AN ACT Relating to genetic counselors; amending RCW 18.130.040; adding a new chapter to Title 18 RCW; creating a new section; and providing an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Sec. 1. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Advisory committee" means the advisory committee on genetic counseling established in section 5 of this act.

(2) "Collaborative agreement" means a written document that memorializes a relationship between a genetic counselor and a physician licensed under chapter 18.71 RCW or an osteopathic physician licensed under chapter 18.57 RCW, who is board certified in medical genetics or who is board certified in a specialty relevant to the practice of the genetic counselor that authorizes a genetic counselor to perform specified functions within the practice of genetic counseling.

(3) "Department" means the department of health.

(4) "Genetic counselor" means an individual who is licensed to engage in the practice of genetic counseling under this chapter.
"Practice of genetic counseling" means a communication process, conducted by one or more appropriately trained individuals in consultation with a physician licensed under chapter 18.71 RCW or an osteopathic physician licensed under chapter 18.57 RCW to the extent outlined in the terms of a collaborative agreement, that includes:

(a) Estimating the likelihood of occurrence or recurrence of a birth defect or of any potentially inherited or genetically influenced condition. This assessment may involve:

(i) Obtaining and analyzing a complete health history of the person and family;
(ii) Reviewing pertinent medical records;
(iii) Evaluating the risks from exposure to possible mutagens or teratogens; and
(iv) Recommending genetic testing or other evaluations to diagnose a condition or determine the carrier status of one or more family members;

(b) Helping the individual, family, health care provider, or public:

(i) Appreciate the medical and psychosocial implications of a disorder, including its features, variability, usual course, and management options;
(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;
(iv) Select the most appropriate, accurate, and cost-effective methods of diagnosis;
(v) Understand genetic or prenatal tests, coordinate testing for inherited disorders, and interpret complex genetic test results;
(c) Facilitating an individual's or family's:

(i) Exploration of the perception of risk and burden associated with the disorder;
(ii) Decision making regarding testing or medical interventions consistent with their beliefs, goals, needs, resources, cultural, ethical, and moral views; and
(iii) Adjustment and adaptation to the condition or their genetic risk by addressing needs for psychosocial and medical support; and
(d) In collaborative agreement with a physician licensed under chapter 18.71 RCW or osteopathic physician licensed under chapter 18.57 RCW, who is board certified in medical genetics or who is board certified in a specialty relevant to the practice of the genetic counselor:
   (i) Ordering genetic tests pursuant to the terms of the collaborative agreement or recommending other evaluations to diagnose a condition or determine the carrier status of one or more family members; and
   (ii) Selecting the most appropriate, accurate, and cost-effective methods of diagnosis.

(6) "Secretary" means the secretary of health.

NEW SECTION. Sec. 2. In addition to any other authority, the secretary has the authority to:
   (1) Adopt rules under chapter 34.05 RCW necessary to implement this chapter;
   (2) Establish all licensing, examination, and renewal fees in accordance with RCW 43.70.110 and 43.70.250;
   (3) Establish forms and procedures necessary to administer this chapter;
   (4) Issue licenses to applicants who have met the education, training, and examination requirements for obtaining a license and to deny a license to applicants who do not meet the requirements;
   (5) Hire clerical, administrative, investigative, and other staff as needed to implement this chapter to serve as examiners for any practical examinations;
   (6) Determine minimum education requirements and evaluate and designate those educational programs from which graduation will be accepted as proof of eligibility to take a qualifying examination for applicants for obtaining a license;
   (7) Establish practice parameters consistent with the practice of genetic counseling as defined in section 1 of this act and considering developments in the field, with the advice and recommendations of the advisory committee;
   (8) Prepare, grade, and administer, or determine the nature of, and supervise the grading and administration of examinations for obtaining a license;

p. 3 SHB 2015
(9) Determine which states have licensing requirements equivalent to those of this state, and issue licenses to applicants licensed in those states without examination;

(10) Define and approve any experience requirement for licensing;

(11) Adopt rules implementing a continuing competency program;

(12) Maintain the official department record of all applicants and license holders; and

(13) Establish by rule the procedures for an appeal of an examination failure.

NEW SECTION. Sec. 3. Nothing in this chapter shall be construed to prohibit or restrict:

(1) An individual who holds a credential issued by this state, other than as a genetic counselor, to engage in the practice of that occupation or profession without obtaining an additional credential from the state. The individual may not use the title genetic counselor unless licensed as such in this state;

(2) The practice of genetic counseling by a person who is employed by the government of the United States while engaged in the performance of duties prescribed by the laws of the United States;

(3) The practice of genetic counseling by a person who is a regular student in an educational program approved by the secretary, and whose performance of services is pursuant to a regular course of instruction or assignments from an instructor and under the general supervision of the instructor; or

(4) The practice of genetic counseling by a person who is practicing under the general supervision of a genetic counselor in a genetic counseling training site while gathering logbook cases for the purpose of meeting licensing requirements.

