

Kuczenski, Tracy

From: Weik, Luann [LWeik@chw.org]
Sent: Monday, April 02, 2007 9:37 AM
To: Kuczenski, Tracy
Subject: RE: GC licensure draft

Hi Tracy,
This sounds good.
Let's tentatively schedule a time to review the minor edits for later this week(?) depending on how much time you need to implement the lic requirement edits.
LuAnn

LuAnn Weik, M.S., CGC
Senior Genetic Assoc
Genetics Center
Children's Hospital of WI
414-266-2031

From: Kuczenski, Tracy [mailto:Tracy.Kuczenski@legis.wisconsin.gov]
Sent: Monday, April 02, 2007 9:23 AM
To: Weik, Luann
Cc: Volz, David
Subject: RE: GC licensure draft

Hi LuAnn -

I will take a look at this draft with your changes in mind and let you know if I have any questions.

Thanks for pointing out the inaccurate phone number on the drafters note -- This is a signature that the programmers created for me and I had not noticed that it was wrong.

Tracy K. Kuczenski
Legislative Attorney
Wisconsin Legislative Reference Bureau
(608) 266-9867
Tracy.Kuczenski@legis.wisconsin.gov

From: Weik, Luann [mailto:LWeik@chw.org]
Sent: Monday, April 02, 2007 9:16 AM
To: Kuczenski, Tracy
Subject: RE: GC licensure draft

Hi Tracy,
The number that I was dialing was listed that way on your draft so I assumed it was correct.....
I am wondering if you can first edit the current draft using the ABGC exam and resulting certification as the basis for obtaining a WI lic under 448.974. I am thinking that this is a fundamental edit that will drive our discussion of possible edits for other subsections of this draft. Does that make sense to you? If not we can review by phone; this is a good week for me as well. I am available every day except today and Friday. I would really appreciate it if we could resolve all edits ASAP as I am concerned that we are running out of time for this legislative session. Let me know how you want to proceed.

4/4/2007

Thank you
LuAnn

LuAnn Weik, M.S., CGC
Senior Genetic Assoc
Genetics Center
Children's Hospital of WI
414-266-2031

From: Kuczenski, Tracy [mailto:Tracy.Kuczenski@legis.wisconsin.gov]
Sent: Friday, March 30, 2007 2:33 PM
To: Weik, Luann
Subject: RE: GC licensure draft

Hi Luann --

Sorry you have had a hard time reaching me; my number is 266-9867 (you had the 8 and the 9 transposed...)

I would be happy to discuss any changes you would like to make by phone or email, whatever works best for you. My schedule next week is fairly open, so if you'd like to set up a time to discuss the draft, let me know a good time to connect.

Thanks,
Tracy

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Legislative Attorney
Wisconsin Legislative Reference Bureau
(608) 266-9867
Tracy.Kuczenski@legis.wisconsin.gov

From: Weik, Luann [mailto:LWeik@chw.org]
Sent: Friday, March 30, 2007 12:54 PM
To: Kuczenski, Tracy
Subject: GC licensure draft

Hi Tracy,

I have been trying to call you since early March and cannot get thru as your number is not working:608-266-8967.

We have some edits to the draft the most fundamental of which is that the license would be based on ABGC certification (by national exam) and not by recreating a state exam. There are other more minor edits/questions as well that I would like to review with you by phone.

Could you adjust the draft for this major change and then could we arrange a phone fup for any additional tweaking? We need to get moving if we are to introduce this as a bill this session(?)

Thanks for your help

LuAnn

4/4/2007

LuAnn Weik, M.S.,CGC

Senior Genetic Assoc

Genetics Center

Children's Hospital of WI

414-266-2031

Children's Hospital and Health System recognizes that unencrypted e-mail is insecure and does not guarantee confidentiality. The confidentiality of replies to this message cannot be guaranteed unless the replies are encrypted.

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Kuczenski, Tracy

From: Kuczenski, Tracy
Sent: Wednesday, April 25, 2007 3:49 PM
To: 'Weik, Luann'
Subject: LRB-0760

Hi LuAnn -

I will be available by phone to discuss LRB-0760 tomorrow but not between 9:00 and 10:30 or noon and 1:30. I am happy to make changes to the draft based on instructions submitted by email if you would prefer. To that end, I am writing to confirm that you wish to make the following changes:

1. eliminate the requirement that the affiliated credentialing board be responsible for administering the examination requirement (delete lines 4 through 15 on page 7, proposed section 448.975);
2. require an applicant for licensure to pass an examination administered by the American Board of Genetic Counseling. This change would be made to line 16 on page 6.

My questions for you are:

- a. If the ABGC exam is to be required for licensure, what is the time period within which the applicant needs to have taken the exam? within 6 months of completing the other requirements for licensure under proposed section 448.974? 12 months? two years?
- ✓ b. Is "passing" the exam sufficient?

Am I correct that, at this time, you do not wish to make any other changes to the draft? Do you have a position on any of the questions raised in the drafter's note accompanying the draft?

Thanks,
Tracy

Tracy K. Kuczenski
 Legislative Attorney
 Wisconsin Legislative Reference Bureau
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Tracy.Kuczenski@legis.wisconsin.gov

✓ a person who took/passes exam a long time ago and applicants for renewal of a license must satisfy all of the following:

- acquire cert. through ABGC
- maint. ^{active/valid} cert. thru cont. ed. (^{current} skills/knowledge based competencies)
- re-cert. if nec.
 → currently required after 10 yrs.

achieve (cert expires after 10 yrs; if haven't kept up w/ cont. ed. requirements)

4/26/2007

Kuczenski, Tracy

From: Weik, Luann [LWeik@chw.org]
Sent: Tuesday, May 08, 2007 9:19 AM
To: Kuczenski, Tracy
Cc: cecelia.bellcross@deancare.com; deborah.wham@aurora.org; kdjoseph@gundluth.org; pjlevoni@gundluth.org
Subject: FW:
Attachments: genetic counseling.doc



genetic
counseling.doc (27 KB)

Good morning Tracy,

Attached is a final consensus regarding the definition of GC utilizing your original suggestion with some minor edits. Please proceed with all the other edits of our proposed bill as discussed with you over the last couple of weeks.

Let me know the estimated completion so that we can begin to plan for our next steps.

Thank you for your kind counsel and advice LuAnn

LuAnn Weik, M.S., CGC
Senior Genetic Assoc
Genetics Center
Children's Hospital of WI
414-266-2031

-----Original Message-----

From: CECELIA A BELLCROSS [mailto:ccross@wisc.edu]
Sent: Tuesday, May 08, 2007 8:52 AM
To: Deborah Wham; Kevin Josephson; Weik, Luann; Peter Levonian; Sonja Henry
Subject:

Cecelia Bellcross, MS, CGC
PhD Candidate
Department of Population Health Sciences
University of Wisconsin-Madison
H: 835-9728 W:410-2709 C: 225-9432

Children's Hospital and Health System recognizes that unencrypted e-mail is insecure and does not guarantee confidentiality. The confidentiality of replies to this message cannot be guaranteed unless the replies are encrypted.

