

Dear Senators MARTIN, Souza, Jordan, and  
Representatives WOOD, Wagoner, Chew:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the  
Division of Occupational and Professional Licenses - Genetic Counselors Licensing Board:  
IDAPA 24.24.01 - Notice of Omnibus Rulemaking (Fee Rule) - Proposed Rule (Docket No.  
24-2401-2000F).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the  
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research  
and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative  
Services. The final date to call a meeting on the enclosed rules is no later than 11/04/2020. If a meeting is  
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis  
from Legislative Services. The final date to hold a meeting on the enclosed rules is 12/02/2020.

The germane joint subcommittee may request a statement of economic impact with respect to a  
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,  
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has  
been held.

To notify Research and Legislation, call 334-4854, or send a written request to the address on the  
memorandum attached below.



Eric Milstead  
Director

# Legislative Services Office

## Idaho State Legislature

*Serving Idaho's Citizen Legislature*

### MEMORANDUM

**TO:** Rules Review Subcommittee of the Senate Health & Welfare Committee and the House Health & Welfare Committee

**FROM:** Legislative Drafting Attorney - Matt Drake

**DATE:** October 16, 2020

**SUBJECT:** Division of Occupational and Professional Licenses - Genetic Counselors Licensing Board

IDAPA 24.24.01 - Notice of Omnibus Rulemaking (Fee Rule) - Proposed Rule (Docket No. 24-2401-2000F)

#### Summary and Stated Reasons for the Rule

The Division of Occupational and Professional Licenses submits notice of proposed fee rule. According to the Division, the rulemaking republishes the temporary rule chapter that was previously submitted under IDAPA 24.24.01, Rules of the Genetic Counselors Licensing Board. The Division states that the fee rules do not impose a fee or charge, or increase a fee or charge, beyond what was previously submitted to and reviewed by the Legislature in the prior rules.

#### Negotiated Rulemaking/Fiscal Impact

The Division notes that negotiated rulemaking was not conducted because engaging in negotiated rulemaking for all previously existing rules would inhibit the Division's ability to serve the citizens of Idaho and to protect their health, safety, and welfare. The Division also confirms that the rulemaking is not anticipated to have any fiscal impact on the general fund.

#### Statutory Authority

The rulemaking appears to be authorized pursuant to Section 54-5607, Idaho Code.

cc: Division of Occupational and Professional Licenses - Genetic Counselors Licensing Board  
Russ Barron

#### \*\*\* PLEASE NOTE \*\*\*

Per the Idaho Constitution, all administrative rules may be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.

Kristin Ford, Manager  
Research & Legislation

Paul Headlee, Manager  
Budget & Policy Analysis

April Renfro, Manager  
Legislative Audits

Glenn Harris, Manager  
Information Technology

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# IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

## 24.24.01 – RULES OF THE GENETIC COUNSELORS LICENSING BOARD

### DOCKET NO. 24-2401-2000F (FEE RULE)

#### NOTICE OF OMNIBUS RULEMAKING – PROPOSED RULE

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 54-5607, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Opportunity for presentation of oral comments concerning this rulemaking will be scheduled in accordance with Section 67-5222, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of the purpose of the proposed rulemaking:

This proposed rulemaking re-publishes the following existing temporary rule chapter previously submitted to and reviewed by the Idaho Legislature under IDAPA 24.24.01, rules of the Genetic Counselors Licensing Board:

#### **IDAPA 24.24**

- 24.24.01, *Rules of the Genetic Counselors Licensing Board.*

**FEE SUMMARY:** This rulemaking does not impose a fee or charge, or increase a fee or charge, beyond what was previously submitted to and reviewed by the Idaho Legislature in the prior rules. Fees are established in accordance with Section 54-5613, Idaho Code, as follows:

<b>FEE TYPE</b>	<b>AMOUNT (Not to Exceed)</b>
Application	\$200
Original License	\$200
Annual Renewal	\$200
Provisional License	\$200
License by Endorsement	\$200
Examination	Determined by third-party examination administrator
Reinstatement	As provided in Section 67-2614, Idaho Code

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: This rulemaking is not anticipated to have any fiscal impact on the state general fund because the FY2021 budget has already been set by the Legislature, and approved by the Governor, anticipating the existence of the rules and fees being reauthorized by this rulemaking.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not feasible because engaging in negotiated rulemaking for all previously existing rules will inhibit the agency from carrying out its ability to serve the citizens of Idaho and to protect their health, safety, and welfare.

