
HOUSE COMMITTEE AMENDMENTS

2018 Regular Session

Substitute for Original House Bill No. 584 by Representative Stokes as proposed by the House Committee on Health and Welfare

This document reflects the content of a substitute bill but is not in a bill form; page numbers in this document DO NOT correspond to page numbers in the substitute bill itself.

To enact Part VIII of Chapter 15 of Title 37 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 37:1360.101 through 1360.111, relative to health professions; to provide relative to the profession of genetic counseling; to require state licensure of genetic counselors; to provide for licensure of genetic counselors by the Louisiana State Board of Medical Examiners; to authorize the Louisiana State Board of Medical Examiners to assess certain fees; to establish qualifications for licensure as a genetic counselor; to provide for unprofessional conduct and unlawful practice; to create and provide for duties of the Louisiana Genetic Counselor Advisory Committee; to provide for limitations of liability; to provide for administrative rulemaking; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part VIII of Chapter 15 of Title 37 of the Louisiana Revised Statutes of 1950, comprised of R.S. 37:1360.101 through 1360.111, is hereby enacted to read as follows:

PART VIII. GENETIC COUNSELORS

§1360.101. Definitions

As used in this Part, the following terms have the meaning ascribed in this

Section:

(1) "Advisory committee" means the Louisiana Genetic Counselor Advisory

Committee.

(2) "Board" means the Louisiana State Board of Medical Examiners.

(3) "Collaborating physician" means a physician who has entered into a collaborative practice agreement with a genetic counselor.

(4) "Collaborative practice agreement" means a document established by a genetic counselor and a collaborating physician which governs the professional relationship between the genetic counselor and the physician.

(5) "Genetic counseling" means 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:

(a) 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.

(b) Discussing the features, natural history, means of diagnosis, genetic and environmental factors, and management of risk for genetic and medical conditions and diseases.

(c) Identifying and coordinating genetic laboratory tests and other diagnostic studies as appropriate for the genetic assessment.

(d) 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.

(e) Explaining the clinical implications of genetic laboratory tests and other diagnostic studies and their results.

(f) Evaluating the client's or family's responses to the condition or risk of recurrence and providing client-centered counseling and anticipatory guidance.

(g) Identifying and utilizing community resources that provide medical, educational, financial, and psychosocial support and advocacy.

(h) Providing written documentation of medical, genetic, and counseling information for families and health care professionals.

(6) "Genetic counselor" means an individual who is licensed pursuant to this Part to provide genetic counseling.

(7) "Genetic supervision" refers to the assessment by an individual who is licensed pursuant to this Part or a physician who is licensed pursuant to Part I of this Chapter.

§1360.102. Louisiana Genetic Counselor Advisory Committee; creation; purpose; membership; duties and functions

A. The Genetic Counselor Advisory Committee is hereby created and shall have the purpose, composition, duties, and functions provided in this Section.

B. The purpose of the advisory committee is to advise and make recommendations to the board regarding the practice of genetic counseling, including the collaborative practice agreement, and genetic counselor licensure.

C.(1) The advisory committee shall be composed of five persons appointed by the governor, each of whom shall have at least one of the following qualifications:

(a) Possesses a master's degree from a genetic counseling training program accredited by the Accreditation Council for Genetic Counseling.

(b) Possesses a doctoral degree from a medical genetics training program accredited by the American Board of Medical Genetics or its successor.

(c) Is a genetic counselor certified by the American Board of Genetic Counseling or the American Board of Medical Genetics, or the successor of these entities.

(d) Is a medical geneticist certified by the American Board of Medical Genetics or its successor.

(2) The members of the initial advisory committee shall serve for the following terms, as determined by lot: one member for a term of two years, two members for terms of three years, and two members for terms of four years. Thereafter, each term shall be for four years.

(3) Each member of the advisory committee shall be a resident of this state.

(4) No member shall serve on the advisory committee for more than four consecutive years or be appointed to more than two consecutive full terms. A member appointed for less than a full term may serve two full terms in addition to such part of a full term. A former member shall be eligible for appointment after a lapse of one year.

