten years and must attest to
5.23 the applicant's competency; and

5.24 (4) documentation of the completion of 100 hours of NSGC-approved continuing
5.25 education credits within the past five years.

5.26 (b) This subdivision expires February 1, 2017.

5.27 Subd. 4. **License expiration.** A genetic counselor license shall be valid for one
5.28 year from the date of issuance.

5.29 Subd. 5. **License renewal.** To be eligible for license renewal, a licensed genetic
5.30 counselor must submit to the board:

5.31 (1) a renewal application on a form provided by the board;

5.32 (2) the renewal fee required under section 147F.17;

5.33 (3) evidence of compliance with the continuing education requirements in section
5.34 147F.11; and

5.35 (4) any additional information requested by the board.

6.1 Sec. 5. **[147F.09] BOARD ACTION ON APPLICATIONS FOR LICENSURE.**

6.2 (a) The board shall act on each application for licensure according to paragraphs
6.3 (b) to (d).

6.4 (b) The board shall determine if the applicant meets the requirements for licensure
6.5 under section 147F.07. The board may investigate information provided by an applicant to
6.6 determine whether the information is accurate and complete.

6.7 (c) The board shall notify each applicant in writing of action taken on the application,
6.8 the grounds for denying licensure if a license is denied, and the applicant's right to review
6.9 the board's decision under paragraph (d).

6.10 (d) Applicants denied licensure may make a written request to the board, within 30
6.11 days of the board's notice, to appear before the advisory council and for the advisory
6.12 council to review the board's decision to deny the applicant's license. After reviewing the
6.13 denial, the advisory council shall make a recommendation to the board as to whether
6.14 the denial shall be affirmed. Each applicant is allowed only one request for review per
6.15 licensure period.

6.16 Sec. 6. **[147F.11] CONTINUING EDUCATION REQUIREMENTS.**

6.17 (a) A licensed genetic counselor must complete a minimum of 25 hours of NSGC-
6.18 or ABMG-approved continuing education units every two years. If a licensee's renewal
6.19 term is prorated to be more or less than one year, the required number of continuing
6.20 education units is prorated proportionately.

6.21 (b) The board may grant a variance to the continuing education requirements
6.22 specified in this section if a licensee demonstrates to the satisfaction of the board that the
6.23 licensee is unable to complete the required number of educational units during the renewal
6.24 term. The board may allow the licensee to complete the required number of continuing
6.25 education units within a time frame specified by the board. In no case shall the board
6.26 allow the licensee to complete less than the required number of continuing education units.

6.27 Sec. 7. **[147F.13] DISCIPLINE; REPORTING.**

6.28 For purposes of this chapter, licensed genetic counselors and applicants are subject
6.29 to sections 147.091 to 147.162.

6.30 Sec. 8. **[147F.15] LICENSED GENETIC COUNSELOR ADVISORY COUNCIL.**

6.31 Subdivision 1. **Membership.** The board shall appoint a five-member Licensed
6.32 Genetic Counselor Advisory Council. One member must be a licensed physician with

7.1 experience in genetics, three members must be licensed genetic counselors, and one
 7.2 member must be a public member.

7.3 Subd. 2. **Organization.** The advisory council shall be organized and administered
 7.4 under section 15.059, except that section 15.059, subdivision 2, does not apply to this
 7.5 section. Members shall serve two-year terms, and shall serve until their successors have
 7.6 been appointed. The council shall select a chair from its membership.

7.7 Subd. 3. **Duties.** The advisory council shall:

7.8 (1) advise the board regarding standards for licensed genetic counselors;

7.9 (2) provide for distribution of information regarding licensed genetic counselor
 7.10 practice standards;

7.11 (3) advise the board on enforcement of this chapter;

7.12 (4) review applications and recommend granting or denying licensure or license
 7.13 renewal;

7.14 (5) advise the board on issues related to receiving and investigating complaints,
 7.15 conducting hearings, and imposing disciplinary action in relation to complaints against
 7.16 licensed genetic counselors; and

7.17 (6) perform other duties authorized for advisory councils under chapter 214, as
 7.18 directed by the board.

7.19 Subd. 4. **Expiration.** Notwithstanding section 15.059, the advisory council does
 7.20 not expire.

7.21 Sec. 9. **[147F.17] FEES.**

7.22 Subdivision 1. **Fees.** Fees are as follows:

7.23 (1) license application fee, \$200;

7.24 (2) initial licensure and annual renewal, \$150; and

7.25 (3) late fee, \$75.

7.26 Subd. 2. **Proration of fees.** The board may prorate the initial license fee. All
 7.27 licensees are required to pay the full fee upon license renewal.

7.28 Subd. 3. **Penalty for late renewals.** An application for registration renewal
 7.29 submitted after the deadline must be accompanied by a late fee in addition to the required
 7.30 fees.

7.31 Subd. 4. **Nonrefundable fees.** All fees are nonrefundable.

7.32 Subd. 5. **Deposit.** Fees collected by the board under this section shall be deposited
 7.33 in the state government special revenue fund.

7.34 Sec. 10. **APPROPRIATION.**

8.1 \$..... in fiscal year 2017 is appropriated from the state government special revenue
8.2 fund to the Board of Medical Practice for administrative costs to implement Minnesota
8.3 Statutes, chapter 147F.

8.4 Sec. 11. **EFFECTIVE DATE.**

8.5 Sections 1 to 10 are effective July 1, 2017.