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SENATE BILL 6756

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State of Washington

60th Legislature

2008 Regular Session

By Senators Jacobsen, Franklin, and Kohl-Welles

Read first time 01/23/08. Referred to Committee on Health & Long-Term Care.

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

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

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

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

9 (2) "Collaborative agreement" means a written document that  
10 memorializes a relationship between a genetic counselor and a physician  
11 licensed under chapter 18.71 RCW or an osteopathic physician licensed  
12 under chapter 18.57 RCW, who is board certified in medical genetics or  
13 who is board certified in a specialty relevant to the practice of the  
14 genetic counselor that authorizes a genetic counselor to perform the  
15 functions specified in subsection (5)(d) of this section as applied to  
16 the practice of genetic counseling.

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

18 (4) "Genetic counselor" means an individual who is licensed to  
19 engage in the practice of genetic counseling under this chapter.

1 (5) "Practice of genetic counseling" means a communication process,  
2 conducted by one or more appropriately trained individuals in  
3 consultation with a physician licensed under chapter 18.71 RCW or an  
4 osteopathic physician licensed under chapter 18.57 RCW to the extent  
5 outlined in the terms of a collaborative agreement, that includes:

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

9 (i) Obtaining and analyzing a complete health history of the person  
10 and family;

11 (ii) Reviewing pertinent medical records;

12 (iii) Evaluating the risks from exposure to possible mutagens or  
13 teratogens; and

14 (iv) Recommending genetic testing or other evaluations to diagnose  
15 a condition or determine the carrier status of one or more family  
16 members;

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

18 (i) Appreciate the medical and psychosocial implications of a  
19 disorder, including its features, variability, usual course, and  
20 management options;

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

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

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

28 (v) Understand genetic or prenatal tests, coordinate testing for  
29 inherited disorders, and interpret complex genetic test results;

30 (c) Facilitating an individual's or family's:

31 (i) Exploration of the perception of risk and burden associated  
32 with the disorder;

33 (ii) Decision making regarding testing or medical interventions  
34 consistent with their beliefs, goals, needs, resources, cultural,  
35 ethical, and moral views; and

36 (iii) Adjustment and adaptation to the condition or their genetic  
37 risk by addressing needs for psychosocial and medical support; and

1 (d) In collaborative agreement with a physician licensed under  
2 chapter 18.71 RCW or osteopathic physician licensed under chapter 18.57  
3 RCW, who is board certified in medical genetics or who is board  
4 certified in a specialty relevant to the practice of the genetic  
5 counselor:

6 (i) Ordering genetic tests pursuant to the terms of the  
7 collaborative agreement or recommending other evaluations to diagnose  
8 a condition or determine the carrier status of one or more family  
9 members; and

10 (ii) Selecting the most appropriate, accurate, and cost-effective  
11 methods of diagnosis.

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

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

15 (1) Adopt rules under chapter 34.05 RCW necessary to implement this  
16 chapter;

17 (2) Establish all licensing, examination, and renewal fees in  
18 accordance with RCW 43.70.110 and 43.70.250;

19 (3) Establish forms and procedures necessary to administer this  
20 chapter;

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

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

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

31 (7) Establish practice parameters consistent with the practice of  
32 genetic counseling as defined in section 1 of this act and considering  
33 developments in the field, with the advice and recommendations of the  
34 advisory committee;

35 (8) Prepare, grade, and administer, or determine the nature of, and  
36 supervise the grading and administration of examinations for obtaining  
37 a license;

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

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

5 (11) Adopt rules implementing a continuing competency program;

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

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

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

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

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

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

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

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

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

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

1 (3) Successful completion of an examination administered or  
2 approved by the secretary.

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

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

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

19 (b) Advice and recommendations regarding developments in the  
20 practice of genetic counseling;

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

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

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

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

35 (2) The secretary or the secretary's designees shall examine each  
36 applicant, by means determined most effective, on subjects appropriate

1 to the scope of practice, as applicable. The examinations must be  
2 limited to the purpose of determining whether the applicant possesses  
3 the minimum skill and knowledge necessary to practice competently.

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

9 (4) Any applicant failing to make the required grade in the first  
10 examination may take up to two subsequent examinations as the applicant  
11 desires upon prepaying a fee determined by the secretary under RCW  
12 43.70.250 for each subsequent examination. Upon failing four  
13 examinations, the secretary may invalidate the original application and  
14 require remedial education before the person may take future  
15 examinations.

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

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

27 NEW SECTION. **Sec. 8.** The secretary shall establish by rule the  
28 requirements and fees for renewal of a license. Failure to renew the  
29 license invalidates the license and all privileges granted by the  
30 license. If a license has lapsed for a period longer than three years,  
31 the person shall demonstrate competence to the satisfaction of the  
32 secretary by completing continuing competency requirements or meeting  
33 other standards determined by the secretary.

34 NEW SECTION. **Sec. 9.** The secretary may grant a provisional  
35 license to a person who has met all of the requirements for obtaining

1 a license except for the successful completion of an examination. A  
2 provisional license must be renewed annually. The secretary may grant  
3 a provisional license to a person up to four times. A provisional  
4 license holder may only practice genetic counseling under the  
5 supervision of either a licensed genetic counselor, a physician  
6 licensed under chapter 18.71 RCW, or osteopathic physician licensed  
7 under chapter 18.57 RCW, with a current certification in clinical  
8 genetics issued by an organization approved by the secretary.

9 NEW SECTION. **Sec. 10.** An applicant holding a license in another  
10 state may be licensed to practice in this state without examination if  
11 the secretary determines that the licensing standards of the other  
12 state are substantially equivalent to the licensing standards of this  
13 state.

