

RÉSUMÉ DIGEST

ACT 593 (HB 753)

2018 Regular Session

Stokes

New law establishes the licensed profession of genetic counselor in La. and provides for licensure of genetic counselors by the La. State Board of Medical Examiners.

New law defines "genetic counseling" as any of the following actions by a genetic counselor that occur through and as a result of communication between the genetic counselor and a patient:

- (1) Obtaining and evaluating individual, family, and medical histories to determine genetic risk for genetic or medical conditions and diseases in a patient, his offspring, and other family members.
- (2) Discussing the features, natural history, means of diagnosis, genetic and environmental factors, and management of risk for genetic and medical conditions and diseases.
- (3) Identifying and coordinating genetic laboratory tests and other diagnostic studies as appropriate for the genetic assessment.
- (4) Integrating genetic laboratory test results and other diagnostic studies with personal and family medical history to assess and communicate risk factors for genetic and medical conditions and diseases.
- (5) Explaining the clinical implications of genetic laboratory tests and other diagnostic studies and their results.
- (6) Evaluating the client's or family's responses to the condition or risk of recurrence and providing client-centered counseling and anticipatory guidance.
- (7) Identifying and utilizing community resources that provide medical, educational, financial, and psychosocial support and advocacy.
- (8) Providing written documentation of medical, genetic, and counseling information for families and health care professionals.

New law creates the Genetic Counselor Advisory Committee for the purpose of advising and making recommendations to the La. State Board of Medical Examiners regarding the practice of genetic counseling and genetic counselor licensure. Provides for composition, duties, and functions of the advisory committee.

New law requires licensed genetic counselors to enter into a collaborative practice agreement with a physician who agrees to work with and provide medical support to the genetic counselor. Stipulates that the collaborative practice agreement shall memorialize the relationship between the genetic counselor and the physician and establish the criteria governing the genetic counselor's performance of each of the following functions:

- (1) Ordering genetic tests or other tests for the purpose of diagnosing a medical condition or inherited disorder or determining the carrier status of one or more family members of the patient.
- (2) Selecting the most appropriate, accurate, and cost-effective methods of diagnosis.

New law requires the La. State Board of Medical Examiners, referred to hereafter as the "board", to adopt administrative rules which provide for all of the following:

- (1) Issuing a license to an applicant who meets the requirements of new law.
- (2) Issuing a provisional temporary license to an applicant who is granted active candidate status by the American Board of Genetic Counseling.

- (3) Conducting hearings on proceedings to refuse to issue, renew, or revoke licenses or suspend, place on probation, censure, or reprimand persons licensed pursuant to new law; and to refuse to issue, renew, or revoke licenses or suspend, place on probation, censure, or reprimand persons licensed pursuant to new law.
- (4) Maintaining publicly available rosters of the names and addresses of all licensees and all persons whose licenses have been suspended, revoked, or denied.
- (5) Reviewing and approving recommendations of the advisory committee which the board deems appropriate.

New law provides that in order to qualify for licensure as a genetic counselor, an applicant shall do all of the following:

- (1) Submit an application on a form developed by the board.
- (2) Pay the license fee required by the board.
- (3) Provide written evidence that he has earned at least one of the following degrees:
 - (a) A master's degree from a genetic counseling training program accredited by the Accreditation Council for Genetic Counseling.
 - (b) A doctoral degree from a medical genetics training program accredited by the American Board of Medical Genetics and Genomics or its successor.
- (4) Meet the examination requirement for certification as either of the following:
 - (a) A genetic counselor certified by the American Board of Genetic Counseling or the American Board of Medical Genetics and Genomics, or the successor of these entities.
 - (b) A medical geneticist certified by the American Board of Medical Genetics and Genomics or its successor.

New law authorizes the board to issue a temporary license to applicants who meet conditions specified in new law

New law authorizes the board to issue a license to an individual who meets all of the following qualifications and requirements:

- (1) He is licensed, certified, or registered in another state or territory of the U.S. that has requirements determined by the board to be substantially equivalent to the requirements specified in new law.
- (2) His license is in good standing in the other state or territory in which he is licensed.
- (3) He applies in the manner required by the board.
- (4) He pays an application fee required by the board.

New law stipulates that the following persons are not required to be licensed in accordance with new law:

- (1) A physician who is licensed pursuant to existing law. Stipulates that no physician shall use the title "genetic counselor" or any other title that indicates that he is a genetic counselor unless he is licensed in accordance with new law.
- (2) A student or an intern from an accredited school who is participating in a supervised genetic counseling training program.
- (3) An individual from another state who is certified by the American Board of Medical Genetics and Genomics or the American Board of Genetic Counseling when providing a true consultation as defined by rules of the board.

New law provides conditions and procedures for renewal of licenses, including fees therefor.

New law authorizes the board, after an administrative hearing conducted in accordance with applicable requirements of existing law, or by consent of the parties, to deny or refuse to issue, revoke, suspend, or cancel a license or place on probation, reprimand, censure, or otherwise discipline a licensee upon proof satisfactory to the board that the person has done or been any of the following:

- (1) He has obtained or attempted to obtain a license by fraud or deception.
- (2) He has been convicted of a felony under state or federal law or committed any other offense involving moral turpitude.
- (3) He has been adjudged to have a mental illness or incompetent by a court of competent jurisdiction.
- (4) He has used illicit drugs or intoxicating liquors to the extent which adversely affects his practice.
- (5) He has engaged in unethical or unprofessional conduct including, without limitation, willful acts, negligence, or incompetence in the course of professional practice.
- (6) He has violated any lawful order, rule, or regulation rendered or adopted by the board.
- (7) He has been refused issuance of a license or been disciplined in connection with a license issued by any other state or country, or surrendered a license issued by another state or country when criminal or administrative charges are pending or threatened against him.
- (8) He has refused to submit to an examination and inquiry by an examining committee of physicians appointed by the board to inquire into his physical or mental fitness and ability to practice as a genetic counselor with reasonable skill or safety.
- (9) He has practiced or otherwise engaged in conduct or functions beyond the scope of genetic counseling as defined by proposed law.

New law provides that the final decision of the board in an adjudication proceeding, other than by agreement or other informal disposition, shall constitute a public record.

New law prohibits individuals who do not have a valid license or temporary license as a genetic counselor from using the title "genetic counselor", "licensed genetic counselor", or any word, letter, abbreviation, or insignia that indicates or implies that he has been issued a license or has met the qualifications for licensure established by new law.

New law provides that if the board believes a person has engaged in or is going to engage in an act or practice that constitutes or will constitute a violation of new law, the board may apply to a district court of appropriate jurisdiction for an order enjoining the act or practice. Provides that if the board determines a person has engaged in or is going to engage in such a prohibited act or practice, a district court of appropriate jurisdiction may grant an injunction, a restraining order, or another appropriate order relative to the prohibited act or practice.

New law provides that a violation of new law shall be a misdemeanor punishable by a fine not to exceed \$1,000 for the first offense and \$2,000 for each subsequent offense. Provides that in addition to any other penalty imposed for a violation of new law, the board may petition a district court of appropriate jurisdiction to enjoin the person who violates new law from practicing genetic counseling.

New law stipulates that there shall be no liability on the part of and no action for damages against any member of the board, or any agent or employee of the board, in any civil action for any act performed in good faith in the execution of his duties in accordance with new law. Stipulates further that no person, committee, association, organization, firm, or corporation shall be held liable for damages pursuant to new law for providing information to the board

without malice and under the reasonable belief that such information is accurate, whether providing such information as a witness or otherwise.

Effective August 1, 2018.

(Adds R.S. 37:1360.101-1360.111)