

House Bill 166 (AS PASSED HOUSE AND SENATE)

By: Representatives Silcox of the 52nd, Cooper of the 43rd, Rynders of the 152nd, Dempsey of the 13th, and Hatchett of the 150th

A BILL TO BE ENTITLED
AN ACT

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

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 style="text-align:center">**SECTION 1.**

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

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

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

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

43 (4) The board shall be authorized to require persons seeking renewal of licensure to
44 practice orthotics or prosthetics under Article 8 of this chapter to complete board
45 approved continuing education. The board shall be authorized to establish the number
46 of hours of continuing education required biennially for renewal of licensure to practice
47 orthotics or prosthetics and the categories in which these hours should be earned,
48 ~~however, provided that~~ the maximum number of hours of continuing education required
49 for renewal of licensure shall not exceed 40 hours. The board shall be authorized to
50 approve courses offered by institutions of higher learning, specialty societies, or
51 professional organizations. Any action taken by the board pursuant to this paragraph
52 shall be taken in conformity with the provisions of subsection (a) of Code Section
53 43-34-200.

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

64 **SECTION 2.**

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

66 "ARTICLE 1167 43-34-300.68 This article shall be known and may be cited as the 'Genetic Counselors Act.'69 43-34-301.70 As used in this article, the term:71 (1) 'ABGC' means the American Board of Genetic Counseling or its successor or
72 equivalent.73 (2) 'ABMG' means the American Board of Medical Genetics and Genomics or its
74 successor or equivalent.75 (3) 'ACGC' means the Accreditation Council for Genetic Counseling or its successor or
76 equivalent.77 (4) 'Board' means the Georgia Composite Medical Board.78 (5) 'Examination for licensure' means the ABGC or ABMG certification examination or
79 the examination provided by a successor entity to the ABGC or ABMG to fairly test the
80 competence and qualifications of applicants to practice genetic counseling.81 (6) 'Genetic counseling' means the provision of services by a genetic counselor to:82 (A) Obtain and evaluate individual, family, and medical histories to determine genetic
83 risk for genetic or medical conditions and diseases in a patient, his or her offspring, and
84 other family members;85 (B) Discuss the features, natural history, means of diagnosis, genetic and
86 environmental factors, and management of risk for genetic or medical conditions and
87 diseases;88 (C) Identify, order, and coordinate genetic laboratory tests and other diagnostic studies
89 as appropriate for the genetic assessment consistent with practice based competencies
90 provided by the ACGC;91 (D) Integrate genetic laboratory test results and other diagnostic studies with personal
92 and family medical history to assess and communicate risk factors for genetic or
93 medical conditions and diseases;94 (E) Explain the clinical implications of genetic laboratory tests and other diagnostic
95 studies and their results;96 (F) Evaluate the client's or family's responses to the condition or risk of recurrence and
97 provide client centered counseling and anticipatory guidance;

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

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

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

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

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

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

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

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

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

129 43-34-302.

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

132 (1) Has applied in writing in form and substance satisfactory to the board and is at least
 133 21 years of age;

- 134 (2) Has not engaged in conduct or activities which would constitute grounds for
 135 discipline under this article;
- 136 (3) Has successfully completed:
- 137 (A) A master's degree in genetic counseling from an ABGC or ABMG accredited
 138 training program or an equivalent program approved by the ABGC or the ABMG; or
 139 (B) A doctoral degree and an ABMG accredited medical genetics training program or
 140 an equivalent program approved by the ABMG;
- 141 (4) Has successfully completed examination for licensure, approved by the board;
- 142 (5) Has paid the fees required by rule;
- 143 (6) Has met the requirements for certification set forth by the ABGC or the ABMG, if
 144 required by the board pursuant to rule; and
- 145 (7) Has met any other requirements established by rule.
- 146 (b) A temporary license may be issued to an individual who has made application to the
 147 board, has submitted evidence to the board of admission to examination for licensure, has
 148 met all of the requirements for licensure in accordance with this Code section, except for
 149 the examination requirement, and has met any other condition established by rule. The
 150 holder of a temporary license shall practice only under the supervision of a qualified
 151 supervisor and may not have the authority to order genetic tests. Nothing in this subsection
 152 shall prohibit an applicant from reapplying for a temporary license if he or she meets the
 153 qualifications of this subsection.
- 154 43-34-303.
- 155 (a) Licenses issued by the board pursuant to this article shall be subject to renewal and
 156 shall be valid for up to two years unless otherwise specified by this article and shall be
 157 renewable biennially on the renewal date established by the board.
- 158 (b) The board shall be authorized to, in conformance with paragraph (5) of subsection (a)
 159 of Code Section 43-34-11:
- 160 (1) Require persons seeking renewal of licensure under this article to complete board
 161 approved continuing education; and
- 162 (2) Establish the number of hours of continuing education to be completed as well as the
 163 categories in which the continuing education is to be completed.
- 164 (c) A person who has permitted his or her license to expire or who has had his or her
 165 license on inactive status may have his or her license restored by:
- 166 (1) Making application to the board;
- 167 (2) Filing proof acceptable to the board of his or her fitness to have his or her license
 168 restored, including, but not limited to, sworn evidence certifying to active practice in
 169 another jurisdiction satisfactory to the board; and

170 (3) Paying the required restoration fee.

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

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

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

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

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

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

192 43-34-304.

193 (a) On and after January 1, 2020, a person shall not engage in the practice of genetic
 194 counseling in this state without a valid license issued by the board pursuant to this article.

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

201 43-34-305.

202 The board shall have the power and responsibility to:

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

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

214 43-34-306.

215 The provisions of this article shall not apply to:

- 216 (1) Any person licensed by the state to practice in a profession other than that of a
 217 genetic counselor, such as a physician, when acting within the scope of the person's
 218 profession and doing work of a nature consistent with the person's training; provided,
 219 however, that such person shall not hold himself or herself out to the public as a genetic
 220 counselor;
 221 (2) Any person employed as a genetic counselor by the federal government or an agency
 222 thereof if the person provides genetic counseling services solely under the direction and
 223 control of the organization by which he or she is employed;
 224 (3) A student or intern enrolled in an ACGC accredited genetic counseling educational
 225 program if genetic counseling services performed by the student are an integral part of
 226 the student's course of study and are performed under the direct instruction of a licensed
 227 genetic counselor or physician assigned to the student and who is on duty and available
 228 in the assigned patient care area and if the person is designated with the title of 'genetic
 229 counseling intern';
 230 (4) Any company providing services available directly to consumers without such
 231 consumers seeing a physician or genetic counselor, that are approved by the United States
 232 Food and Drug Administration to assess risks for certain genetic diseases or conditions,
 233 but that do not diagnose such diseases or conditions; or
 234 (5) Any person using genetic data for purposes of nutritional counseling who is licensed
 235 as a dietitian under Chapter 11A of this title or exempt from such licensure pursuant to
 236 paragraph (10) of Code Section 43-11A-18."

237 **SECTION 3.**

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