14 NEW SECTION. **Sec. 11.** A person not licensed with the secretary to  
15 practice genetic counseling may not represent himself or herself as a  
16 "genetic counselor," "licensed genetic counselor," "gene counselor,"  
17 "genetic consultant," "genetic associate," or other letters, words,  
18 signs, numbers, or insignia indicating or implying that he or she is a  
19 genetic counselor.

20 NEW SECTION. **Sec. 12.** The uniform disciplinary act, chapter  
21 18.130 RCW, governs unlicensed practice, the issuance and denial of a  
22 license, and the discipline of persons licensed under this chapter.  
23 The secretary shall be the disciplining authority under this chapter.

24 NEW SECTION. **Sec. 13.** The provisions of RCW 48.43.045(1)(a) do  
25 not apply to persons licensed under this chapter.

26 NEW SECTION. **Sec. 14.** Sections 1 through 13 of this act  
27 constitute a new chapter in Title 18 RCW.

28 **Sec. 15.** RCW 18.130.040 and 2007 c 269 s 17, 2007 c 253 s 13, and  
29 2007 c 70 s 11 are each reenacted and amended to read as follows:

30 (1) This chapter applies only to the secretary and the boards and  
31 commissions having jurisdiction in relation to the professions licensed

1 under the chapters specified in this section. This chapter does not  
2 apply to any business or profession not licensed under the chapters  
3 specified in this section.

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

- 6 (i) Dispensing opticians licensed and designated apprentices under  
7 chapter 18.34 RCW;
- 8 (ii) Naturopaths licensed under chapter 18.36A RCW;
- 9 (iii) Midwives licensed under chapter 18.50 RCW;
- 10 (iv) Ocularists licensed under chapter 18.55 RCW;
- 11 (v) Massage operators and businesses licensed under chapter 18.108  
12 RCW;
- 13 (vi) Dental hygienists licensed under chapter 18.29 RCW;
- 14 (vii) Acupuncturists licensed under chapter 18.06 RCW;
- 15 (viii) Radiologic technologists certified and X-ray technicians  
16 registered under chapter 18.84 RCW;
- 17 (ix) Respiratory care practitioners licensed under chapter 18.89  
18 RCW;
- 19 (x) Persons registered under chapter 18.19 RCW;
- 20 (xi) Persons licensed as mental health counselors, marriage and  
21 family therapists, and social workers under chapter 18.225 RCW;
- 22 (xii) Persons registered as nursing pool operators under chapter  
23 18.52C RCW;
- 24 (xiii) Nursing assistants registered or certified under chapter  
25 18.88A RCW;
- 26 (xiv) Health care assistants certified under chapter 18.135 RCW;
- 27 (xv) Dietitians and nutritionists certified under chapter 18.138  
28 RCW;
- 29 (xvi) Chemical dependency professionals certified under chapter  
30 18.205 RCW;
- 31 (xvii) Sex offender treatment providers and certified affiliate sex  
32 offender treatment providers certified under chapter 18.155 RCW;
- 33 (xviii) Persons licensed and certified under chapter 18.73 RCW or  
34 RCW 18.71.205;
- 35 (xix) Denturists licensed under chapter 18.30 RCW;
- 36 (xx) Orthotists and prosthetists licensed under chapter 18.200 RCW;
- 37 (xxi) Surgical technologists registered under chapter 18.215 RCW;
- 38 (xxii) Recreational therapists;



1 (xxiii) Animal massage practitioners certified under chapter 18.240  
2 RCW; (~~and~~)  
3 (xxiv) Athletic trainers licensed under chapter 18.250 RCW; and  
4 (xxv) Genetic counselors licensed under chapter 18.-- RCW (sections  
5 1 through 13 of this act).  
6 (b) The boards and commissions having authority under this chapter  
7 are as follows:  
8 (i) The podiatric medical board as established in chapter 18.22  
9 RCW;  
10 (ii) The chiropractic quality assurance commission as established  
11 in chapter 18.25 RCW;  
12 (iii) The dental quality assurance commission as established in  
13 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW and  
14 licenses and registrations issued under chapter 18.260 RCW;  
15 (iv) The board of hearing and speech as established in chapter  
16 18.35 RCW;  
17 (v) The board of examiners for nursing home administrators as  
18 established in chapter 18.52 RCW;  
19 (vi) The optometry board as established in chapter 18.54 RCW  
20 governing licenses issued under chapter 18.53 RCW;  
21 (vii) The board of osteopathic medicine and surgery as established  
22 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and  
23 18.57A RCW;  
24 (viii) The board of pharmacy as established in chapter 18.64 RCW  
25 governing licenses issued under chapters 18.64 and 18.64A RCW;  
26 (ix) The medical quality assurance commission as established in  
27 chapter 18.71 RCW governing licenses and registrations issued under  
28 chapters 18.71 and 18.71A RCW;  
29 (x) The board of physical therapy as established in chapter 18.74  
30 RCW;  
31 (xi) The board of occupational therapy practice as established in  
32 chapter 18.59 RCW;  
33 (xii) The nursing care quality assurance commission as established  
34 in chapter 18.79 RCW governing licenses and registrations issued under  
35 that chapter;  
36 (xiii) The examining board of psychology and its disciplinary  
37 committee as established in chapter 18.83 RCW; and

1 (xiv) The veterinary board of governors as established in chapter  
2 18.92 RCW.

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

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

15 NEW SECTION. **Sec. 16.** This act takes effect August 1, 2009.

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

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