

2 State of Arkansas  
3 91st General Assembly  
4 Third Extraordinary Session, 2018

# A Bill

JMB/JMB  
HOUSE BILL

5  
6 By: Representative Leding

7 Filed with: Senate Committee on Public Health, Welfare, and Labor  
8 pursuant to A.C.A. §10-3-217.

## 9 For An Act To Be Entitled

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

### 12 13 14 Subtitle

15 TO CREATE THE ARKANSAS GENETIC COUNSELOR  
16 LICENSURE ACT.

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

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

23 Subchapter 11 – Arkansas Genetic Counselor Licensure Act

24  
25 17-95-1101. Title.

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

28  
29 17-95-1102. Definitions.

30 As used in this subchapter:

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

35 (A) Obtaining and evaluating individual and family medical  
36 histories to determine genetic risks for genetic or medical conditions and

1 diseases in a patient, the children of the patient, and other family members  
2 of the patient;

3 (B) Discussing the features, natural history, means of  
4 diagnosis, genetic and environmental factors, and the management of risks of  
5 genetic or medical conditions and diseases;

6 (C) Identifying and coordinating genetic laboratory tests  
7 and other diagnostic studies as appropriate for genetic assessment;

8 (D) Integrating genetic laboratory test results and other  
9 diagnostic studies with personal and family medical history to assess and  
10 inform the patient or the family of risk factors for genetic or medical  
11 conditions and diseases;

12 (E) Explaining the clinical implication of genetic  
13 laboratory tests and other diagnostic studies and the results;

14 (F) Evaluating the responses by the patient or the family  
15 to the condition or risk of recurrence and providing patient-centered  
16 counseling and anticipatory guidance;

17 (G) Identifying and utilizing community resources that  
18 provide medical, educational, financial, and psychosocial support and  
19 advocacy; and

20 (H) Providing written documentation of medical, genetic,  
21 and counseling information for patients, families, and healthcare  
22 professionals;

23 (2) "Genetic counselor intern" means a student who is enrolled  
24 in a genetic counseling program accredited by the American Board of Genetic  
25 Counseling or the American Board of Medical Genetics and Genomics;

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

28 (4)(A) "Supervision" means the overseeing of the activities of  
29 and accepting responsibility for the genetic counseling services rendered by  
30 a genetic counselor intern.

31 (B) The presence of the supervisor is not required during  
32 the providing of the genetic counseling services; and

33 (5) "Supervisor" means a licensed genetic counselor or licensed  
34 physician, or an advanced practice registered nurse.

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36 17-95-1103. Exemptions from genetic counselor licensure.

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

2           (1) An individual who is licensed by this state as a healthcare  
3 professional and who is practicing within his or her scope of practice;

4           (2) An individual who is employed as a genetic counselor by the  
5 federal government if the individual provides genetic counseling solely  
6 within the course and the scope of his or her employment; or

7           (3) A student enrolled in an accredited genetic counseling  
8 educational program if:

9                   (A) The genetic counseling performed by the student is  
10 integral to the course of study of the student;

11                   (B) The genetic counseling is performed under supervision  
12 of a supervisor assigned to supervise the student; and

13                   (C) The healthcare facility or supervisor designates on  
14 the student's identification badge that the student is as a genetic counselor  
15 intern.

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

18           The Arkansas State Medical Board shall:

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

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

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

25                   (4) Conduct hearings on investigative and disciplinary  
26 proceedings;

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

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

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

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35           17-95-1105. Title protection.

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

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6        17-95-1106. Genetic counselor licensure.

7        (a) The Arkansas State Medical Board shall license as a genetic  
8 counselor an applicant who:

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

11                (2) Pays an application fee approved by the Arkansas State  
12 Medical Board;

13                (3) Either:

14                        (A) Provides evidence of certification as:

15                                (i) A genetic counselor by the American Board of  
16 Genetic Counseling or the American Board of Medical Genetics and Genomics; or

17                                (ii) A medical geneticist by the American Board of  
18 Medical Genetics and Genomics; or

19                        (B) Has worked as a genetic counselor for ten (10) years  
20 and provides:

21                                (i) Documentation that the applicant has:

22                                        (a) A master's degree or higher in genetics or  
23 a related field of study;

24                                        (b) Never failed a certification examination  
25 by the American Board of Genetic Counseling or the American Board of Medical  
26 Genetics and Genomics; and

27                                        (c) Attended a continuing education unit  
28 program within the last five (5) years approved by the Arkansas State Medical  
29 Board; and

30                                        (ii) Three (3) letters of recommendation from  
31 individuals who have worked with the applicant in an employment setting in  
32 the last ten (10) years and can attest to the competency of the applicant in  
33 providing genetic counseling services.

34                (b)(1) The Arkansas State Medical Board may issue a license to an  
35 applicant who provides evidence that he or she is licensed to practice as a  
36 genetic counselor in another state or territory if the requirements for

1 licensure in the other state or territory are equal to the requirements in  
2 this subchapter.

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

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6 17-95-1107. Renewal of genetic counselor license.

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

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

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

15 (2) The board may waive the continuing education requirement or  
16 grant an extension of time to complete the continuing education requirement  
17 upon a finding of good cause based on an emergency or hardship of the  
18 licensee.

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20 17-95-1108. Temporary licensure.

21 (a)(1) The Arkansas State Medical Board may issue a temporary license  
22 to an applicant who does not meet the certification requirement in  
23 subdivision (a)(3)(A) of this section if the applicant:

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

26 (B) Submits an application and appropriate application  
27 fees with the Arkansas State Medical Board.

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

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

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

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

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

4                   (B) Thirty (30) days after the date that the applicant  
5 fails on his or her second attempt to pass the certification examination; or

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

7           (b) As a condition of temporary licensure, an applicant shall work  
8 under the supervision of a supervisor when the applicant provides genetic  
9 counseling services.

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11           17-95-1109. Denial, suspension, revocation, or refusal to renew -  
12 Censure.

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

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

18                   (2) Been convicted of a felony under state or federal law or  
19 committed any offense involving moral turpitude;

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

21                   (4) Used illicit drugs or intoxicating liquors to an extent that  
22 adversely affects the practice of genetic counseling;

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

26                   (6) Violated any order or rule of the board; or

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

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

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

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

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36 Referred by Senator Bledsoe

1 Prepared by: JMB/JMB

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