

House Bill 636

By: Representatives Cooper of the 43rd, Silcox of the 52nd, Drenner of the 85th, Newton of the 123rd, and Hatchett of the 150th

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to physicians, assistants, and others, so as to provide for the licensure of genetic counselors; to provide for continuing education requirements; to provide a short title; to provide for definitions; to provide for licensure requirements; to provide for renewal requirements; to provide for the duties and powers of the Georgia Composite Medical Board with respect to genetic counselors; to provide for applicability; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to physicians, assistants, and others, is amended by revising subsection (a) of Code Section 43-34-11, relating to continuing education requirements for physicians, acupuncture, physician assistants, cancer and glaucoma treatment, respiratory care, clinical perfusionists, and orthotics and prosthetics practice, as follows:

"(a)(1) The board shall be authorized to require persons seeking renewal of a license, certificate, or permit under this chapter to complete board approved continuing education of not less than 40 hours biennially. The board shall be authorized to approve courses offered by institutions of higher learning, specialty societies, or professional organizations, including, but not limited to, the American Medical Association, the National Medical Association, and the American Osteopathic Association, the number of hours required, and the category in which these hours should be earned. This paragraph shall not apply to respiratory care professionals, persons seeking renewal of certification as respiratory care professionals, clinical perfusionists, persons seeking renewal of licensure as a clinical perfusionist, licensed orthotists or prosthetists, ~~or persons seeking renewal of licensure as an orthotist or prosthetist,~~ genetic counselors, or persons seeking renewal of licensure as a genetic counselor.

(2) The board shall be authorized to require persons seeking renewal of certification as respiratory care professionals under Article 6 of this chapter to complete board approved continuing education. The board shall be authorized to establish the number of hours of continuing education required biennially for renewal of certification as a respiratory care professional and the categories in which these hours should be earned. The board shall be authorized to approve courses offered by institutions of higher learning, specialty societies, or professional organizations. Any action taken by the board pursuant to this paragraph shall be taken in conformity with the provisions of Code Section 43-34-143.

(3) The board shall be authorized to require persons seeking renewal of licensure as clinical perfusionists under Article 7 of this chapter to complete board approved continuing education. The board shall be authorized to establish the number of hours of continuing education required biennially for renewal of licensure as a clinical perfusionist and the categories in which these hours should be earned. The board shall be authorized to approve courses offered by institutions of higher learning, specialty societies, or professional organizations. Any action taken by the board pursuant to this paragraph shall be taken in conformity with the provisions of Code Section 43-34-172.

(4) The board shall be authorized to require persons seeking renewal of licensure to practice orthotics or prosthetics under Article 8 of this chapter to complete board approved continuing education. The board shall be authorized to establish the number of hours of continuing education required biennially for renewal of licensure to practice orthotics or prosthetics and the categories in which these hours should be earned, however, the maximum number of hours of continuing education required for renewal of licensure shall not exceed 40 hours. The board shall be authorized to approve courses offered by institutions of higher learning, specialty societies, or professional organizations. Any action taken by the board pursuant to this paragraph shall be taken in conformity with the provisions of subsection (a) of Code Section 43-34-200.

(5) The board shall be authorized to require persons seeking renewal of licensure to practice genetic counseling under Article 11 of this chapter to complete board approved continuing education. The board shall be authorized to establish the number of hours of continuing education required biennially for renewal of licensure to practice genetic counseling and the categories in which these hours should be earned, however, the number of hours of continuing education required for renewal of licensure shall not be less than 30 hours biennially. The board shall be authorized to approve courses offered by institutions of higher learning, specialty societies, or professional organizations. Any action taken by the board pursuant to this paragraph shall be taken in conformity with the provisions of subsection (b) of Code Section 43-34-303."

SECTION 2.

Said chapter is further amended by adding a new article to read as follows:

"ARTICLE 11

43-34-300.

This article shall be known and may be cited as the 'Genetic Counselors Act.'

43-34-301.

As used in this article, the term:

(1) 'ABGC' means the American Board of Genetic Counseling or its successor or equivalent.

(2) 'ABMG' means the American Board of Medical Genetics and Genomics or its successor or equivalent.