✓ (2) "Genetic counseling" means the interpretation, analysis, integration, and delivery of any of the following to individuals and families

to provide guidance about the medical, psychological, and familial implications of genetic contributions to disease;

to assess the mode of inheritance and chance of occurrence or recurrence of conditions with a genetic component;

or to promote informed choices and adaptations to a genetic risk or condition:

(a) Individual and family medical histories.

(b) Education and information about inheritance, genetic testing, management, prevention, resources, and research.

(c) Social and psychological support.

Kuczenski, Tracy

From: Kuczenski, Tracy
Sent: Tuesday, May 08, 2007 3:42 PM
To: 'Weik, Luann'
Subject: RE:

Thanks, Luann -- I'll incorporate this definition as well as the other revisions we talked about. I have two follow-up questions:

1. As for making genetic counseling available to persons who receive insurance through HIRSP, it would be helpful to know the following:
A. whether genetic counseling is generally prescribed by a physician; B. Whether genetic counselors are certified providers of medical assistance; and C. What kind, if any, genetic counseling is covered under insurance policies generally.
2. The delayed effective date incorporated in the original draft will provide notice to persons currently providing genetic counseling that they will need to comply with the requirements within 13 months of the enactment of the bill. However, if I understand you correctly, there will be some persons who will never be able to satisfy the requirements being established by this bill. Do you want to permit any persons who will *not ever* be able to satisfy all of the licensing requirements to obtain a license to practice genetic counseling (and thereby exempt those persons from satisfying all of the requirements)? If yes, what are the minimum requirements these persons would have to satisfy in lieu of the requirements they can not satisfy?

Thanks,
Tracy

Tracy K. Kuczenski
Legislative Attorney
Wisconsin Legislative Reference Bureau
(608) 266-9867
Tracy.Kuczenski@legis.wisconsin.gov

-----Original Message-----

From: Weik, Luann [mailto:LWeik@chw.org]
Sent: Tuesday, May 08, 2007 9:19 AM
To: Kuczenski, Tracy
Cc: cecelia.bellcross@deancare.com; deborah.wham@aurora.org; kdjoseph@gundluth.org; pjlevoni@gundluth.org
Subject: FW:

Good morning Tracy,

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Please proceed with all the other edits of our proposed bill as discussed with you over the last couple of weeks.

Let me know the estimated completion so that we can begin to plan for our next steps.

Thank you for your kind counsel and advice LuAnn

LuAnn Weik, M.S.,CGC
Senior Genetic Assoc
Genetics Center
Children's Hospital of WI
414-266-2031

-----Original Message-----

From: CECELIA A BELLCROSS [mailto:ccross@wisc.edu]
Sent: Tuesday, May 08, 2007 8:52 AM



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-0760/P1 P2

TKK:wlj:jf

stays insert
↑
d-note

in 5/23/07

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

RMNR

soon

Regen

1 AN ACT *to renumber* 252.14 (1) (ar) 4q. and 448.970; *to amend* 15.085 (1m) (b),
2 146.997 (1) (d) 4., 155.01 (7) and 450.10 (3) (a) 5.; and *to create* 15.406 (6),
3 48.981 (2) (a) 30., 146.81 (1) (dd), 252.14 (1) (ar) 4s., 440.03 (13) (b) 30m., 440.08
4 (2) (a) 37m. and subchapter VIII of chapter 448 [precedes 448.970] of the
5 statutes; **relating to:** the regulation and licensure of genetic counselors,
6 creating a genetic counselors affiliated credentialing board, requiring the
7 exercise of rule-making authority, and providing a penalty.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version.
For further information see the **state** fiscal estimate, which will be printed as
an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

8 SECTION 1. 15.085 (1m) (b) of the statutes is amended to read:
9 15.085 (1m) (b) The public members of the physical therapists affiliated
10 credentialing board, podiatrists affiliated credentialing board, or occupational

1 therapists affiliated credentialing board, or genetic counselors affiliated
2 credentialing board shall not be engaged in any profession or occupation concerned
3 with the delivery of physical or mental health care.

4 **SECTION 2.** 15.406 (6) of the statutes is created to read:

5 15.406 (6) GENETIC COUNSELORS AFFILIATED CREDENTIALING BOARD. There is
6 created in the department of regulation and licensing, attached to the medical
7 examining board, a genetic counselors affiliated credentialing board consisting of the
8 following members appointed for 4-year terms:

9 (a) Four genetic counselors who are licensed under subch. VIII of ch. 448.

10 (b) Two members who are licensed to practice medicine and surgery under
11 subch. II of ch. 448, one of whom is a clinical geneticist.

12 (c) One public member.

13 **SECTION 3.** 48.981 (2) (a) 30. of the statutes is created to read:

14 48.981 (2) (a) 30. A genetic counselor.

15 **SECTION 4.** 146.81 (1) (dd) of the statutes is created to read:

16 146.81 (1) (dd) A genetic counselor licensed under subch. VIII of ch. 448.

17 **SECTION 5.** 146.997 (1) (d) 4. of the statutes is amended to read:

18 146.997 (1) (d) 4. A physician, podiatrist, perfusionist, physical therapist, or
19 physical therapist assistant, or genetic counselor licensed under ch. 448.

20 **SECTION 6.** 155.01 (7) of the statutes is amended to read:

21 155.01 (7) "Health care provider" means a nurse licensed or permitted under
22 ch. 441, a chiropractor licensed under ch. 446, a dentist licensed under ch. 447, a
23 physician, physician assistant, perfusionist, podiatrist, physical therapist, physical
24 therapist assistant, occupational therapist, or occupational therapy assistant, or
25 genetic counselor licensed under ch. 448, a person practicing Christian Science

1 treatment, an optometrist licensed under ch. 449, a psychologist licensed under ch.
2 455, a partnership thereof, a corporation or limited liability company thereof that
3 provides health care services, an operational cooperative sickness care plan
4 organized under ss. 185.981 to 185.985 that directly provides services through
5 salaried employees in its own facility, or a home health agency, as defined in s. 50.49
6 (1) (a).

7 SECTION 7. 252.14 (1) (ar) 4q. of the statutes is renumbered 252.14 (1) (ar) 4n.

8 SECTION 8. 252.14 (1) (ar) 4s. of the statutes is created to read:

9 252.14 (1) (ar) 4s. A genetic counselor licensed under subch. VIII of ch. 448.

10 SECTION 9. 440.03 (13) (b) 30m. of the statutes is created to read:

11 440.03 (13) (b) 30m. Genetic counselor.

12 SECTION 10. 440.08 (2) (a) 37m. of the statutes is created to read:

13 440.08 (2) (a) 37m. Genetic counselor: November 1 of each odd-numbered year;

14

Done
\$ *STEP*

****NOTE: Pursuant to s. 440.03 (9), the Department of Regulation and Licensing includes a base renewal fee in its biennial budget request. Because the department's biennial budget request for this year is not finalized, I left the renewal fee blank, to be revised at a later date.

