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HOUSE BILL 1988

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State of Washington                      59th Legislature                      2005 Regular Session

By Representatives McIntire and Cody

Read first time 02/14/2005. Referred to Committee on Health Care.

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

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

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

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

8            (2) "Department" means the department of health.

9            (3) "Person" means an individual, family, or health care provider.

10           (4) "Practice of genetic counseling" means a communication process,  
11 conducted by one or more appropriately trained individuals, that  
12 includes:

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

16           (i) Obtaining and analyzing a complete health history of the person  
17 and family;

18           (ii) Reviewing pertinent medical records;

- 1 (iii) Evaluating the risks from exposure to possible mutagens or  
2 teratogens;
- 3 (iv) Ordering laboratory tests or recommending other evaluations to  
4 diagnose a condition or determine the carrier status of one or more  
5 family members;
- 6 (b) Helping the individual, family, health care provider, or  
7 public:
- 8 (i) Appreciate the medical, psychological, and social implications  
9 of a disorder, including its features, variability, usual course, and  
10 management options;
- 11 (ii) Learn how genetic factors contribute to the disorder and  
12 affect the chance for recurrence of the condition in other family  
13 members;
- 14 (iii) Understand available options for coping with, preventing, or  
15 reducing the chance of occurrence or recurrence of a condition;
- 16 (iv) Select the most appropriate, accurate, and cost-effective  
17 methods of diagnosis;
- 18 (v) Understand genetic or prenatal tests, coordinate testing for  
19 inherited disorders, and interpret complex genetic test results; and
- 20 (c) Facilitating an individual's or family's:
- 21 (i) Exploration of the perception of risk and burden associated  
22 with the disorder;
- 23 (ii) Decision making regarding testing or medical interventions  
24 consistent with their beliefs, goals, needs, resources, cultural,  
25 ethical, and moral views;
- 26 (iii) Adjustment and adaptation to the condition or their genetic  
27 risk by addressing needs for psychological, social, and medical  
28 support.
- 29 (5) "Secretary" means the secretary of health.

30 NEW SECTION. **Sec. 2.** In addition to any other authority, the  
31 secretary has the authority to:

32 (1) Adopt rules under chapter 34.05 RCW necessary to implement this  
33 chapter;

34 (2) Establish all licensing, examination, and renewal fees in  
35 accordance with RCW 43.70.250;

36 (3) Establish forms and procedures necessary to administer this  
37 chapter;

1 (4) Issue licenses to applicants who have met the education,  
2 training, and examination requirements for obtaining a license and to  
3 deny a license to applicants who do not meet the requirements;

4 (5) Hire clerical, administrative, investigative, and other staff  
5 as needed to implement this chapter to serve as examiners for any  
6 practical examinations;

7 (6) Determine minimum education requirements and evaluate and  
8 designate those educational programs from which graduation will be  
9 accepted as proof of eligibility to take a qualifying examination for  
10 applicants for obtaining a license;

11 (7) Establish practice parameters consistent with the practice of  
12 genetic counseling as defined in section 1 of this act and considering  
13 developments in the field, with the advice and recommendations of the  
14 advisory committee;

15 (8) Prepare, grade, and administer, or determine the nature of, and  
16 supervise the grading and administration of examinations for obtaining  
17 a license;

18 (9) Determine whether alternative methods of training are  
19 equivalent to formal education, and establish forms, procedures, and  
20 criteria for evaluation of an applicant's alternative training to  
21 determine the applicant's eligibility to take any qualifying  
22 examination;

23 (10) Determine which states have licensing requirements equivalent  
24 to those of this state, and issue licenses to applicants licensed in  
25 those states without examination;

26 (11) Define and approve any experience requirement for licensing;

27 (12) Adopt rules implementing a continuing competency program;

28 (13) Maintain the official department record of all applicants and  
29 license holders; and

30 (14) Establish by rule the procedures for an appeal of an  
31 examination failure.