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, incorporated material may be obtained or electronically accessed as provided in the text of the proposed rules attached hereto.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Rob McQuade at (208) 334-3233.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered within twenty-one (21) days after publication of this Notice in the Idaho Administrative Bulletin. Oral presentation of comments may be requested pursuant to Section 67-5222(2), Idaho Code, and must be delivered to the undersigned within fourteen (14) days of the date of publication of this Notice in the Idaho Administrative Bulletin.

Dated this 1st day of September, 2020.

Russell Barron  
Administrator  
Division of Occupational and Professional Licenses  
700 W. State Street  
P.O. Box 83720  
Boise, ID 83720-0063  
Phone: (208) 334-3233  
[ibol@ibol.idaho.gov](mailto:ibol@ibol.idaho.gov)

**24.24.01 – RULES OF THE GENETIC COUNSELORS LICENSING BOARD**

**000. LEGAL AUTHORITY.**

These rules are hereby prescribed and established pursuant to the authority vested in the Genetic Counselors Licensing Board by the provisions of Title 54, Chapter 56, Idaho Code. ( )

**001. TITLE AND SCOPE.**

**01. Title.** The rules are titled IDAPA 24.24.01, “Rules of the Genetic Counselors Licensing Board.” ( )

**02. Scope.** These rules implement the purposes and intent of Chapter 56, Title 54, Idaho Code, to regulate the profession of genetic counseling in the interest of the public health, safety, and welfare. ( )

**002. INCORPORATION BY REFERENCE.**

The document titled “National Society of Genetic Counselors Code of Ethics,” adopted January 1992 and revised December 2004 and January 2006, is incorporated by reference into this rule and is available at the Board’s office and on the Board’s web site. ( )

**005. -- 099. (RESERVED)**

**100. ORGANIZATION OF THE BOARD.**

At the first meeting of each fiscal year, the Board will elect from its members a Chairman, who will assume the duties of the office at the direction of the Board. ( )

**101. -- 249. (RESERVED)**

**250. FEES.**

All fees are non-refundable except that, if a license fee is tendered but the Board does not issue a license, the respective license fee will be returned. Fees are established in accord with Section 54-5613, Idaho Code as follows:

<b>FEE TYPE</b>	<b>AMOUNT (Not to Exceed)</b>
Application	\$200
Original License	\$200
Annual Renewal	\$200
Provisional License	\$200
License by Endorsement	\$200
Examination	Determined by third-party examination administrator
Reinstatement	As provided in Section 67-2614, Idaho Code

( )

**251. -- 299. (RESERVED)**

**300. REQUIREMENTS FOR ORIGINAL LICENSURE.**

**01. General.** An applicant who in any state, territory or country has had a license revoked or suspended or has been otherwise disciplined by a Board, a government agency, or any other disciplinary body, or has been found guilty, convicted, received a withheld judgment or suspended sentence for a felony or a lesser crime conviction must submit with his application a written statement and any supplemental information establishing his current suitability for licensure. ( )

**02. Consideration of Factors and Evidence.** The Board will consider the following factors or evidence: ( )

**a.** The severity or nature of the crime or discipline; ( )

**b.** The period of time that has passed since the crime or discipline under review; ( )

- c. The number or pattern of crimes or discipline or other similar incidents; ( )
  - d. The circumstances surrounding the crime or discipline that would help determine the risk of repetition; ( )
  - e. The relationship of the crime or discipline to the practice of genetic counseling; ( )
  - f. The applicant's activities since the crime or discipline under review, such as employment, education, participation in treatment, payment of restitution, or any other factors which may be evidence of current rehabilitation; and ( )
  - g. Any other information regarding rehabilitation or mitigating circumstances. ( )
- 03. Interview.** The Board may, at its discretion, grant an interview of the applicant. ( )
- 04. Applicant Bears the Burden.** The applicant will bear the burden of establishing his current suitability for licensure. ( )
- 05. Education.** An applicant must hold a master's degree or higher in genetics from an American Board of Genetic Counseling (ABGC), American Board of Medical Genetics (ABMG), Accreditation Council for Genetic Counseling (ACGC), or National Society of Genetic Counselors (NSGC) accredited program or master's degree or higher in a related field of study as approved by the Board. ( )
- 06. Examination.** An applicant must pass an ABGC or ABMG administered genetic counselor certification exam. The passage of the exam may have occurred prior to the effective date of these rules. ( )
- 07. Certification.** An applicant must provide proof of current certification from the ABGC or ABMG. ( )