15 SECTION 11. 448.970 of the statutes is renumbered 448.9695.

16 SECTION 12. Subchapter VIII of chapter 448 [precedes 448.970] of the statutes
17 is created to read:

18 CHAPTER 448
19 SUBCHAPTER VIII
20 GENETIC COUNSELORS AFFILIATED
21 CREDENTIALING BOARD

22 448.970 Definitions. In this subchapter:

Insert 4-32

1 (1) "Affiliated credentialing board" means the genetic counselors affiliated
2 credentialing board.

3 (2) "Genetic counseling" means the interpretation, analysis, integration, and
4 delivery of any of the following information to individuals and families to provide
5 guidance about the medical, psychological, and familial implications of genetic
6 contributions to disease; ^{to} assess the ^{made of inheritance and} chance of ^{disease} occurrence or recurrence; or ^{of conditions with a genetic component}
7 ^{to} promote informed choices and adaptations to a risk or condition:

8 (a) Individual and family medical histories.

9 (b) Education ^{and information} about inheritance, ^{genetic} testing, management, prevention, resources,
10 and research.

11 (c) Social and psychological support.

12 (3) "Genetic counselor" means an individual who is licensed by the affiliated
13 credentialing board to practice genetic counseling.

14 (4) "Licensee" means an individual granted a license under this subchapter.

15 **448.971 License required.** (1) Except as provided in s. 448.972, no person
16 may practice genetic counseling unless the person is licensed as a genetic counselor
17 under this subchapter.

18 (2) No person may designate himself or herself as a genetic counselor or use
19 or assume the title "genetic counselor," "licensed genetic counselor," or "registered
20 genetic counselor," or append to the person's name the letters ^{genetic association} "G.C.," ^{genetic consultant} "L.G.C.," or
21 "R.G.C.," or claim to render genetic counseling services unless the person is licensed
22 as a genetic counselor under this subchapter.

23 **448.972 Applicability.** (1) A license is not required under this subchapter
24 for any of the following if the person does not claim to be licensed as a genetic
25 counselor under this subchapter:

1 (a) Any person lawfully practicing within the scope of a license, permit,
2 registration, or certification granted by this state or the federal government.

3 (b) Any person assisting a genetic counselor in practice under the direct,
4 on-premises supervision of the genetic counselor.

5 (c) A student of genetic counseling assisting a genetic counselor in the practice
6 of genetic counseling if the assistance is within the scope of the student's education
7 or training.

8 (d) A person who is licensed to practice genetic counseling in another state or
9 country and is providing a consultation or demonstration with a genetic counselor
10 who is licensed under this subchapter.

11 **448.973 Duties and powers of affiliated credentialing board.** (1) The
12 affiliated credentialing board shall promulgate rules that establish each of the
13 following:

14 (a) Standards of practice for and a code of ethics governing the professional
15 conduct of genetic counselors.

16 (b) Continuing education requirements for license renewal for a genetic
17 counselor including the requirement that an applicant for renewal of a license must
18 demonstrate continued competence as a genetic counselor.

19 (2) The affiliated credentialing board may promulgate rules that define the
20 scope of practice of genetic counseling.

21 **448.974 Licensure of genetic counselors.** (1) Except as provided in sub.
22 (2), the affiliated credentialing board shall grant a license as a genetic counselor to
23 a person who does all of the following:

24 (a) Submits an application for the license to the department on a form provided
25 by the department.

Insert 5-16

1 (b) Pays the fee specified in s. 440.05 (1).

2 (c) Subject to ss. 111.321, 111.322, and 111.335, submits evidence satisfactory
3 to the affiliated credentialing board that the applicant does not have an arrest or a
4 conviction record.

5 (d) Submits evidence satisfactory to the affiliated credentialing board that he
6 or she has done all of the following:

7 1. Successfully completed the academic and clinical requirements of and
8 developed the practice-based competencies required by a degree-granting program
9 in genetic counseling approved by the affiliated credentialing board and accredited
10 by the American Board of Genetic Counseling ~~or, as determined by the affiliated~~
11 ~~credentialing board, a successor organization.~~

Insect 6-12

12 ~~3 2. Unless the affiliated credentialing board waives this requirement under sub.~~
13 ~~3. obtained certification~~ ^{maintained valid certifications} and, if applicable, recertification ^{with} from the American Board
14 of Genetic Counseling ~~or, as determined by the affiliated credentialing board, a~~
15 ~~successor organization.~~

Insect 6-12

16 (e) Passes an examination under s. 448.975.

17 ~~19~~ ^{e)} If the person was educated ⁱⁿ a ^{degree-granting program} genetic counseling program that is not in the
18 United States, the person satisfies any additional requirements for demonstrating
19 competence to practice genetic counseling that the board may establish by rule.

20 (2) The affiliated credentialing board may grant a license as a genetic
21 counselor to a person who establishes, to the satisfaction of the affiliated
22 credentialing board, all of the following:

****NOTE: Please see attached drafter's note for questions related to grandfathering and waivers.

Insert 7-1

1 (3) The affiliated credentialing board may waive the requirement under sub.
2 (1) (d) 2. for an applicant who establishes, to the satisfaction of the affiliated
3 credentialing board, all of the following:

****NOTE: Please see attached drafter's note for questions related to grandfathering
and waivers.

4 **448.975 Examination.** (1) The affiliated credentialing board shall conduct
5 or arrange for examinations for genetic counselor licensure at least annually and at
6 times and places determined by the affiliated credentialing board.

7 (2) Examinations under sub. (1) may consist of written or oral tests, or both,
8 and shall require applicants to demonstrate minimum competency in subjects
9 substantially related to the practice of genetic counseling.

10 (3) Notwithstanding s. 448.974 (1) (f), the affiliated credentialing board may
11 not require an applicant for genetic counseling licensure to take an oral examination
12 or an examination to test proficiency in the English language for the sole reason that
13 the applicant was educated in a genetic counseling program that is not in the United
14 States if the applicant establishes, to the satisfaction of the affiliated credentialing
15 board, that he or she satisfies the requirements under s. 448.974 (2).

16 **448.976 Issuance of license; expiration and renewal.** (1) The department
17 shall issue a certificate of licensure to each person who is licensed under this
18 subchapter.

19 (2) The renewal dates for licenses granted under this subchapter are specified
20 under s. 440.08 (2) (a). Renewal applications shall be submitted to the department
21 on a form provided by the department, and shall include the renewal fee specified in
22 s. 440.08 (2) (a) and proof of compliance with the requirements established by rules
23 promulgated by the department pursuant to s. 448.973 (1) (b).

affiliated credentialing board

1 **448.977 Disciplinary proceedings and actions.** (1) Subject to the rules
2 promulgated under s. 440.03 (1), the affiliated credentialing board may make
3 investigations and conduct hearings to determine whether a violation of this
4 subchapter or any rule promulgated under this subchapter has occurred.

5 (2) Subject to the rules promulgated under s. 440.03 (1), the affiliated
6 credentialing board may reprimand a licensee or may deny, limit, suspend, or revoke
7 a license granted under this subchapter if it finds that the applicant or licensee has
8 done any of the following: *genetic counselor*

9 (a) Made a material misstatement in an application for a license or for renewal
10 of a license. *genetic counselor*

11 (b) Interfered with an investigation or disciplinary proceeding by using threats,
12 harassment, or intentional misrepresentation of facts.