(5) A vacancy occurring on the advisory committee for any reason shall be filled in the same manner as the original appointment was made. Each member appointed to fill a vacancy shall serve for the unexpired term of his predecessor.

D. An advisory committee member may be removed by the governor for neglect of duty, misconduct, or malfeasance or misfeasance in office after a written notice of the charges against him and an opportunity to be heard. Upon the death, resignation, or removal for cause of any member of the committee, the governor shall fill the vacancy for the remainder of that member's year.

E. The committee shall, at its first meeting and annually thereafter, organize by electing from its membership a chairman, a vice-chairman, and a secretary. Those officers shall serve until their successors are elected and qualified.

F. The committee shall meet at least semiannually and shall hold additional meetings at the call of the chair or at such times as may be determined by the committee.

G. Advisory committee members shall serve without compensation but shall be reimbursed for actual and reasonable expenses incurred in the performance of their duties.

H. The advisory committee shall have all of the following duties:

(1) To draft administrative rules and regulations for promulgation by the board as are necessary to regulate the practice of genetic counseling.

(2) To draft policy for consideration by the board.

(3) To advise the board on budgetary matters with respect to genetic counselor licensing.

(4) To receive, review, and recommend to the board the approval or disapproval of applications referred by the board for license issuance, renewal, and reinstatement.

(5) To retain records of its actions and proceedings in accordance with the Public Records Law, R.S. 44:1 et seq.

(6) To perform such other functions and duties as may be requested by the board to assist the board in implementing the provisions of this Part.

§1360.103. Collaborative practice agreement; requirements

A. Each genetic counselor licensed in accordance with the provisions of this Part shall enter into a collaborative practice agreement with a physician who agrees to work with and provide medical support to the genetic counselor.

B. The collaborative practice agreement shall be established as a formal written document that memorializes the relationship between the genetic counselor and the physician and establishes 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.

§1360.104. Louisiana State Board of Medical Examiners; regulation of genetic counseling

A. The board shall be responsible for enforcement of the provisions of this Part.

B. The board shall adopt rules in accordance with the Administrative Procedure Act that are consistent with the provisions of this Part, provide for enforcement of this Part, and regulate the conduct of the practice of genetic counseling. Such rules shall provide, without limitation, for all of the following:

(1) Issuing a license to an applicant who meets the requirements of this Part.

(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 this Part.

(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 committee which the board deems appropriate.

C. The board, in accordance with the authority provided in R.S. 37:1281, shall establish and collect fees for the purpose of administering the provisions of this Part in a manner established by its rules.

§1360.105. Genetic counselor; requirements for licensure

A. 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.

B.(1) The board may issue a temporary license to an applicant who meets all of the following conditions:

(a) He meets all requirements for licensure pursuant to this Part except the examination for certification requirement set forth in Subsection A of this Section.

(b) He has an active candidate status for the certification.

(2) All of the following requirements and authorizations shall apply to an individual who is issued a temporary license pursuant to this Subsection:

(a) He shall apply for and take the next available examination for certification.

(b) He may practice under the temporary license only if directly supervised by a licensed genetic counselor or a physician who is licensed pursuant to Part I of this Chapter, and only in accordance with a genetic supervision contract.

(3) An individual who holds a temporary license issued pursuant to this Subsection and fails to pass the examination for certification provided for in Subsection A of this Section for the first time may reapply for a second temporary license. The board shall not issue a temporary license to an individual who has failed to pass the examination for certification more than one time.

(4) A temporary license issued under this Section expires upon the earliest of the following dates:

(a) The date on which the individual meets the applicable requirements of this Part and is issued a license.

(b) The date that is thirty days after the individual fails the examination for certification provided for in Subsection A of this Section.

(c) The date printed on the temporary license.

(5) An individual who is issued a temporary license pursuant to this Subsection shall inform the board of the results of the his examination for certification provided for in Subsection A of this Section.

C. The board may 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 this Part.

(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.

§1360.106. Exceptions to licensure requirement

A. The following persons are not required to be licensed in accordance with this Part:

(1)(a) A physician who is licensed pursuant to Part I of this Chapter.

