

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas *As Engrossed: S2/20/19 S3/5/19 H3/25/19*
92nd General Assembly **A Bill**
Regular Session, 2019

SENATE BILL 190

By: Senators G. Leding, *Bledsoe, B. Davis*
By: Representatives D. Ferguson, *L. Johnson*

For An Act To Be Entitled

AN ACT TO CREATE THE ARKANSAS GENETIC COUNSELOR
LICENSURE ACT; AND FOR OTHER PURPOSES.

Subtitle

TO CREATE THE ARKANSAS GENETIC COUNSELOR
LICENSURE ACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 17, Chapter 95, is amended to add an additional subchapter to read as follows:

Subchapter 11 – Arkansas Genetic Counselor Licensure Act

17-95-1101. Title.

This subchapter shall be known and may be cited as the "Arkansas Genetic Counselor Licensure Act".

17-95-1102. Definitions.

As used in this subchapter:

(1) "Genetic counseling" means the process of assisting individuals with understanding and adapting to the medical, psychological, and familial implications of genetic contributions to disease, which includes without limitation:

(A) Interpreting family and medical histories to assess the chance of disease occurrence or recurrence;

(B) Educating an individual or an individual's family



about inheritance, testing, management, prevention, resources, and research;

(C) Counseling an individual or an individual's family to promote informed choices and adaptation to the risk or condition;

(D) Estimating the likelihood of occurrence or recurrence of any potentially inherited or genetically influenced condition which may involve:

(i) Obtaining and analyzing a complete health history of the individual and the individual's family;

(ii) Reviewing the pertinent medical records;

(iii) Evaluating the risks from exposure to possible mutagens or teratogens; and

(iv) Discussing genetic testing to assist in the diagnosis of a condition or determine the carrier status of one (1) or more family members;

(E) Assisting the individual, the individual's family, the individual's healthcare provider, or the public to:

(i) Appreciate the medical, psychological, and social implications of a disorder, including the features, variability, usual course, and management options of the disorder;

(ii) Learn how genetic factors contribute to the disorder and affect the chance for recurrence of the condition in other family members;

(iii) Understand available options for coping with, preventing, or reducing the chance of occurrence or recurrence of a condition; and

(iv) Understand genetic tests, including without limitation diagnostic genetic tests, screening tests, or predispositional genetic tests, coordinate testing for inherited disorders, and interpret complex genetic test results; and

(F) Facilitating an individual's or an individual's family's:

(i) Exploration of the perception of risk and burden associated with a genetic disorder;

(ii) Decision-making regarding testing or medical interventions consistent with their beliefs, goals, needs, resources, culture, and ethical or moral views; and

(iii) Adjustment and adaption to the condition or their genetic risk by addressing needs for psychological, social, and medical support;

(2) "Licensed genetic counselor" means a person who is licensed under this subchapter to engage in the practice of genetic counseling; and

(3)(A) "Supervision" means the ongoing, direct clinical review for the purposes of training or teaching, by an approved supervisor who monitors the performance or a person's supervised interaction with a client and provides regular documented face-to-face consultation, guidance, and instructions with respect to the clinical skills and competencies of the person supervised.

(B) "Supervision" may include without limitation the review of case presentation, audio tapes, video tapes, and direct observation.

17-95-1103. Exemptions from genetic counselor licensure.

This subchapter does not require licensure as a genetic counselor of:

(1) An individual who is licensed or lawfully permitted to practice by this state as a healthcare professional and who is practicing within his or her scope of practice, including without limitation a physician or an advanced practice registered nurse;

(2) An individual who has successfully completed an accredited genetic counseling training program and who is:

(A) Reapplying for the American Board of Genetic Counseling certification examination and gathering logbook cases under supervision in an approved genetic counseling training site; or

(B) Practicing under direct supervision of a licensed physician;

(3) A student enrolled in an approved academic program in genetic counseling if the practice constitutes a part of a supervised course of study and the student is designated by a title that clearly indicates the student's status as a student or trainee;

(4)(A) An individual who is employed by a state genetics center to provide education regarding single gene conditions, including without limitation sickle cell, cystic fibrosis, and hemoglobinopathies.

(B) An individual described in subdivision (4)(A) of this

section shall not use the title "genetic counselor" or any other title tending to indicate that he or she is a genetic counselor unless he or she is licensed in this state; and

(5)(A) A visiting genetic counselor who is certified by the American Board of Genetic Counseling or American Board of Medical Genetics from outside the state performing activities and services for a period of thirty (30) days each year.

(B) A visiting genetic counselor shall be licensed if the license is available in his or her home state.

17-95-1104. Authority of the Arkansas State Medical Board.

The Arkansas State Medical Board shall:

(1) Develop appropriate rules necessary to regulate genetic counselors;

(2) Receive, review, and approve applications for genetic counselor licensure;

(3) Issue, renew, suspend, revoke, or deny licensure as a genetic counselor;

(4) Conduct hearings on investigative and disciplinary proceedings;

(5)(A) Maintain a database of all licensees and all persons whose licenses have been suspended, revoked, or denied.

(B) Access to a database under subdivision (5)(A) of this section shall be available upon written request and payment of an appropriate fee as determined by the board; and

(6) Perform other functions and duties required to carry out this subchapter.