13 (c) Subject to ss. 111.321, 111.322, and 111.335, been convicted of an offense the
14 circumstances of which substantially relate to the practice of genetic counseling.

15 (d) Been adjudicated mentally incompetent by a court.

16 (e) Advertised in a manner that is false, deceptive, or misleading.

17 (f) Advertised, practiced, or attempted to practice under another's name.

18 (g) Subject to ss. 111.321, 111.322, and 111.34, practiced or assisted in the
19 practice of genetic counseling while the applicant's or licensee's ability to practice or
20 assist was impaired by alcohol or other drugs.

21 (h) Engaged in unprofessional or unethical conduct in violation of the code of
22 ethics established in the rules promulgated under s. 448.973 (1) (a).

23 (i) Engaged in conduct while practicing genetic counseling that evidences a lack
24 of knowledge or ability to apply professional principles or skills.

25 (j) Violated this subchapter or any rule promulgated under this subchapter.

Insert 9-1
↓
→

③ genetic counselor
④

① (3) (a) A licensee may voluntarily surrender his or her license to the affiliated
2 credentialing board, which may refuse to accept the surrender if the affiliated
3 credentialing board has received allegations of unprofessional conduct against the
④ licensee. The affiliated credentialing board may negotiate stipulations in
5 consideration for accepting the surrender of licenses.

6 (b) The affiliated credentialing board may restore a license that has been
7 voluntarily surrendered under par. (a) on such terms and conditions as it considers
8 appropriate.

⑨ (4) The affiliated credentialing board shall prepare and disseminate to the
10 public an annual report that describes final disciplinary action taken against
11 genetic counselors licensees during the preceding year.

⑫ (5) The affiliated credentialing board may report final disciplinary action
⑬ taken against a licensee to any national database that includes information about
14 disciplinary action taken against health care professionals.

15 **448.978 Injunctive relief.** If the affiliated credentialing board has reason to
16 believe that any person is violating this subchapter or any rule promulgated under
17 this subchapter, the affiliated credentialing board, the department, the attorney
18 general, or the district attorney of the proper county may investigate and may, in
19 addition to any other remedies, bring an action in the name and on behalf of this state
20 to enjoin the person from the violation.

21 **448.979 Penalties.** Any person who violates this subchapter or any rule
22 promulgated under this subchapter may be fined not more than \$10,000 or
23 imprisoned for not more than 9 months or both.

24 **SECTION 13.** 450.10 (3) (a) 5. of the statutes is amended to read:

1 450.10 (3) (a) 5. A physician, physician assistant, podiatrist, physical
2 therapist, physical therapist assistant, occupational therapist, or occupational
3 therapy assistant, or genetic counselor licensed under ch. 448.

4 **SECTION 14. Nonstatutory provisions.**

5 (1) INITIAL APPOINTMENTS. Notwithstanding the lengths of the terms specified
6 in section 15.406 (6) (intro.) of the statutes, as created by this act, the initial members
7 of the genetic counselors affiliated credentialing board shall be initially appointed
8 for the following terms:

9 (a) One genetic counselor and one person licensed to practice medicine and
10 surgery under subchapter II of chapter 448 of the statutes who is a clinical geneticist,
11 for terms expiring on July 1, 2008.

12 (b) One genetic counselor and one person licensed to practice medicine and
13 surgery under subchapter II of chapter 448 of the statutes, for terms expiring on July
14 1, 2009.

15 (c) Two genetic counselors and one public member, for terms expiring on July
16 1, 2010.

17 (2) QUALIFICATIONS OF INITIAL MEMBERS OF THE GENETIC COUNSELORS AFFILIATED
18 CREDENTIALING BOARD. Notwithstanding section 15.406 (6) of the statutes, as created
19 by this act, an initial member of the genetic counselors affiliated credentialing board
20 appointed under section 15.406 (6) of the statutes is not required to be a licensed
21 genetic counselor under section 448.974 of the statutes, as created by this act, if the
22 appointment occurs before the effective date of this subsection and at the time of the
23 appointment the individual holds a valid certification issued by the American Board
24 of Genetic Counseling ~~or a successor organization.~~

25 (3) RULE MAKING.

as defined in section 448.970 (4) of the
Statutes, as created by this act

1 (a) The genetic counselors affiliated credentialing board shall submit in
2 proposed form the rules required under section 448.973 of the statutes, as created
3 by this act, to the legislative council staff under section 227.15 (1) of the statutes no
4 later than the first day of the 8th month beginning after the effective date of this
5 paragraph.

6 (b) Using the procedure under section 227.24 of the statutes, the genetic
7 counselors affiliated credentialing board may promulgate rules required under
8 section 448.973 of the statutes, as created by this act, for the period before the
9 effective date of the rules submitted under paragraph (a), but not to exceed the period
10 authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding
11 section 227.24 (1) (a), (2) (b), and (3) of the statutes, the genetic counselors affiliated
12 credentialing board is not required to provide evidence that promulgating a rule
13 under this paragraph as an emergency rule is necessary for the preservation of the
14 public peace, health, safety, or welfare and is not required to provide a finding of
15 emergency for a rule promulgated under this paragraph.

16 **SECTION 15. Effective dates.** This act takes effect on the first day of the 13th
17 month beginning after publication except as follows:

18 (1) The treatment of sections 15.085 (1m) (b) and 15.406 (6) of the statutes, and
19 SECTION 14 of this act take effect on the day after publication.

20 (END)

1 **Insert 4-3**

2 (B) (2) "American Board of Genetic Counseling" includes a successor organization
3 as determined by the affiliated credentialing board.

4 **Insert 5-16**

5 (b) Criteria for the approval of continuing education programs and courses
6 required for renewal of a genetic counselor license.

7 (c) Requirements for an applicant seeking renewal of a genetic counselor
8 license, including that an applicant ^{do} ~~satisfy~~ ^{comply with} all of the following:

9 (STET) 1. ~~Successfully complete~~ ^{Successful completion of} the minimum number of hours of continuing
10 education.

11 (STET) 2. ~~Maintain~~ ^{Maintenance of} certification from and, ^{if applicable} ~~when necessary,~~ ^{achievement of} ~~achieve~~ recertification
12 through the American Board of Genetic Counseling. (STET)

13 (STET) 3. ~~Demonstrate~~ ^{Demonstration of} continued competence as a genetic counselor.

14 **Insert 6-16**

15 (B) ~~3~~ ²⁰ Passed an examination administered by the American Board of Genetic
16 Counseling.

17 **Insert 7-1**

18 (2) The affiliated credentialing board may waive the requirements of sub. (1)
19 (d) if a ^{person} ~~candidate~~ holds an unexpired genetic counselor license issued by another
20 state or territory or foreign country or province and the ~~standards and~~ requirements
21 for licensure and for renewal of a genetic counselor license of such other state or
22 territory or foreign country or province are deemed by the ~~members of the~~ affiliated

1 credentialing board to be ~~not less than~~ ^{substantially equivalent to} the standards and requirements for licensure
2 and for renewal of a genetic counselor license of this state.

