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## DIGEST

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HB 584 Original

2018 Regular Session

Stokes

**Abstract:** Establishes the licensed profession of genetic counselor in La.

Proposed 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.

Proposed law defines "genetic counseling" as any of the following actions by a genetic counselor which 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, ordering, 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.

Proposed law creates the Genetic Counselor Advisory Board for the purpose of advising and make recommendations to the La. State Board of Medical Examiners regarding genetic counseling and

genetic counselor licensure. Provides for composition, duties, and functions of the advisory board.

Proposed 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 proposed law, except that the board shall not issue a license to an applicant who has committed any act which if committed by a licensee would be grounds for suspension or revocation, or has misrepresented any material fact on the application.
- (2) Issuing a provisional temporary license to an applicant who is granted active candidate status by the American Board of Genetic Counseling. The provisional temporary license shall expire at the time of the expiration of board-eligible status as defined 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 this Part; and to refuse to issue, renew, or revoke licenses or suspend, place on probation, censure, or reprimand persons licensed pursuant to proposed law.
- (4) Maintaining rosters of the names and addresses of all licensees and all persons whose licenses have been suspended, revoked, or denied. These rosters shall be available upon written request and payment of the required fee.
- (5) Reviewing and approving recommendations of the advisory board.

Proposed 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 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, or the successor of these entities.

- (b) A medical geneticist by the American Board of Medical Genetics or its successor.

Proposed law authorizes the board to issue a temporary license to an applicant who meets all of the following conditions:

- (1) He meets all requirements for licensure pursuant to proposed law except the examination for certification requirement.
- (2) He has an active candidate status for the certification.

Proposed law provides that a temporary license expires upon the earliest of the following dates:

- (1) The date on which the individual meets the applicable requirements of proposed law and is issued a license.
- (2) The date that is thirty days after the individual fails the examination for certification provided for in proposed law.
- (3) The date printed on the temporary license.

Proposed 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 United States that has requirements determined by the board to be substantially equivalent to the requirements specified in proposed 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.

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

- (1) A physician who is licensed pursuant to present 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 proposed 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 or the American Board of Genetic Counseling and is acting in La. on a consultant basis.

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

Proposed law authorizes the board to deny or refuse to renew a license; revoke, suspend, or cancel a license; or place on probation, reprimand, censure, or otherwise discipline a licensee upon proof satisfactory to a majority of 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.

Proposed law prohibits any individual who does not have a valid license as a genetic counselor issued in accordance with proposed law 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 proposed law.

Proposed law provides that if the board believes that a person has engaged in or is going to engage in an act or practice that constitutes or will constitute a violation of proposed 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 that a person has engaged in or is going to engage in an act or practice that constitutes or will constitute a violation of proposed law, a district court of appropriate jurisdiction may grant an injunction, a restraining order, or another appropriate order relative to the prohibited act or practice.

Proposed law provides that a violation of proposed 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.

(Adds R.S. 37:1360.101-1360.109)