NEW SECTION. Sec. 4. The secretary shall issue a license to any applicant who demonstrates to the satisfaction of the secretary that the applicant meets the following requirements:

(1) Graduation from a master's or doctorate program in genetic counseling or medical genetics approved by the secretary;

(2) Successful completion of any clinical experience requirements established by the secretary; and
Successful completion of an examination administered or approved by the secretary.

NEW SECTION. Sec. 5. (1) The advisory committee on genetic counseling is established consisting of five members appointed by the secretary. The membership consists of three members who are genetic counselors, one member who is a licensed health care provider with genetic expertise, and one member of the public. Initial terms of the members must be staggered and then are three-year terms. The advisory committee shall meet at the times and places designated by the secretary. Each member of an advisory committee shall be reimbursed for travel expenses as authorized in RCW 43.03.050 and 43.03.060. In addition, members of the committee shall be compensated in accordance with RCW 43.03.240 when engaged in the authorized business of the advisory committee.

(2) The department shall seek the advice and assistance of the advisory committee in administering this chapter, including:
   (a) Advice and recommendations regarding the establishment or implementation of rules related to the administration of this chapter;
   (b) Advice and recommendations regarding developments in the practice of genetic counseling;
   (c) Advice, recommendations, and consultation regarding case disposition guidelines and priorities related to unprofessional conduct cases regarding the practice of genetic counseling;
   (d) Assistance and consultation of individual committee members as needed in the review, analysis, and disposition of reports of unprofessional conduct and consumer complaints; and
   (e) Assistance and recommendations regarding any continuing competency program administered under the provisions of this chapter.

NEW SECTION. Sec. 6. (1) The date and location of examinations must be established by the secretary. Applicants who have been found by the secretary to meet the other requirements for obtaining a license must be scheduled for the next examination following the filing of the application. The secretary shall establish by rule the examination application deadline.

(2) The secretary or the secretary's designees shall examine each applicant, by means determined most effective, on subjects appropriate
to the scope of practice, as applicable. The examinations must be
limited to the purpose of determining whether the applicant possesses
the minimum skill and knowledge necessary to practice competently.

(3) The examination papers, all grading of the papers, and the
grading of any practical work shall be preserved for a period of not
less than one year after the secretary has made and published the
decisions. All examinations must be conducted under fair and wholly
impartial methods.

(4) Any applicant failing to make the required grade in the first
examination may take up to two subsequent examinations as the applicant
desires upon prepaying a fee determined by the secretary under RCW
43.70.250 for each subsequent examination. Upon failing four
examinations, the secretary may invalidate the original application and
require remedial education before the person may take future
examinations.

(5) The secretary may approve an examination prepared or
administered by a private testing agency or association of licensing
agencies for use by an applicant in meeting the credentialing
requirements.

NEW SECTION. Sec. 7. Applications for licensing must be submitted
on forms provided by the secretary. The secretary may require any
information and documentation that reasonably relates to the need to
determine whether the applicant meets the criteria for licensing
provided for in this chapter and chapter 18.130 RCW. Each applicant
shall pay a fee determined by the secretary under RCW 43.70.250. The
fee must accompany the application.

NEW SECTION. Sec. 8. The secretary may grant a license without
examination for those applicants who have practiced genetic counseling
in Washington for five of the six years prior to the effective date of
this section and who have provided genetic counseling services in an
established practice. This section applies only to those individuals
who apply within one year of the effective date of this section.

NEW SECTION. Sec. 9. The secretary shall establish by rule the
requirements and fees for renewal of a license. Failure to renew the
license invalidates the license and all privileges granted by the
license. If a license has lapsed for a period longer than three years, the person shall demonstrate competence to the satisfaction of the secretary by completing continuing competency requirements or meeting other standards determined by the secretary.

NEW SECTION. Sec. 10. The secretary may grant a provisional license to a person who has met all of the requirements for obtaining a license except for the successful completion of an examination. A provisional license must be renewed annually. The secretary may grant a provisional license to a person up to four times. A provisional license holder may only practice genetic counseling under the supervision of either a licensed genetic counselor, a physician licensed under chapter 18.71 RCW, or osteopathic physician licensed under chapter 18.57 RCW, with a current certification in clinical genetics issued by an organization approved by the secretary.

NEW SECTION. Sec. 11. An applicant holding a license in another state may be licensed to practice in this state without examination if the secretary determines that the licensing standards of the other state are substantially equivalent to the licensing standards of this state.