3 ~~SECTION 14~~ 448.975 of the statutes is created to read:

4 **448.975 Temporary license.** The ^{affiliated credentialing} board may, by rule, provide for a temporary

5 license to practice genetic counseling for a person who satisfies the requirements of

6 s. 448.974, who has applied for active candidate status with the American Board of

7 Genetic Counseling, but who has not passed an examination under s. 448.974 (1) ~~(e)~~ ^{(d) 20}.

8 The board may issue a temporary license for a period not to exceed one year and may

9 renew a temporary license annually for not more than 5 years. A person who holds

10 a temporary license may not practice genetic counseling unless the person is under

11 the supervision and direction of a licensed genetic counselor at all times while the

12 person is practicing genetic counseling. The ^{affiliated credentialing} board may promulgate rules governing

13 supervision by licensed genetic counselors, except that those rules may not require

14 the immediate physical presence of the supervising ^{or} licensed genetic counselor.

15 **Insert 9-1**

16 (3) The affiliated credentialing board shall revoke ^{with} the license of a genetic

17 counselor who has failed to maintain certification ^{from} the American Board of

18 Genetic Counseling or whose certification ^{from} the American Board of Genetic

19 Counseling has been revoked.

20 (END) ^{with}

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0760/P1dn
TKK:wlj:jf

↑
Stays
↓

Senator Darling:

In this draft I have made the following changes:

1. Renewal fee. I established a ^{fee} of \$106; this is the fee a physician must pay to renew a license. Is this acceptable? ^{as}

2. Definitions. I define "American Board of Genetic Counseling"(ABGC) to include a successor organization ~~ad~~ determined by the affiliated credentialing board and modified the definition of "genetic counseling." ³ H
=

3. Rule-making powers. This draft provides more specific instructions to the genetic counselors affiliated credentialing board (GCACB) regarding requirements for renewal of a genetic counselor license.

4. Certification and examination by ABGC. An applicant for licensure must demonstrate that he or she has passed an examination administered by ABGC and has obtained, maintained, and, if applicable, achieved recertification from ABGC.

5. Reciprocity and temporary licensure. This draft permits the GCACB to grant a license to a person who holds a license from another state, territory, foreign country, or province if the licensure requirements of that state, territory, foreign country, or province are not less than those of this state. Okay?

This draft also permits the GCACB to grant a temporary license to an applicant who has applied for active candidate status with ABGC but who has not passed an exam administered by ABGC.

6. Revocation of licensure. This draft requires the GCACB to revoke the license of a genetic counselor who has failed to maintain certification with the ABGC.

The following issues remain unresolved in this draft:

a-10 Whether to make genetic counseling ^{available} through HIRSP.

b-20 Whether to create any sort of grandfathering provisions for persons who can not ever meet the requirements for licensure under proposed subchapter VIII of ch. 448. *

Please let me know whether you are comfortable with these changes and if you would like to make any additional changes to this draft.

Tracy K. Kuczenski
Legislative Attorney
Phone: (608) 266-9867
E-mail: tracy.kuczenski@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0760/P2dn
TKK:wlj:nwn

May 29, 2007

Senator Darling:

In this draft I have made the following changes:

1. Renewal fee. I established a fee of \$106; this is the fee a physician must pay to renew a license. Is this acceptable?
2. Definitions. I define "American Board of Genetic Counseling"(ABGC) to include a successor organization as determined by the affiliated credentialing board, and I modified the definition of "genetic counseling."
3. Rule-making powers. This draft provides more specific instructions to the genetic counselors affiliated credentialing board (GCACB) regarding requirements for renewal of a genetic counselor license.
4. Certification and examination by ABGC. An applicant for licensure must demonstrate that he or she has passed an examination administered by ABGC and has obtained, maintained, and, if applicable, achieved recertification from ABGC.
5. Reciprocity and temporary licensure. This draft permits the GCACB to grant a license to a person who holds a license from another state, territory, foreign country, or province if the licensure requirements of that state, territory, foreign country, or province are not less than those of this state. Okay?

This draft also permits the GCACB to grant a temporary license to an applicant who has applied for active candidate status with ABGC but who has not passed an exam administered by ABGC.

6. Revocation of licensure. This draft requires the GCACB to revoke the license of a genetic counselor who has failed to maintain certification with the ABGC.

The following issues remain unresolved in this draft:

- a. Whether to make genetic counseling available through HIRSP.
- b. Whether to create any sort of grandfathering provisions for persons who cannot ever meet the requirements for licensure under proposed subchapter VIII of ch. 448.

Please let me know whether you are comfortable with these changes and if you would like to make any additional changes to this draft.

Tracy K. Kuczenski
Legislative Attorney
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Kuczenski, Tracy

From: kdjoseph@gundluth.org
Sent: Tuesday, August 14, 2007 10:07 AM
To: Kuczenski, Tracy
Cc: lweik@chw.org
Subject: Genetic Counselor Licensure Draft

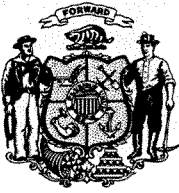
Tracy,

I am wondering if you have had a chance to make the proposed changes we discussed in this draft. I believe it was in late June that I had contacted you about adding the genetic counselor examination by the American Board of Medical Genetics to line 19 on page 6 of LRB-0760/P2.

Please let me know if this edit has been made.

Thank you.

Kevin
Kevin Josephson, MS, CGC
Genetic Counselor
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1900 South Ave
LaCrosse, WI 54601
Voice: 608-775-2771
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State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-0760/P2

TKK:wlj:nwn

stays ↑
insert

in 8/21/07

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Soon

Regen

1 AN ACT *to renumber* 252.14 (1) (ar) 4q. and 448.970; *to amend* 15.085 (1m) (b),
 2 146.997 (1) (d) 4., 155.01 (7) and 450.10 (3) (a) 5.; and *to create* 15.406 (6),
 3 48.981 (2) (a) 30., 146.81 (1) (dd), 252.14 (1) (ar) 4s., 440.03 (13) (b) 30m., 440.08
 4 (2) (a) 37m. and subchapter VIII of chapter 448 [precedes 448.970] of the
 5 statutes; **relating to:** the regulation and licensure of genetic counselors,
 6 creating a genetic counselors affiliated credentialing board, requiring the
 7 exercise of rule-making authority, and providing a penalty.

Insert analysis

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

8 SECTION 1. 15.085 (1m) (b) of the statutes is amended to read:
 9 15.085 (1m) (b) The public members of the physical therapists affiliated
 10 credentialing board, podiatrists affiliated credentialing board, or occupational

1 therapists affiliated credentialing board, or genetic counselors affiliated
2 credentialing board shall not be engaged in any profession or occupation concerned
3 with the delivery of physical or mental health care.