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

34 (1) An individual who holds a credential issued by this state,  
35 other than as a genetic counselor, to engage in the competent practice  
36 of that occupation or profession without obtaining an additional

1 credential from the state. The individual may not use the title  
2 genetic counselor unless licensed as such in this state;

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

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

11 (4) The infrequent and irregular practice of genetic counseling by  
12 any provider who only provides occasional services in the state in his  
13 or her capacity as an employee of an organization from outside the  
14 state provided that the provider holds a license in another state or  
15 territory in which he or she resides or has met alternative  
16 requirements established by the secretary.

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

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

22 (2) Successful completion of any clinical experience requirements  
23 established by the secretary; and

24 (3) Successful completion of an examination administered or  
25 approved by the secretary.

26 NEW SECTION. **Sec. 5.** (1) The advisory committee on genetic  
27 counseling is established. The committee consists of five members who  
28 are licensed to practice genetic counseling appointed by the secretary.  
29 Initial terms of the members must be staggered and then are three-year  
30 terms. The advisory committee shall meet at the times and places  
31 designated by the secretary. Each member of an advisory committee  
32 shall be reimbursed for travel expenses as authorized in RCW 43.03.050  
33 and 43.03.060. In addition, members of the committee shall be  
34 compensated in accordance with RCW 43.03.240 when engaged in the  
35 authorized business of the advisory committee.

1 (2) The department may seek the advice and assistance of the  
2 advisory committee in administering this chapter, including:

3 (a) Advice and recommendations regarding the establishment or  
4 implementation of rules related to the administration of this chapter;

5 (b) Advice and recommendations regarding developments in the  
6 practice of genetic counseling;

7 (c) Advice, recommendations, and consultation regarding case  
8 disposition guidelines and priorities related to unprofessional conduct  
9 cases regarding the practice of genetic counseling;

10 (d) Assistance and consultation of individual committee members as  
11 needed in the review, analysis, and disposition of reports of  
12 unprofessional conduct and consumer complaints; and

13 (e) Assistance and recommendations regarding any continuing  
14 competency program administered under the provisions of this chapter.

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

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

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

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

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

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

12 NEW SECTION. **Sec. 8.** The secretary shall establish by rule the  
13 requirements and fees for renewal of a license. Failure to renew the  
14 license invalidates the license and all privileges granted by the  
15 license. If a license has lapsed for a period longer than three years,  
16 the person shall demonstrate competence to the satisfaction of the  
17 secretary by completing continuing competency requirements or meeting  
18 other standards determined by the secretary.

19 NEW SECTION. **Sec. 9.** The secretary may grant a provisional  
20 license to a person who has met all of the requirements for obtaining  
21 a license except for the successful completion of an examination. A  
22 provisional license must be renewed annually. A provisional license  
23 holder may only practice genetic counseling under the supervision of  
24 either a licensed genetic counselor, a physician licensed under chapter  
25 18.71 RCW, or osteopathic physician licensed under chapter 18.57 RCW  
26 with a current certification in clinical genetics issued by an  
27 organization approved by the secretary.

28 NEW SECTION. **Sec. 10.** An applicant holding a license in another  
29 state may be licensed to practice in this state without examination if  
30 the secretary determines that the licensing standards of the other  
31 state are substantially equivalent to the licensing standards of this  
32 state.

1        NEW SECTION.    **Sec. 11.** A person not licensed with the secretary to  
2 practice genetic counseling may not represent himself or herself as a  
3 "genetic counselor," "licensed genetic counselor," "gene counselor,"  
4 "genetic consultant," "genetic associate," or other letters, words,  
5 signs, numbers, or insignia indicating or implying that he or she is  
6 licensed to practice genetic counseling.

7        NEW SECTION.    **Sec. 12.** The uniform disciplinary act, chapter  
8 18.130 RCW, governs unlicensed practice, the issuance and denial of a  
9 license, and the discipline of persons licensed under this chapter.  
10 The secretary shall be the disciplining authority under this chapter.