NEW SECTION. Sec. 12. A person not licensed with the secretary to practice genetic counseling may not represent himself or herself as a "genetic counselor," "licensed genetic counselor," "gene counselor," "genetic consultant," "genetic associate," or other letters, words, signs, numbers, or insignia indicating or implying that he or she is a genetic counselor.

NEW SECTION. Sec. 13. The uniform disciplinary act, chapter 18.130 RCW, governs unlicensed practice, the issuance and denial of a license, and the discipline of persons licensed under this chapter. The secretary shall be the disciplining authority under this chapter.

NEW SECTION. Sec. 14. Sections 1 through 13 of this act constitute a new chapter in Title 18 RCW.
Sec. 15. RCW 18.130.040 and 2004 c 38 s 2 are each amended to read as follows:

(1) This chapter applies only to the secretary and the boards and commissions having jurisdiction in relation to the professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The secretary has authority under this chapter in relation to the following professions:

(i) Dispensing opticians licensed and designated apprentices under chapter 18.34 RCW;
(ii) Naturopaths licensed under chapter 18.36A RCW;
(iii) Midwives licensed under chapter 18.50 RCW;
(iv) Ocularists licensed under chapter 18.55 RCW;
(v) Massage operators and businesses licensed under chapter 18.108 RCW;
(vi) Dental hygienists licensed under chapter 18.29 RCW;
(vii) Acupuncturists licensed under chapter 18.06 RCW;
(viii) Radiologic technologists certified and X-ray technicians registered under chapter 18.84 RCW;
(ix) Respiratory care practitioners licensed under chapter 18.89 RCW;
(x) Persons registered under chapter 18.19 RCW;
(xi) Persons licensed as mental health counselors, marriage and family therapists, and social workers under chapter 18.225 RCW;
(xii) Persons registered as nursing pool operators under chapter 18.52C RCW;
(xiii) Nursing assistants registered or certified under chapter 18.88A RCW;
(xiv) Health care assistants certified under chapter 18.135 RCW;
(xv) Dietitians and nutritionists certified under chapter 18.138 RCW;
(xvi) Chemical dependency professionals certified under chapter 18.205 RCW;
(xvii) Sex offender treatment providers and certified affiliate sex offender treatment providers certified under chapter 18.155 RCW;
(xviii) Persons licensed and certified under chapter 18.73 RCW or RCW 18.71.205;
(xix) Denturists licensed under chapter 18.30 RCW;
(xx) Orthotists and prosthetists licensed under chapter 18.200 RCW;
(xxi) Surgical technologists registered under chapter 18.215 RCW;
(and)
(xxii) Recreational therapists; and
(xxiii) Genetic counselors licensed under chapter 18.-- RCW
(sections 1 through 13 of this act).
(b) The boards and commissions having authority under this chapter
are as follows:
(i) The podiatric medical board as established in chapter 18.22
RCW;
(ii) The chiropractic quality assurance commission as established
in chapter 18.25 RCW;
(iii) The dental quality assurance commission as established in
chapter 18.32 RCW;
(iv) The board of hearing and speech as established in chapter
18.35 RCW;
(v) The board of examiners for nursing home administrators as
established in chapter 18.52 RCW;
(vi) The optometry board as established in chapter 18.54 RCW
governing licenses issued under chapter 18.53 RCW;
(vii) The board of osteopathic medicine and surgery as established
in chapter 18.57 RCW governing licenses issued under chapters 18.57 and
18.57A RCW;
(viii) The board of pharmacy as established in chapter 18.64 RCW
governing licenses issued under chapters 18.64 and 18.64A RCW;
(ix) The medical quality assurance commission as established in
chapter 18.71 RCW governing licenses and registrations issued under
chapters 18.71 and 18.71A RCW;
(x) The board of physical therapy as established in chapter 18.74
RCW;
(xi) The board of occupational therapy practice as established in
chapter 18.59 RCW;
(xii) The nursing care quality assurance commission as established
in chapter 18.79 RCW governing licenses and registrations issued under
that chapter;
(xiii) The examining board of psychology and its disciplinary
committee as established in chapter 18.83 RCW; and
(xiv) The veterinary board of governors as established in chapter 18.92 RCW.

(3) In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses based on the conditions and criteria established in this chapter and the chapters specified in subsection (2) of this section. This chapter also governs any investigation, hearing, or proceeding relating to denial of licensure or issuance of a license conditioned on the applicant's compliance with an order entered pursuant to RCW 18.130.160 by the disciplining authority.

(4) All disciplining authorities shall adopt procedures to ensure substantially consistent application of this chapter, the Uniform Disciplinary Act, among the disciplining authorities listed in subsection (2) of this section.

NEW SECTION. Sec. 16. This act takes effect August 1, 2008.

NEW SECTION. Sec. 17. The secretary of health may adopt such rules as authorized under section 2 of this act to ensure that this act is implemented on its effective date.

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