4 **SECTION 2.** 15.406 (6) of the statutes is created to read:

5 15.406 (6) GENETIC COUNSELORS AFFILIATED CREDENTIALING BOARD. There is
6 created in the department of regulation and licensing, attached to the medical
7 examining board, a genetic counselors affiliated credentialing board consisting of the
8 following members appointed for 4-year terms:

9 (a) Four genetic counselors who are licensed under subch. VIII of ch. 448.

10 (b) Two members who are licensed to practice medicine and surgery under
11 subch. II of ch. 448, one of whom is a clinical geneticist.

12 (c) One public member.

13 **SECTION 3.** 48.981 (2) (a) 30. of the statutes is created to read:

14 48.981 (2) (a) 30. A genetic counselor.

15 **SECTION 4.** 146.81 (1) (dd) of the statutes is created to read:

16 146.81 (1) (dd) A genetic counselor licensed under subch. VIII of ch. 448.

17 **SECTION 5.** 146.997 (1) (d) 4. of the statutes is amended to read:

18 146.997 (1) (d) 4. A physician, podiatrist, perfusionist, physical therapist, or
19 physical therapist assistant, or genetic counselor licensed under ch. 448.

20 **SECTION 6.** 155.01 (7) of the statutes is amended to read:

21 155.01 (7) "Health care provider" means a nurse licensed or permitted under
22 ch. 441, a chiropractor licensed under ch. 446, a dentist licensed under ch. 447, a
23 physician, physician assistant, perfusionist, podiatrist, physical therapist, physical
24 therapist assistant, occupational therapist, or occupational therapy assistant, or
25 genetic counselor licensed under ch. 448, a person practicing Christian Science

1 treatment, an optometrist licensed under ch. 449, a psychologist licensed under ch.
2 455, a partnership thereof, a corporation or limited liability company thereof that
3 provides health care services, an operational cooperative sickness care plan
4 organized under ss. 185.981 to 185.985 that directly provides services through
5 salaried employees in its own facility, or a home health agency, as defined in s. 50.49
6 (1) (a).

7 **SECTION 7.** 252.14 (1) (ar) 4q. of the statutes is renumbered 252.14 (1) (ar) 4n.

8 **SECTION 8.** 252.14 (1) (ar) 4s. of the statutes is created to read:

9 252.14 (1) (ar) 4s. A genetic counselor licensed under subch. VIII of ch. 448.

10 **SECTION 9.** 440.03 (13) (b) 30m. of the statutes is created to read:

11 440.03 (13) (b) 30m. Genetic counselor.

12 **SECTION 10.** 440.08 (2) (a) 37m. of the statutes is created to read:

13 440.08 (2) (a) 37m. Genetic counselor: November 1 of each odd-numbered year;
14 \$106.

15 **SECTION 11.** Subchapter VIII of chapter 448 [precedes 448.970] of the statutes
16 is created to read:

17 **CHAPTER 448**

18 **SUBCHAPTER VIII**

19 **GENETIC COUNSELORS AFFILIATED**

20 **CREDENTIALING BOARD**

21 **448.970 Definitions.** In this subchapter:

22 (1) "Affiliated credentialing board" means the genetic counselors affiliated
23 credentialing board.

24 (2) "American Board of Genetic Counseling" includes a successor organization
25 as determined by the affiliated credentialing board.

1 (3) "Genetic counseling" means the interpretation, analysis, integration, and
2 delivery of any of the following to individuals and families to provide guidance about
3 the medical, psychological, and familial implications of genetic contributions to
4 disease; to assess the mode of inheritance and chance of occurrence or recurrence of
5 conditions with a genetic component; or to promote informed choices and adaptations
6 to a risk or condition:

7 (a) Individual and family medical histories.

8 (b) Education and information about inheritance, genetic testing,
9 management, prevention, resources, and research.

10 (c) Social and psychological support.

11 (4) "Genetic counselor" means an individual who is licensed by the affiliated
12 credentialing board to practice genetic counseling.

13 **448.971 License required.** (1) Except as provided in s. 448.972, no person
14 may practice genetic counseling unless the person is licensed as a genetic counselor
15 under this subchapter.

16 (2) No person may designate himself or herself as a genetic counselor or use
17 or assume the title "genetic associate," "genetic consultant," "genetic counselor,"
18 "licensed genetic counselor," or "registered genetic counselor," or append to the
19 person's name the letters "G.A.," "G.C.," "L.G.C.," or "R.G.C.," or claim to render
20 genetic counseling services unless the person is licensed as a genetic counselor under
21 this subchapter.

22 **448.972 Applicability.** (1) A license is not required under this subchapter
23 for any of the following if the person does not claim to be licensed as a genetic
24 counselor under this subchapter:

1 (a) Any person lawfully practicing within the scope of a license, permit,
2 registration, or certification granted by this state or the federal government.

3 (b) Any person assisting a genetic counselor in practice under the direct,
4 on-premises supervision of the genetic counselor.

5 (c) A student of genetic counseling assisting a genetic counselor in the practice
6 of genetic counseling if the assistance is within the scope of the student's education
7 or training.

8 (d) A person who is licensed to practice genetic counseling in another state or
9 country and is providing a consultation or demonstration with a genetic counselor
10 who is licensed under this subchapter.

11 **448.973 Duties and powers of affiliated credentialing board.** (1) The
12 affiliated credentialing board shall promulgate rules that establish each of the
13 following:

14 (a) Standards of practice for and a code of ethics governing the professional
15 conduct of genetic counselors.

16 (b) Criteria for the approval of continuing education programs and courses
17 required for renewal of a genetic counselor license.

18 (c) Requirements for an applicant seeking renewal of a genetic counselor
19 license, including that an applicant do all of the following:

20 1. Successfully complete the minimum number of hours of continuing
21 education.

22 2. Maintain certification from and, if applicable, achieve recertification
23 through the American Board of Genetic Counseling,

24 3. Demonstrate continued competence as a genetic counselor,

g counseling

1 (2) The affiliated credentialing board may promulgate rules that define the
2 scope of practice of genetic counseling.

3 **448.974 Licensure of genetic counselors.** (1) Except as provided in sub.
4 (2), the affiliated credentialing board shall grant a license as a genetic counselor to
5 a person who does all of the following:

6 (a) Submits an application for the license to the department on a form provided
7 by the department.

8 (b) Pays the fee specified in s. 440.05 (1).

9 (c) Subject to ss. 111.321, 111.322, and 111.335, submits evidence satisfactory
10 to the affiliated credentialing board that the applicant does not have an arrest or a
11 conviction record.

12 (d) Submits evidence satisfactory to the affiliated credentialing board that he
13 or she has done all of the following:

14 1. Successfully completed the academic and clinical requirements of and
15 developed the practice-based competencies required by a degree-granting program
16 in genetic counseling approved by the affiliated credentialing board and accredited
17 by the American Board of Genetic Counseling.

18 2. Passed an examination administered by the American Board of Genetic
19 Counseling *or the genetic counseling examination administered by the American Board
of Medical Genetics*

20 3. Obtained certification, maintained valid certification, and, if applicable,
21 achieved recertification with the American Board of Genetic Counseling.

