CS for SB 990

THE STATE SENATE

Wednesday, March 2, 2005

Committee Substitute for

Senate Bill No. 990

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 990 - By: CAIN of the Senate and COX of the House.

[public health and safety - the Genetic Counseling Licensure Act – codification - effective date]

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-561 of Title 63, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Genetic Counseling Licensure Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-562 of Title 63, unless there is created a duplication in numbering, reads as follows:

As used in the Genetic Counseling Licensure Act:

1. "ABGC" means the American Board of Genetic Counseling;

2. "ABMG" means the American Board of Medical Genetics;

3. "General supervision" means the process of a supervisor, whether licensed as a genetic counselor or a physician, having overall responsibility to assess the work of a supervisee, whether a temporary or fully licensed genetic counselor, including regular

meetings and chart reviews. An annual supervision contract signed by the supervisor and supervisee shall be on file with both parties;

4. "Genetic counseling" means a communication process, conducted by one or more appropriately trained individuals, that includes:

a. estimating the likelihood of occurrence or recurrence of a birth defect or of any potentially inherited or genetically influenced condition. Such assessment may involve:

(1) obtaining and analyzing a complete health history of an individual and the individual's family,

(2) review of pertinent medical records,

(3) evaluation of the risks from exposure to possible mutagens or teratogens, or

(4) discussion of genetic testing or other valuations to diagnose a condition or determine the carrier status of one or more family members,

b. helping an individual, the individual's family, a health care provider, or the public to:

(1) appreciate the medical, psychological and social implications of a disorder including its features, variability, usual course, and management options,

(2) learn how genetic factors contribute to the disorder and affect the chance for recurrence of the condition in other family members,

(3) understand available options for coping with, preventing or reducing the chance of occurrence or recurrence of a condition,

(4) select the most appropriate, accurate and cost-effective methods of diagnosis, or

(5) understand genetic or prenatal tests, coordinate testing for inherited disorders, and interpret genetic test results, and

c. facilitating an individual's or family's:

(1) exploration of the perception of risk and burden associated with a disorder,

(2) decision-making regarding testing or medical interventions consistent with the individual's or family's beliefs, goals, needs, resources, culture and ethical or moral views, or

(3) adjustment and adaptation to the condition or the individual's or family's genetic risk by addressing needs for psychological, social and medical support.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-563 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. Except as provided in subsection C of this section, any person engaging in the practice of genetic counseling shall obtain a license to do so as hereinafter provided. A license to practice genetic counseling shall be issued to any person who qualifies pursuant to the provisions of this act.

B. Any person who does not have a valid license or temporary license as a genetic counselor shall not use in connection with his or her name or place of business the title "genetic counselor", "licensed genetic counselor", "gene counselor", "genetic consultant", "genetic associate", or any words, letters, abbreviations or insignia indicating or implying that a person has met the qualifications for or has the license issued pursuant to the provisions of this act.

C. The provisions of this section shall not apply to a person engaging in the practice of genetic counseling prior to the effective date of this act.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-564 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. An applicant for licensure as a genetic counselor shall:

1. Submit an application, as promulgated by the State Board of Health pursuant to recommendations of the Genetic Counseling Advisory Committee;

2. Pay a fee, not to exceed Three Hundred Dollars ($300.00), as determined by the State Board of Health;

3. Provide satisfactory evidence of having earned:

a. a master's degree from a genetic counseling training program that is accredited by the American Board of Genetic Counseling or an equivalent entity as determined by the ABGC, or

b. a doctoral degree from a medical genetics training program accredited by the American Board of Medical Genetics, or an equivalent as determined by the ABMG; and

4. Meet the examination requirement for certification as:

a. a genetic counselor by the ABGC or the ABMG, or

b. a medical geneticist by the ABMG.