(b) 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 this Part.

(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 when providing a true consultation as defined by rules of the board.

§1360.107. Expiration of license; renewal; fee; expired license

A. A license issued by the board shall be subject to annual renewal and shall expire and become null and void unless renewed in the manner prescribed by the board.

B. To renew a license, a genetic counselor shall pay a renewal fee required by the board not later than the expiration date of the license, and meet all other requirements for renewal provided in this Part.

C. If an individual fails to pay a renewal fee on or before the expiration date of a license, the license shall become invalid without further action by the board.

D.(1) To renew a license issued in accordance with this Part, an applicant shall satisfy at least one of the following continuing education requirements:

(a) Completion of at least twenty-five contact hours that have been approved by the National Society of Genetic Counselors.

(b) Successful completion of a reading assignment and proctored examination in medical genetics provided by the American Board of Medical Genetics.

(c) Completion of such other continuing education as may be recommended by the advisory committee, approved by the board, and defined in rules of the board.

(2) An applicant seeking renewal of a license shall certify to the board either of the following:

(a) That he has complied with the continuing education requirement provided for in this Subsection.

(b) That he has not complied with the continuing education requirement provided for in this Subsection but is seeking a waiver of such requirement from the board as provided in Subsection E of this Section.

E. The board may grant an applicant seeking renewal of a license a waiver from all or part of the continuing education requirement for the renewal period if the applicant was not able to fulfill the requirement due to a hardship that resulted from any of the following conditions:

(1) Service in the armed forces of the United States during a substantial part of the renewal period.

(2) An incapacitating illness or injury.

(3) Other circumstances as determined by the board.

§1360.108. Improper and unprofessional conduct

A. The board may, after a hearing conducted pursuant to the Administrative Procedure Act, or by consent of the parties 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 has 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 this Part.

B. Any license suspended, revoked, or otherwise restricted may be reinstated by the board.

C. The final decision of the board in an adjudication proceeding pursuant to this Section, other than by agreement or other informal disposition, shall constitute a public record.

§1360.109. Unlawful practice; injunctive relief; penalty

A. An individual who does not have a valid license or temporary license as a genetic counselor issued in accordance with this Part may not use 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 this Part.

B.(1) 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 this Section, the board may apply to a district court of appropriate jurisdiction for an order enjoining the act or practice.

(2) 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 this Section, a district court of appropriate jurisdiction may grant an injunction, a restraining order, or another appropriate order relative to the prohibited act or practice.

C. Any person who violates this Section shall, upon conviction, be guilty of a misdemeanor punishable by a fine not to exceed one thousand dollars for the first offense and two thousand dollars for each subsequent offense. In addition to any other penalty imposed for a violation of this Section, the board may petition a district court of appropriate jurisdiction to enjoin the person who violates this Section from practicing genetic counseling.

§1360.110. Protected actions and communication

A. 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 this Part.

B. No person, committee, association, organization, firm, or corporation shall be held liable for damages pursuant to any law of this state or any political subdivision thereof 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.

§1360.111. Rulemaking

The board shall promulgate all rules in accordance with the Administrative Procedure Act as are necessary for the regulation of the profession of genetic counseling in accordance with the provisions of this Part.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB Draft

2018 Regular Session

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 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.

Proposed 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.

Proposed law requires each genetic counselor licensed in accordance with proposed law 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.

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.
- (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 proposed law; 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 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.

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 applicants who meet conditions specified in proposed law

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 U.S. 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 when providing a true consultation as defined by rules of the board.

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

Proposed law authorizes the board, after an administrative hearing conducted in accordance with applicable requirements of present 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.

Proposed 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.

Proposed 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 proposed law.

Proposed 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 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 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.

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. Provides that in addition to any other penalty imposed for a violation of proposed law, the board may petition a district court of appropriate jurisdiction to enjoin the person who violates proposed law from practicing genetic counseling.

Proposed 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 proposed law. Stipulates further that no person, committee, association, organization, firm, or corporation shall be held liable for damages pursuant to present 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.

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