

2018 Regular Session

HOUSE BILL NO. 753 (Substitute for House Bill No. 584 by Representative Stokes)

BY REPRESENTATIVE STOKES

1 AN ACT

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

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. Part VIII of Chapter 15 of Title 37 of the Louisiana Revised Statutes of
14 1950, comprised of R.S. 37:1360.101 through 1360.111, is hereby enacted to read as
15 follows:

16 PART VIII. GENETIC COUNSELORS

17 §1360.101. Definitions

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

19 Section:

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

21 Committee.

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

23 (3) "Collaborating physician" means a physician who has entered into a

24 collaborative practice agreement with a genetic counselor.

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

4 (5) "Genetic counseling" means any of the following actions by a genetic
5 counselor that occur through and as a result of communication between the genetic
6 counselor and a patient:

7 (a) Obtaining and evaluating individual, family, and medical histories to
8 determine genetic risk for genetic or medical conditions and diseases in a patient, his
9 offspring, and other family members.

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

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

15 (d) Integrating genetic laboratory test results and other diagnostic studies
16 with personal and family medical history to assess and communicate risk factors for
17 genetic and medical conditions and diseases.

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

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

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

24 (h) Providing written documentation of medical, genetic, and counseling
25 information for families and healthcare professionals.

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

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

1 §1360.102. Louisiana Genetic Counselor Advisory Committee; creation; purpose;
2 membership; duties and functions

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

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

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

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

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

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

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

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

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

25 (4) No member shall be appointed to more than two consecutive full terms.
26 A member appointed for less than a full term may serve two full terms in addition
27 to such part of a full term. A former member shall be eligible for appointment after
28 a lapse of one year.

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

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

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

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

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

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

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

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

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

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

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

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

1 §1360.103. Collaborative practice agreement; requirements

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

5 B. The collaborative practice agreement shall be established as a formal
 6 written document that memorializes the relationship between the genetic counselor
 7 and the physician and establishes the criteria governing the genetic counselor's
 8 performance of each of the following functions:

9 (1) Ordering genetic tests or other tests for the purpose of diagnosing a
 10 medical condition or inherited disorder or determining the carrier status of one or
 11 more family members of the patient.

12 (2) Selecting the most appropriate, accurate, and cost-effective methods of
 13 diagnosis.

14 §1360.104. Louisiana State Board of Medical Examiners; regulation of genetic
 15 counseling

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

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

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

23 (2) Issuing a provisional temporary license to an applicant who is granted
 24 active candidate status by the American Board of Genetic Counseling. The
 25 provisional temporary license shall expire at the time of the expiration of
 26 board-eligible status as defined by the American Board of Genetic Counseling.

27 (3) Conducting hearings on proceedings to refuse to issue, renew, or revoke
 28 licenses or suspend, place on probation, censure, or reprimand persons licensed
 29 pursuant to this Part; and to refuse to issue, renew, or revoke licenses or suspend,
 30 place on probation, censure, or reprimand persons licensed pursuant to this Part.

1 (4) Maintaining rosters of the names and addresses of all licensees and all
 2 persons whose licenses have been suspended, revoked, or denied. These rosters shall
 3 be available upon written request and payment of the required fee.

4 (5) Reviewing and approving recommendations of the advisory committee
 5 which the board deems appropriate.

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

9 §1360.105. Genetic counselor; requirements for licensure

10 A. To qualify for licensure as a genetic counselor, an applicant shall do all
 11 of the following:

12 (1) Submit an application on a form developed by the board.

13 (2) Pay the license fee required by the board.

14 (3) Provide written evidence that he has earned at least one of the following
 15 degrees:

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

18 (b) A doctoral degree from a medical genetics training program accredited
 19 by the American Board of Medical Genetics and Genomics or its successor.

20 (4) Meet the examination requirement for certification as either of the
 21 following:

22 (a) A genetic counselor certified by the American Board of Genetic
 23 Counseling or the American Board of Medical Genetics and Genomics, or the
 24 successor of these entities.

25 (b) A medical geneticist certified by the American Board of Medical
 26 Genetics and Genomics or its successor.