B. A temporary license may be issued to an applicant who meets all of the requirements for licensure except the examination provided for in paragraph 4 of subsection A of this section.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-565 of Title 63, unless there is created a duplication in numbering, reads as follows:

The requirements for temporary licensure shall provide that:

1. An applicant shall meet all of the qualifications for licensure as established in the Genetic Counseling Licensure Act with the exception of certification by the American Board of Medical Genetics or the American Board of Genetic Counseling, and have active candidate status conferred by the ABMG or ABGC;

2. An individual practicing under the authority of a temporary license must practice under the general supervision of a licensed genetic counselor, or a physician licensed to practice in this state, with current ABMG certification in clinical genetics;

3. A temporary licensee shall apply for and take the next available examination. If an applicant fails the first sitting of the ABGC or ABMG certification examination, the applicant may reapply for a second temporary license;

4. A temporary license shall not be issued to an applicant who has failed the ABGC or ABMG certification examination more than once; and

5. A temporary license shall expire upon the earliest of the following:

a. issuance of full licensure,

b. thirty (30) days after failing the certification examination, or

c. the date printed on the temporary license.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-566 of Title 63, unless there is created a duplication in numbering, reads as follows:

The following persons may engage in the practice of genetic counseling, subject to the stated circumstances and limitations, without being licensed under the provisions of this act:

1. Professionals licensed, certified or registered in this state other than as a genetic counselor who engage in the competent practice of that occupation or profession without additional licensure under this title. The individual may not use the title "genetic counselor" or any other title tending to indicate that the individual is a genetic counselor unless licensed as such in this state; provided, however, this provision shall not apply to physicians licensed in this state who have appropriate training in medical genetics;

2. A student or intern from a recognized school, engaged in activities constituting the practice of a regulated occupation or profession; provided, however, such activities shall be a defined part of a supervised training program;

3. An individual trained as a genetic counselor, who is reapplying for the American Board of Genetic Counseling certification examination and gathering logbook cases under supervision in an approved genetic counseling training site;

4. An individual trained as a PhD medical geneticist, who is reapplying for the American Board of Medical Genetics certification examination and is gathering logbook cases under a supervisor identified in the training program's ABMG accreditation documents as a member of the training faculty; and

5. A consultant, including activities and services of visiting ABGC- or ABMG-certified genetic counselors from outside this state, or the use of occasional services of organizations from outside the state employing ABGC- or ABMG-certified genetic counselors.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-567 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. The State Board of Health, pursuant to recommendations from the Genetics Counseling Advisory Committee, shall establish continuing education requirements for genetic counselors as a condition of renewal or reinstatement of a license.

B. Continuing education shall consist of:

1. Fifteen (15) continuing education units or five hundred (500) contact hours in each preceding two-year licensing cycle which shall be approved for recertification purposes by the American Board of Genetic Counseling; or

2. Successful completion of an American Board of Medical Genetics-defined reading assignment and proctored examination in medical genetics every two (2) years.

C. A licensee shall be responsible for maintaining competent records of completed qualified professional education for a period of four (4) years after close of the two-year period to which the records pertain. It shall be the responsibility of the licensee to maintain such information with respect to qualified professional education to demonstrate that it meets the requirements under this section.

D. A licensee who documents that he or she is subjected to circumstances which prevent the licensee from meeting the continuing professional education requirements established under this section may apply to be excused from the requirement for a period of up to five (5) years. It shall be the responsibility of the licensee to document the reasons and justify why the requirement could not be met.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-568 of Title 63, unless there is created a duplication in numbering, reads as follows:

The State Board of Health shall promulgate rules, pursuant to recommendations from the Genetic Counseling Advisory Committee,

establishing licensure requirements for genetic counselors. Such rules shall include, but not be limited to:

1. Policy and budgetary matters related to licensure;

2. Applicant screening, licensing, renewal licensing, license reinstatement and relicensure;

3. Standards for supervision of students or persons training to become qualified to obtain a license in genetic counseling; and

4. Procedures for reviewing cases of individuals found to be in violation of the provisions of this act, including disciplinary actions when necessary.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-569 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created in the State Treasury a revolving fund for the State Department of Health to be designated the "Genetic Counseling Licensure Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies that may be directed thereto by the State Board of Health, and all other monies including gifts, grants and other funds that may be directed thereto. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Board for the purpose of licensure of genetic counselors and for other purposes specifically authorized by this

act. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

B. The fund shall be administered by the State Department of Health.

C. Monies from the fund shall not be used to engage in any political activities or lobbying, including, but not limited to, support of or opposition to candidates, ballot initiatives, referenda or other similar activities.

SECTION 9. This act shall become effective November 1, 2005.

COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-23-05 - DO PASS, As Amended and Coauthored.