(3) 'ACGC' means the Accreditation Council for Genetic Counseling or its successor or equivalent.

(4) 'Board' means the Georgia Composite Medical Board.

(5) 'Examination for licensure' means the ABGC or ABMG certification examination or the examination provided by a successor entity to the ABGC or ABMG to fairly test the competence and qualifications of applicants to practice genetic counseling.

(6) 'Genetic counseling' means the provision of services by a genetic counselor to:

(A) Obtain and evaluate individual, family, and medical histories to determine genetic risk for genetic or medical conditions and diseases in a patient, his or her offspring, and other family members;

(B) Discuss the features, natural history, means of diagnosis, genetic and environmental factors, and management of risk for genetic or medical conditions and diseases;

(C) Identify, order, and coordinate genetic laboratory tests and other diagnostic studies as appropriate for the genetic assessment consistent with practice based competencies provided by the ACGC;

(D) Integrate genetic laboratory test results and other diagnostic studies with personal and family medical history to assess and communicate risk factors for genetic or medical conditions and diseases;

(E) Explain the clinical implications of genetic laboratory tests and other diagnostic studies and their results;

(F) Evaluate the client's or family's responses to the condition or risk of recurrence and provide client-centered counseling and anticipatory guidance;

(G) Identify and utilize community resources that provide medical, educational, financial, and psychosocial support and advocacy; or

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

(7) 'Genetic counseling intern' means a student enrolled in a genetic counseling program accredited by the ACGC or ABMG.

(8) 'Genetic counselor' means an individual licensed by the board pursuant to this article to engage in the competent practice of genetic counseling.

(9) 'Genetic testing' and 'genetic test' mean a test or analysis of human genes, gene products, DNA, RNA, chromosomes, proteins, or metabolites that detects genotypes, mutations, chromosomal changes, abnormalities, or deficiencies, including carrier status, that (A) are linked to physical or mental disorders or impairments, (B) indicate a susceptibility to illness, disease, impairment, or other disorders, whether physical or mental, or (C) demonstrate genetic or chromosomal damage due to environmental factors.

The terms 'genetic testing' and 'genetic test' do not include routine physical measurements; chemical, blood, and urine analyses that are widely accepted and in use in clinical practice; tests for use of drugs; tests for the presence of the human immunodeficiency virus; analyses of proteins or metabolites that do not detect genotypes, mutations, chromosomal changes, abnormalities, or deficiencies; or analyses of proteins or metabolites that are directly related to a manifested disease, disorder, or pathological condition that could reasonably be detected by a health care professional with appropriate training and expertise in the field of medicine involved.

(10) 'NSGC' means the National Society of Genetic Counselors or its successor or equivalent.

(11) 'Qualified supervisor' means any person licensed as a genetic counselor under this article or any licensed physician.

(12) 'Supervision' means the overall responsibility of a qualified supervisor to assess the work of the genetic counselor with a temporary license, including regular meetings and chart review, if an annual supervision contract signed by the supervisor and the temporarily licensed genetic counselor is on file with both parties. The supervisor's presence shall not be required during the performance of the service.

43-34-302.

(a) A person shall be qualified for licensure as a genetic counselor and the board may issue a license if that person:

(1) Has applied in writing in form and substance satisfactory to the board and is at least 21 years of age;

(2) Has not engaged in conduct or activities which would constitute grounds for discipline under this article;

(3) Has successfully completed:

(A) A master's degree in genetic counseling from an ABGC or ABMG accredited training program or an equivalent program approved by the ABGC or the ABMG; or

(B) A doctoral degree and an ABMG accredited medical genetics training program or an equivalent program approved by the ABMG;

(4) Has successfully completed examination for licensure, approved by the board;

(5) Has paid the fees required by rule;

(6) Has met the requirements for certification set forth by the ABGC or its successor or the ABMG or its successor, if required by the board pursuant to rule; and

(7) Has met any other requirements established by rule.

(b) A temporary license may be issued to an individual who has made application to the board, has submitted evidence to the board of admission to examination for licensure, has met all of the requirements for licensure in accordance with this Code section, except for the examination requirement, and has met any other condition established by rule. The holder of a temporary license shall practice only under the supervision of a qualified supervisor and may not have the authority to order genetic tests. Nothing in this subsection shall prohibit an applicant from reapplying for a temporary license if he or she meets the qualifications of this subsection.

