

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

# A Bill

SENATE BILL 190

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

## For An Act To Be Entitled

8  
9 AN ACT TO CREATE THE ARKANSAS GENETIC COUNSELOR  
10 LICENSURE ACT; AND FOR OTHER PURPOSES.  
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## Subtitle

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

22 Subchapter 11 – Arkansas Genetic Counselor Licensure Act  
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24 17-95-1101. Title.

25 This subchapter shall be known and may be cited as the "Arkansas  
26 Genetic Counselor Licensure Act".  
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28 17-95-1102. Definitions.

29 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) Obtaining and evaluating individual and family medical  
35 histories to determine genetic risks for genetic or medical conditions and  
36 diseases in a patient, the children of the patient, and other family members



1 of the patient;

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

5 (C) Identifying, ordering, and coordinating genetic  
6 laboratory tests and other diagnostic studies as appropriate for genetic  
7 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.

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36 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 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 is employed as a genetic counselor by the federal government if the individual provides genetic counseling solely within the course and the scope of his or her employment; or

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

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

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

(C) The healthcare facility or supervisor designates that the student is a genetic counselor intern or student.

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.

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

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7 17-95-1106. Genetic counselor licensure.

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

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

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

15 (3) Provides evidence of certification as:

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

18 (B) A medical geneticist by the American Board of Medical  
19 Genetics and Genomics.

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

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

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28 17-95-1107. Renewal of genetic counselor license.

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

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

34 (c)(1) As a condition of licensure renewal, a genetic counselor shall  
35 submit documentation that he or she has completed thirty (30) hours of  
36 continuing education units approved by the board.

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

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6           17-95-1108. Temporary licensure.

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

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

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

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

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

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

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

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

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

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

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

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

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34           17-95-1109. Denial, suspension, revocation, or refusal to renew -  
35 Censure.

36           (a) The Arkansas State Medical Board may deny, suspend, revoke, or

1 refuse to renew a license, or may reprimand, censure, place on probation, or  
2 otherwise discipline a licensee, upon proof that the licensee has:

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

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

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

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

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

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

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

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

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

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

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

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