22 (e) If the person was educated in a degree-granting program in genetic
23 counseling that is not in the United States, the person satisfies any additional
24 requirements for demonstrating competence to practice genetic counseling that the
25 affiliated credentialing board may establish by rule.

1 (2) The affiliated credentialing board may waive the requirements of sub. (1)
2 (d) if a person holds an unexpired genetic counselor license issued by another state
3 or territory or foreign country or province and the requirements for licensure and for
4 renewal of a genetic counselor license of such other state or territory or foreign
5 country or province are deemed by the affiliated credentialing board to be
6 substantially equivalent to the requirements for licensure and for renewal of a
7 genetic counselor license of this state.

8 **448.975 Temporary license.** The affiliated credentialing board may, by rule,
9 provide for a temporary license to practice genetic counseling for a person who
10 satisfies the requirements of s. 448.974, who has applied for active candidate status
11 with the American Board of Genetic Counseling, but who has not passed an
12 examination under s. 448.974 (1) (d) 2. The board may issue a temporary license for
13 a period not to exceed one year and may renew a temporary license annually for not
14 more than 5 years. A person who holds a temporary license may not practice genetic
15 counseling unless the person is under the supervision and direction of a licensed
16 genetic counselor at all times while the person is practicing genetic counseling. The
17 affiliated credentialing board may promulgate rules governing supervision by
18 licensed genetic counselors, except that those rules may not require the immediate
19 physical presence of the supervising licensed genetic counselor.

20 **448.976 Issuance of license; expiration and renewal.** (1) The department
21 shall issue a certificate of licensure to each person who is licensed under this
22 subchapter.

23 (2) The renewal dates for licenses granted under this subchapter are specified
24 under s. 440.08 (2) (a). Renewal applications shall be submitted to the department
25 on a form provided by the department, and shall include the renewal fee specified in

1 s. 440.08 (2) (a) and proof of compliance with the requirements established by rules
2 promulgated by the affiliated credentialing board pursuant to s. 448.973 (1) (c).

3 **448.977 Disciplinary proceedings and actions.** (1) Subject to the rules
4 promulgated under s. 440.03 (1), the affiliated credentialing board may make
5 investigations and conduct hearings to determine whether a violation of this
6 subchapter or any rule promulgated under this subchapter has occurred.

7 (2) Subject to the rules promulgated under s. 440.03 (1), the affiliated
8 credentialing board may reprimand a genetic counselor or may deny, limit, suspend,
9 or revoke a license granted under this subchapter if it finds that the applicant or
10 genetic counselor has done any of the following:

11 (a) Made a material misstatement in an application for a license or for renewal
12 of a license.

13 (b) Interfered with an investigation or disciplinary proceeding by using threats,
14 harassment, or intentional misrepresentation of facts.

15 (c) Subject to ss. 111.321, 111.322, and 111.335, been convicted of an offense the
16 circumstances of which substantially relate to the practice of genetic counseling.

17 (d) Been adjudicated mentally incompetent by a court.

18 (e) Advertised in a manner that is false, deceptive, or misleading.

19 (f) Advertised, practiced, or attempted to practice under another's name.

20 (g) Subject to ss. 111.321, 111.322, and 111.34, practiced or assisted in the
21 practice of genetic counseling while the applicant's or licensee's ability to practice or
22 assist was impaired by alcohol or other drugs.

23 (h) Engaged in unprofessional or unethical conduct in violation of the code of
24 ethics established in the rules promulgated under s. 448.973 (1) (a).

1 (i) Engaged in conduct while practicing genetic counseling that evidences a lack
2 of knowledge or ability to apply professional principles or skills.

3 (j) Violated this subchapter or any rule promulgated under this subchapter.

4 (3) The affiliated credentialing board shall revoke the license of a genetic
5 counselor who has failed to maintain certification with the American Board of
6 Genetic Counseling or whose certification with the American Board of Genetic
7 Counseling has been revoked.

8 (4) (a) A genetic counselor may voluntarily surrender his or her license to the
9 affiliated credentialing board, which may refuse to accept the surrender if the
10 affiliated credentialing board has received allegations of unprofessional conduct
11 against the genetic counselor. The affiliated credentialing board may negotiate
12 stipulations in consideration for accepting the surrender of licenses.

13 (b) The affiliated credentialing board may restore a license that has been
14 voluntarily surrendered under par. (a) on such terms and conditions as it considers
15 appropriate.

16 (5) The affiliated credentialing board shall prepare and disseminate to the
17 public an annual report that describes final disciplinary action taken against genetic
18 counselors during the preceding year.

19 (6) The affiliated credentialing board may report final disciplinary action
20 taken against a genetic counselor to any national database that includes information
21 about disciplinary action taken against health care professionals.

22 **448.978 Injunctive relief.** If the affiliated credentialing board has reason to
23 believe that any person is violating this subchapter or any rule promulgated under
24 this subchapter, the affiliated credentialing board, the department, the attorney
25 general, or the district attorney of the proper county may investigate and may, in

1 addition to any other remedies, bring an action in the name and on behalf of this state
2 to enjoin the person from the violation.

3 **448.979 Penalties.** Any person who violates this subchapter or any rule
4 promulgated under this subchapter may be fined not more than \$10,000 or
5 imprisoned for not more than 9 months or both.

6 **SECTION 12.** 448.970 of the statutes is renumbered 448.9695.

7 **SECTION 13.** 450.10 (3) (a) 5. of the statutes is amended to read:

8 450.10 (3) (a) 5. A physician, physician assistant, podiatrist, physical
9 therapist, physical therapist assistant, occupational therapist, or occupational
10 therapy assistant, or genetic counselor licensed under ch. 448.

11 **SECTION 14. Nonstatutory provisions.**

12 (1) INITIAL APPOINTMENTS. Notwithstanding the lengths of the terms specified
13 in section 15.406 (6) (intro.) of the statutes, as created by this act, the initial members
14 of the genetic counselors affiliated credentialing board shall be initially appointed
15 for the following terms:

16 (a) One genetic counselor and one person licensed to practice medicine and
17 surgery under subchapter II of chapter 448 of the statutes who is a clinical geneticist,
18 for terms expiring on July 1, 2008.

19 (b) One genetic counselor and one person licensed to practice medicine and
20 surgery under subchapter II of chapter 448 of the statutes, for terms expiring on July
21 1, 2009.

22 (c) Two genetic counselors and one public member, for terms expiring on July
23 1, 2010.

24 (2) QUALIFICATIONS OF INITIAL MEMBERS OF THE GENETIC COUNSELORS AFFILIATED
25 CREDENTIALING BOARD. Notwithstanding section 15.406 (6) of the statutes, as created

1 by this act, an initial member of the genetic counselors affiliated credentialing board
2 appointed under section 15.406 (6) of the statutes is not required to be a licensed
3 genetic counselor under section 448.974 of the statutes, as created by this act, if the
4 appointment occurs before the effective date of this subsection and at the time of the
5 appointment the individual holds a valid certification issued by the American Board
6 of Genetic Counseling as defined in section 448.970 (2) of the statutes, as created by
7 this act.

8 (3) RULE MAKING.