43-34-303.

(a) Licenses issued by the board pursuant to this article shall be subject to renewal and shall be valid for up to two years unless otherwise specified by this article and shall be renewable biennially on the renewal date established by the board.

(b) The board shall be authorized to, in conformance with paragraph (5) of subsection (a) of Code Section 43-34-11:

(1) Require persons seeking renewal of licensure under this article to complete board approved continuing education; and

(2) Establish the number of hours of continuing education to be completed as well as the categories in which the continuing education is to be completed.

(c) A person who has permitted his or her license to expire or who has had his or her license on inactive status may have his or her license restored by:

(1) Making application to the board;

(2) Filing proof acceptable to the board of his or her fitness to have his or her license restored, including, but not limited to, sworn evidence certifying to active practice in another jurisdiction satisfactory to the board; and

(3) Paying the required restoration fee.

If the person has not maintained an active practice in another jurisdiction satisfactory to the board, the board shall determine, by an evaluation program established by rule, such person's fitness to resume active status and may require the person to complete a period of evaluated clinical experience and successful completion of an examination.

(d) A person who notifies the board on forms prescribed thereby may elect to place his or her license on an inactive status and shall, subject to rules of the board, be excused from payment of renewal fees until he or she notifies the board of his or her desire to resume active status. A person requesting restoration from inactive status shall be required to pay the current renewal fee and shall be required to restore his or her license as provided in subsection (c) of this Code section. A genetic counselor whose license is on inactive status shall not practice genetic counseling in this state.

(e) A person whose license expired while he or she was:

(1) In federal service on active duty within the armed forces of the United States or with the state militia and called into service or training; or

(2) In training or education under the supervision of the United States preliminary to induction into military service

may have his or her license renewed or restored without paying a lapsed renewal fee if, within two years after termination from the service, training, or education except under conditions other than honorable, he or she furnishes the board with satisfactory evidence that he or she has been so engaged and that his or her service, training, or education has been terminated.

43-34-304.

(a) On and after January 1, 2018, a person shall not engage in the practice of genetic counseling in this state without a valid license issued by the board pursuant to this article.

(b) A person shall not hold himself or herself out as a genetic counselor unless he or she holds a license issued by the board in accordance with this article. A person not licensed by the board pursuant to this article shall not use in connection with his or her name or place of business the terms 'genetic counselor,' 'licensed genetic counselor,' 'gene counselor,' 'genetic consultant,' 'genetic associate,' or any words, letters, abbreviations, or insignia indicating or implying the person holds a genetic counseling license.

43-34-305.

The board shall have the power and responsibility to:

(1) Determine the qualifications and fitness of applicants for licensure and renewal of licensure;

- (2) Adopt and revise rules consistent with the laws of the State of Georgia that are necessary to conduct its business, carry out its duties, and administer this article;
- (3) Examine for, approve, issue, deny, revoke, suspend, sanction, and renew the licenses of applicants and genetic counselors under this article and conduct hearings in connection with these actions;
- (4) Conduct hearings on complaints concerning violations of this article and the rules adopted under this article and cause the prosecution and enjoinder of the violations;
- (5) Establish application, examination, and certification fees; and
- (6) Establish continuing education requirements.

43-34-306.

The provisions of this article shall not apply to:

- (1) Any person licensed by the state to practice in a profession other than that of a genetic counselor, such as a physician, when acting within the scope of the person's profession and doing work of a nature consistent with the person's training; provided, however, that such person shall not hold himself or herself out to the public as a genetic counselor;
- (2) Any person employed as a genetic counselor by the federal government or an agency thereof if the person provides genetic counseling services solely under the direction and control of the organization by which he or she is employed; or
- (3) A student or intern enrolled in an ACGC accredited genetic counseling educational program if genetic counseling services performed by the student are an integral part of the student's course of study and are performed under the direct instruction of a licensed genetic counselor or physician assigned to the student and who is on duty and available in the assigned patient care area and if the person is designated with the title of 'genetic counseling intern.'

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.