17-95-1105. Title protection.

A person shall not use or assume the title "licensed genetic counselor" or "genetic counselor" or use any words, letters, abbreviations, or insignia indicating or implying that the person holds a genetic counselor license unless the person is licensed by the Arkansas State Medical Board.

17-95-1106. Genetic counselor licensure.

(a) The Arkansas State Medical Board shall license as a licensed

genetic counselor an applicant who:

(1) Submits an application approved by the Arkansas State Medical Board;

(2) Pays an application fee approved by the Arkansas State Medical Board that is comparable to other fees for licensure of other midlevel healthcare professionals licensed by the Arkansas State Medical Board; and

(3) Provides evidence of:

(A) Having earned a master's degree from a genetic counseling training program that is accredited by the American Board of Genetic Counseling or an equivalent as determined by the American Board of Genetic Counseling or the American Board of Medical Genetics; and

(B) Meets the examination requirements for certification and has current certification as a genetic counselor by the American Board of Genetic Counseling or the American Board of Medical Genetics.

(b)(1) The Arkansas State Medical Board may issue a license to an applicant who provides evidence that he or she is licensed to practice as a genetic counselor in another state or territory if the requirements for licensure in the other state or territory are equal to the requirements in this subchapter.

(2) The issuance of a license by reciprocity shall be at the sole discretion of the Arkansas State Medical Board.

17-95-1107. Renewal of genetic counselor license.

(a) Except in the case of a temporary license under § 17-95-1108, a license shall be valid for a two-year period from the date of issuance.

(b) Upon receipt of a renewal application and renewal fees as determined by the Arkansas State Medical Board, the board shall renew a license to practice as a licensed genetic counselor.

(c)(1) As a condition of licensure renewal, a licensed genetic counselor shall submit documentation that he or she has completed fifty (50) hours of continuing education units approved by the board.

(2) The licensed genetic counselor is responsible for maintaining:

(A) Competent records of having completed qualified professional education for a period of four (4) years after close of the two-

year period to which the records pertain; and

(B) Information with respect to having completed a qualified professional education to demonstrate that the education meet the requirements of this subchapter.

(3) The Arkansas State Medical Board may waive the continuing education requirement or grant an extension of time to complete the continuing education requirement in cases of retirement, illness, disability, or other undue hardship.

17-95-1108. Temporary licensure.

(a)(1) The Arkansas State Medical Board may issue a temporary license to an applicant who does not meet the certification requirement in § 17-95-1106 if the applicant:

(A) Has been granted an active-candidate status by the American Board of Genetic Counseling;

(B) Applies for and takes the certification examination within twelve (12) months of the issuance of a temporary license; and

(C) Submits an application and appropriate application fees with the Arkansas State Medical Board.

(2) A temporary license is valid for one (1) year from the date of issuance.

(3)(A) A temporary license may be renewed for one (1) year if the applicant fails on his or her first attempt to pass the certification examination of the American Board of Genetic Counseling or the American Board of Medical Genetics and Genomics.

(B) An application for renewal shall be signed by a supervisor of the applicant.

(4) A temporary license shall expire automatically upon the earliest of:

(A) The date of issuance of a license under § 17-95-1106;

(B) Ninety (90) days after the date that the applicant fails on his or her second attempt to pass the certification examination; or

(C) The date printed on the temporary license.

(b) As a condition of temporary licensure, an applicant shall work under the supervision of a licensed genetic counselor or a licensed physician with current American Board of Genetic Counseling certification in clinical

genetics when the applicant provides genetic counseling services.

(c) A temporary license shall not be issued if the applicant has failed the American Board of Genetic Counseling certification examination more than two (2) times.

17-95-1109. Denial, suspension, revocation, or refusal to renew - Censure.

(a) The Arkansas State Medical Board may deny, suspend, revoke, or refuse to renew a license, or may reprimand, censure, place on probation, or otherwise discipline a licensee, upon proof that the licensee has:

(1) Obtained or attempted to obtain a license by fraud or deception;

(2) Been convicted of a felony under state or federal law;

(3) Been adjudicated mentally ill or incompetent by a court;

(4) Used illicit drugs or intoxicating liquors, narcotics, controlled substances, or other drugs or stimulants to an extent that adversely affects the practice of genetic counseling;

(5) Engaged in unethical or unprofessional conduct, including without limitation willful acts, negligence, or incompetence in the course of professional practice;

(6) Violated any provision of this subchapter or any rule of the board; or

(7) Been denied licensure or disciplined in another state or territory in connection with a license in another state or territory.

(b) A licensee under subsection (a) of this section shall promptly deliver his or her license to the board if the licensee:

(1) Has his or her license suspended or revoked; or

(2) Surrenders his or her license with or without prejudice if the surrender is approved by the board.

(c) The board may restore a license or remove a probation on a license based on the decision of the board.

17-95-1110. Surrendering license due to retirement.

(a) In order to retire his or her license, a licensed genetic counselor shall file an affidavit with the Arkansas State Medical Board stating the date on which the individual will retire or has retired and other

information determined necessary by the board.

(b) If a licensed genetic counselor retires his or her licensed as described in subsection (a) of this section, the individual shall apply for licensure as provided in § 17-95-1106 and is not liable for renewal fees that may accrue during the retirement period.

/s/G. Leding