11        NEW SECTION.    **Sec. 13.** Sections 1 through 12 of this act  
12 constitute a new chapter in Title 18 RCW.

13        **Sec. 14.** RCW 18.130.040 and 2004 c 38 s 2 are each amended to read  
14 as follows:

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

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

22        (i) Dispensing opticians licensed and designated apprentices under  
23 chapter 18.34 RCW;

24        (ii) Naturopaths licensed under chapter 18.36A RCW;

25        (iii) Midwives licensed under chapter 18.50 RCW;

26        (iv) Ocularists licensed under chapter 18.55 RCW;

27        (v) Massage operators and businesses licensed under chapter 18.108  
28 RCW;

29        (vi) Dental hygienists licensed under chapter 18.29 RCW;

30        (vii) Acupuncturists licensed under chapter 18.06 RCW;

31        (viii) Radiologic technologists certified and X-ray technicians  
32 registered under chapter 18.84 RCW;

33        (ix) Respiratory care practitioners licensed under chapter 18.89  
34 RCW;

35        (x) Persons registered under chapter 18.19 RCW;

- 1 (xi) Persons licensed as mental health counselors, marriage and  
2 family therapists, and social workers under chapter 18.225 RCW;
- 3 (xii) Persons registered as nursing pool operators under chapter  
4 18.52C RCW;
- 5 (xiii) Nursing assistants registered or certified under chapter  
6 18.88A RCW;
- 7 (xiv) Health care assistants certified under chapter 18.135 RCW;
- 8 (xv) Dietitians and nutritionists certified under chapter 18.138  
9 RCW;
- 10 (xvi) Chemical dependency professionals certified under chapter  
11 18.205 RCW;
- 12 (xvii) Sex offender treatment providers and certified affiliate sex  
13 offender treatment providers certified under chapter 18.155 RCW;
- 14 (xviii) Persons licensed and certified under chapter 18.73 RCW or  
15 RCW 18.71.205;
- 16 (xix) Denturists licensed under chapter 18.30 RCW;
- 17 (xx) Orthotists and prosthetists licensed under chapter 18.200 RCW;
- 18 (xxi) Surgical technologists registered under chapter 18.215 RCW;
- 19 (~~and~~)
- 20 (xxii) Recreational therapists;
- 21 (xxiii) Genetic counselors licensed under chapter 18.-- RCW  
22 (sections 1 through 12 of this act).
- 23 (b) The boards and commissions having authority under this chapter  
24 are as follows:
- 25 (i) The podiatric medical board as established in chapter 18.22  
26 RCW;
- 27 (ii) The chiropractic quality assurance commission as established  
28 in chapter 18.25 RCW;
- 29 (iii) The dental quality assurance commission as established in  
30 chapter 18.32 RCW;
- 31 (iv) The board of hearing and speech as established in chapter  
32 18.35 RCW;
- 33 (v) The board of examiners for nursing home administrators as  
34 established in chapter 18.52 RCW;
- 35 (vi) The optometry board as established in chapter 18.54 RCW  
36 governing licenses issued under chapter 18.53 RCW;
- 37 (vii) The board of osteopathic medicine and surgery as established

1 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and  
2 18.57A RCW;

3 (viii) The board of pharmacy as established in chapter 18.64 RCW  
4 governing licenses issued under chapters 18.64 and 18.64A RCW;

5 (ix) The medical quality assurance commission as established in  
6 chapter 18.71 RCW governing licenses and registrations issued under  
7 chapters 18.71 and 18.71A RCW;

8 (x) The board of physical therapy as established in chapter 18.74  
9 RCW;

10 (xi) The board of occupational therapy practice as established in  
11 chapter 18.59 RCW;

12 (xii) The nursing care quality assurance commission as established  
13 in chapter 18.79 RCW governing licenses and registrations issued under  
14 that chapter;

15 (xiii) The examining board of psychology and its disciplinary  
16 committee as established in chapter 18.83 RCW; and

17 (xiv) The veterinary board of governors as established in chapter  
18 18.92 RCW.

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

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

31 NEW SECTION. **Sec. 15.** This act takes effect August 1, 2006.

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