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

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

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

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

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

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

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

14 **(4) A temporary license issued pursuant to this Section expires upon the**
15 **earliest of the following dates:**

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

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

20 **(c) The date printed on the temporary license.**

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

24 **C. The board may issue a license to an individual who meets all of the**
25 **following qualifications and requirements:**

26 **(1) He is licensed, certified, or registered in another state or territory of the**
27 **United States that has requirements determined by the board to be substantially**
28 **equivalent to the requirements specified in this Part.**

29 **(2) His license is in good standing in the other state or territory in which he**
30 **is licensed.**

1 (3) He applies in the manner required by the board.

2 (4) He pays an application fee required by the board.

3 §1360.106. Exceptions to licensure requirement

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

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

7 (b) No physician shall use the title "genetic counselor" or any other title that
 8 indicates that he is a genetic counselor unless he is licensed in accordance with this
 9 Part.

10 (2) A student or an intern from an accredited school who is participating in
 11 a supervised genetic counseling training program.

12 (3) An individual from another state who is certified by the American Board
 13 of Medical Genetics and Genomics or the American Board of Genetic Counseling
 14 when providing a true consultation as defined by rules of the board.

15 §1360.107. Expiration of license; renewal; fee; expired license

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

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

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

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

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

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

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

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

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

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

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

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

16 (2) An incapacitating illness or injury.

17 (3) Other circumstances as determined by the board.

18 §1360.108. Improper and unprofessional conduct

19 A. The board may, after a hearing conducted pursuant to the Administrative
20 Procedure Act or by consent of the parties, deny or refuse to issue, revoke, suspend,
21 or cancel a license or place on probation, reprimand, censure, or otherwise discipline
22 a licensee upon proof satisfactory to the board that the person has done or been any
23 of the following:

24 (1) He has obtained or attempted to obtain a license by fraud or deception.

25 (2) He has been convicted of a felony under state or federal law or
26 committed any other offense involving moral turpitude.

27 (3) He has been adjudged to have a mental illness or incompetent by a court
28 of competent jurisdiction.

29 (4) He has used illicit drugs or intoxicating liquors to the extent which
30 adversely affects his practice.

1 (5) He has engaged in unethical or unprofessional conduct including, without
2 limitation, willful acts, negligence, or incompetence in the course of professional
3 practice.

4 (6) He has violated any lawful order, rule, or regulation rendered or adopted
5 by the board.

6 (7) He has been refused issuance of a license or been disciplined in
7 connection with a license issued by any other state or country, or has surrendered a
8 license issued by another state or country when criminal or administrative charges
9 are pending or threatened against him.

10 (8) He has refused to submit to an examination and inquiry by an examining
11 committee of physicians appointed by the board to inquire into his physical or mental
12 fitness and ability to practice as a genetic counselor with reasonable skill or safety.

13 (9) He has practiced or otherwise engaged in conduct or functions beyond
14 the scope of genetic counseling as defined by this Part.

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

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

20 §1360.109. Unlawful practice; injunctive relief; penalty

21 A. An individual who does not have a valid license or temporary license as
22 a genetic counselor issued in accordance with this Part may not use the title "genetic
23 counselor", "licensed genetic counselor", or any word, letter, abbreviation, or
24 insignia that indicates or implies that he has been issued a license or has met the
25 qualifications for licensure established by this Part.

26 B.(1) If the board believes that a person has engaged in or is going to engage
27 in an act or practice that constitutes or will constitute a violation of this Section, the
28 board may apply to a district court of appropriate jurisdiction for an order enjoining
29 the act or practice.

1 (2) If the board determines that a person has engaged in or is going to engage
 2 in an act or practice that constitutes or will constitute a violation of this Section, a
 3 district court of appropriate jurisdiction may grant an injunction, a restraining order,
 4 or another appropriate order relative to the prohibited act or practice.

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

11 §1360.110. Protected actions and communication

12 A. There shall be no liability on the part of and no action for damages
 13 against any member of the board, or any agent or employee of the board, in any civil
 14 action for any act performed in good faith in the execution of his duties in
 15 accordance with this Part.

16 B. No person, committee, association, organization, firm, or corporation
 17 shall be held liable for damages pursuant to any law of this state or any political
 18 subdivision thereof for providing information to the board without malice and under
 19 the reasonable belief that such information is accurate, whether providing such
 20 information as a witness or otherwise.

21 §1360.111. Rulemaking

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____