9 (a) The genetic counselors affiliated credentialing board shall submit in
10 proposed form the rules required under section 448.973 of the statutes, as created
11 by this act, to the legislative council staff under section 227.15 (1) of the statutes no
12 later than the first day of the 8th month beginning after the effective date of this
13 paragraph.

14 (b) Using the procedure under section 227.24 of the statutes, the genetic
15 counselors affiliated credentialing board may promulgate rules required under
16 section 448.973 of the statutes, as created by this act, for the period before the
17 effective date of the rules submitted under paragraph (a), but not to exceed the period
18 authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding
19 section 227.24 (1) (a), (2) (b), and (3) of the statutes, the genetic counselors affiliated
20 credentialing board is not required to provide evidence that promulgating a rule
21 under this paragraph as an emergency rule is necessary for the preservation of the
22 public peace, health, safety, or welfare and is not required to provide a finding of
23 emergency for a rule promulgated under this paragraph.

24 **SECTION 15. Effective dates.** This act takes effect on the first day of the 13th
25 month beginning after publication except as follows:

1 **Insert analysis**

2 This bill requires a person who practices genetic counseling to be licensed by
3 a seven-member genetic counselors affiliated credentialing board (board), created
4 by the bill. The board consists of four persons licensed under the bill, two persons
5 licensed to practice medicine and surgery, and one public member. The board
6 members serve ^{four}4-year terms.

7 The bill defines genetic counseling as interpreting, analyzing, integrating, and
8 delivering any of the following to individuals and families: 1) individual and family
9 medical histories; 2) education and information about inheritance, genetic testing,
10 management, prevention, resources, and research; ^{and} ~~or~~ 3) social and psychological
11 support. In addition, the foregoing activities do not satisfy the definition of "genetic
12 counseling" unless they are performed for the following purposes: 1) to provide
13 guidance about the medical, psychological, and familial implications of genetic
14 contributions to disease; 2) to assess the mode of inheritance and chance of
15 occurrence or recurrence of conditions with a genetic component; or 3) to promote
16 informed choices and adaptations to a risk or condition.

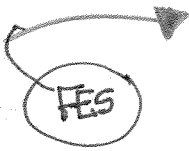
17 The following persons are exempt from the bill's licensure requirement: 1) any
18 person lawfully practicing within the scope of a license, permit, registration, or
19 certification granted by the state or the federal government; 2) any person assisting
20 and under the direct supervision of a licensed genetic counselor; 3) certain students
21 of genetic counseling who are assisting ^aa genetic counselor; and 4) a person who
22 is licensed to practice genetic counseling in another state or country and is providing
23 assistance to a genetic counselor licensed in this state.

1 To qualify for licensure under the bill, a person must have completed a
2 degree-granting educational program in genetic counseling approved by the board
3 and accredited by the American Board of Genetic Counseling (ABGC). In addition,
4 the person must have passed either an examination administered by ABGC or the
5 genetic counseling ~~exam~~^{examination} administered by the American Board of Medical Genetics.
6 Finally, the person must obtain and maintain certification with ABGC. The board
7 may waive these requirements for a person who holds an unexpired genetic
8 counselor license issued by another state or territory if the board determines that the
9 requirements for licensure and renewal are substantially equivalent to the
10 requirements for licensure and renewal in this state. If the person completed a
11 degree-granting educational program in genetic counseling that is not in the United
12 States, the person must satisfy any additional requirements established by the board
13 by rule.

14 This bill permits the board to provide, by rule, for the issuance of a temporary
15 license not to exceed one year to a person who has not passed the requisite exam; the
16 temporary license may be renewed for not more than 5^{SP} years. A person holding a
17 temporary license may only practice genetic counseling under the supervision of a
18 person licensed under the bill.

19 The bill also authorizes the board to make investigations and conduct hearings
20 to determine whether a violation of the bill has occurred. The board may also
21 reprimand a genetic counselor or deny, limit, suspend, or revoke a license granted
22 under the bill if a genetic counselor or applicant for licensure has engaged in
23 prohibited conduct. The bill requires the board to revoke the license of a genetic
24 counselor who has failed to maintain certification with ABGC or whose certification
25 with ABGC has been revoked.

1 The bill requires the board to promulgate rules that define the standards of
2 practice of genetic counseling and permits the board to define the scope of practice
3 of genetic counseling. In addition, this bill also does each of the following: 1) makes
4 current law regarding the preservation, destruction, and confidentiality of patient
5 health care records applicable to genetic counselors; 2) includes genetic counselors
6 in the definition of "health care provider" for the requirements under current law
7 for powers of attorney for health care and for the prohibition under current law on
8 discrimination related to acquired immunodeficiency syndrome; 3) requires a
9 genetic counselor, like other professionals under current law, to make certain reports
10 regarding abused or neglected children; and 4) provides to genetic counselors the
11 same protection from discipline under current law that is available to other health
12 care professionals who make certain reports regarding violations of laws applicable
13 to pharmacists or controlled substances or of laws or clinical or ethical standards by
14 health care facilities, health care providers, or employees of such facilities or
15 providers.

 For further information see the state ^(BI) fiscal estimate,
which will be printed as an appendix to this bill.

Kuczenski, Tracy

From: kdjoseph@gundluth.org
Sent: Tuesday, August 28, 2007 9:31 AM
To: Kuczenski, Tracy
Subject: RE: Genetic Counselor Licensure Draft

(LRB-076011)

Tracy,

The group of genetic counselors that has been working on licensure had a telephone conference this morning. One of the things that we have tried to do is identify things that might cause some opposition to the bill for groups that would otherwise be supportive. One potential problem is the title protection for "genetic consultant". This is in line 17 of page 4 of the draft. We are suggesting that this term be deleted. It is also suggested that the following phrase be inserted after "registered genetic counselor," in line 18 "or other insignia/designation that would imply that the individual is licensed as a genetic counselor."

Thank you for your help with this.

Kevin

Kevin Josephson, MS, CGC
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p. 4, line 2

p. 4, line 3

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ov>

<kdjoseph@gundluth.org>

To
cc

08/14/2007 10:31
AM

Subject
RE: Genetic Counselor Licensure
Draft

Hi Kevin -

Thank you for the reminder. I have made the change you requested, but have not completed the analysis portion of the bill. I should be able to get to this bill this afternoon.

Tracy

Tracy K. Kuczenski
Legislative Attorney
Wisconsin Legislative Reference Bureau
(608) 266-9867

Tracy.Kuczenski@legis.wisconsin.gov

-----Original Message-----

From: kdjoseph@gundluth.org [mailto:kdjoseph@gundluth.org]

Sent: Tuesday, August 14, 2007 10:07 AM

To: Kuczenski, Tracy

Cc: lweik@chw.org

Subject: Genetic Counselor Licensure Draft

Tracy,

I am wondering if you have had a chance to make the proposed changes we discussed in this draft. I believe it was in late June that I had contacted you about adding the genetic counselor examination by the American Board of Medical Genetics to line 19 on page 6 of LRB-0760/P2.

Please let me know if this edit has been made.

Thank you.

Kevin
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