

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

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4

As Engrossed: S2/20/19

# A Bill

SENATE BILL 190

5 By: Senator G. Leding  
6 By: Representative D. Ferguson  
7

## For An Act To Be Entitled

9 AN ACT TO CREATE THE ARKANSAS GENETIC COUNSELOR  
10 LICENSURE ACT; AND FOR OTHER PURPOSES.  
11

## Subtitle

14 TO CREATE THE ARKANSAS GENETIC COUNSELOR  
15 LICENSURE ACT.  
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
19

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

### Subchapter 11 – Arkansas Genetic Counselor Licensure Act

#### 17-95-1101. Title.

25 This subchapter shall be known and may be cited as the "Arkansas  
26 Genetic Counselor Licensure Act".  
27

#### 17-95-1102. Definitions.

##### As used in this subchapter:

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

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

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



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

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

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

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

9 (ii) Reviewing the pertinent medical records;

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

12 (iv) Recommending genetic testing or other  
13 evaluations to assist in the diagnosis of a condition or determine the  
14 carrier status of one (1) or more family members;

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

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

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

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

26 (iv) Select the most appropriate, accurate, and  
27 cost-effective methods of diagnosis; and

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

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

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

36 (ii) Decision-making regarding testing or medical

1 interventions consistent with their beliefs, goals, needs, resources,  
2 culture, and ethical or moral views; and  
3 (iii) Adjustment and adaption to the condition or  
4 their genetic risk by addressing needs for psychological, social, and medical  
5 support;

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

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

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

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18 17-95-1103. Exemptions from genetic counselor licensure.

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

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

24 (2) An individual trained as a genetic counselor who is:

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

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

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

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

1 (B) An individual described in subdivision (4)(A) of this  
2 section shall not use the title "genetic counselor" or any other title  
3 tending to indicate that he or she is a genetic counselor unless he or she is  
4 licensed in this state; and

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

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

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12 17-95-1104. Authority of the Arkansas State Medical Board.

13 The Arkansas State Medical Board shall:

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

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

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

20 (4) Conduct hearings on investigative and disciplinary  
21 proceedings;

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

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

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

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30 17-95-1105. Title protection.

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

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36 17-95-1106. Genetic counselor licensure.

1       (a) The Arkansas State Medical Board shall license as a licensed  
2 genetic counselor an applicant who:

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

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

9               (3) Provides evidence of:

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

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

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

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

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25       17-95-1107. Renewal of genetic counselor license.

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

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

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

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

36                       (A) Competent records of having completed qualified

1 professional education for a period of four (4) years after close of the two-  
2 year period to which the records pertain; and

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

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

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11 17-95-1108. Temporary licensure.

12 (a)(1) The Arkansas State Medical Board may issue a temporary license  
13 to an applicant who does not meet the certification requirement in § 17-95-  
14 1106 if the applicant:

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

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

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

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

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

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

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

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

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

34 (C) The date printed on the temporary license.

35 (b) As a condition of temporary licensure, an applicant shall work  
36 under the supervision of a licensed genetic counselor or a licensed physician

1 with current American Board of Genetic Counseling certification in clinical  
2 genetics when the applicant provides genetic counseling services.

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

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7 17-95-1109. Denial, suspension, revocation, or refusal to renew -  
8 Censure.

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

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

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

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

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

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

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

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

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

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

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

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

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34 17-95-1110. Surrendering license due to retirement.

35 (a) In order to retire his or her license, a licensed genetic  
36 counselor shall file an affidavit with the Arkansas State Medical Board

1 stating the date on which the individual will retire or has retired and other  
2 information determined necessary by the board.

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

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/s/G. Leding