**301. -- 309. (RESERVED)**

**310. REQUIREMENTS FOR LICENSURE BY ENDORSEMENT.**

The Board may grant a license to an applicant for licensure by endorsement who meets the following requirements: ( )

- 01. General.** Meets the requirements prescribed in Subsection 300.01 of these rules; and ( )
- 02. Holds a Current License.** The applicant must be the holder of a current active license in the profession and at the level for which a license is being sought, issued by the authorized regulatory entity of another state, territory, or jurisdiction. The state, territory, or jurisdiction must have licensing requirements substantially equivalent to or higher than those required for new applicants in Idaho. The certification of licensure must be received by the Board from the issuing agency. ( )

**311. REQUIREMENTS FOR PROVISIONAL LICENSE.**

The Board may issue a provisional license to allow a person who has been granted active candidate status to engage in the practice of genetic counseling. The holder of a provisional license may only practice under the general supervision of a person fully licensed under this chapter or a physician licensed in this state. ( )

- 01. General.** Meets the requirements prescribed in Subsection 300.01 of these rules; and ( )
- 02. Supervision.** While the provisional licensee is providing genetic counseling services, the licensee's supervisor need not be physically present; however, the supervisor must be readily accessible to the provisional licensee by telephone or by electronic means for consultation and assistance. ( )

**312. INACTIVE STATUS.**

**01. Request for Inactive Status.** Licensees requesting an inactive status during the renewal of their active license must submit a written request and pay the established fee. ( )

**02. Inactive License Status.** All continuing education requirements will be waived for any year or portion thereof that a licensee maintains an inactive license and is not actively practicing in Idaho. ( )

**03. Reinstatement to Full Licensure from Inactive Status.** An inactive licensee may reinstate to active status by submitting a completed, board-approved application and paying the appropriate fee, provide proof of ABGC certification and one (1) year of continuing education immediately preceding application. ( )

**313. -- 499. (RESERVED)**

**500. CONTINUING EDUCATION.**

All licensees must comply with the following continuing education requirements: ( )

**01. Requirement.** Beginning with the second renewal of their license, a licensee will be required to complete a minimum of two (2) Continuing Education Units (CEUs) within the preceding twelve (12) months or one (1) CEU and one (1) Professional Activity Credit (PAC) within the preceding twelve (12) months. ( )

**02. Documentation.** Each licensee will maintain documentation verifying continuing education course attendance and curriculum, or completion of the educational activity for a period of five (5) years from the date of completion. This documentation will be subject to audit by the Board. ( )

**a.** Documented evidence of meeting the continuing education course requirement must be in the form of a certificate or letter from the sponsoring entity that includes verification of attendance by the licensee, the title of the activity, the subject material covered, the dates and number of hours credited, and the presenter's full name and professional credentials. Documented evidence of completing a continuing education activity must be in such form as to document both completion and date of the activity. ( )

**b.** A licensee must submit the verification documentation to the Board, if requested by the Board. If a licensee fails to provide the Board with acceptable documentation of the hours attested to on the renewal application, the licensee may be subject to disciplinary action. ( )

**03. Waiver.** The Board may for good cause waive the requirements of this rule. The licensee should request the waiver in advance of renewal and must provide any information requested by the Board to assist in substantiating hardship cases. This waiver is granted at the sole discretion of the Board. ( )

**04. Carryover of Continuing Education Hours.** CEUs and PACs not claimed in the current renewal year may be claimed in the next renewal year. A maximum of two (2) CEUs or one (1) PAC and one (1) CEU may be carried forward from the immediately preceding year, and may not be carried forward more than one renewal year. ( )

**501. -- 699. (RESERVED)**

**700. UNPROFESSIONAL AND UNETHICAL CONDUCT.**

Unprofessional and unethical conduct is conduct that does not conform to the guidelines for genetic counseling contained within the (NSGC) Code of Ethics, incorporated by reference into Section 004 of these rules and approved by the Board as the Idaho Code of Ethics. ( )

**701. -- 899. (RESERVED)**

**900. DISCIPLINE.**

**01. Disciplinary Action.** If the Board determines that grounds for discipline exist for violations of Title 54, Chapter 56, Idaho Code, violations of these rules, or both, it may impose disciplinary sanctions against the licensee. ( )

**901. -- 999. (RESERVED)**

# PROPOSED RULE COST/BENEFIT ANALYSIS

Section 67-5223(3), Idaho Code, requires the preparation of an economic impact statement for all proposed rules imposing or increasing fees or charges. This cost/benefit analysis, which must be filed with the proposed rule, must include the reasonably estimated costs to the agency to implement the rule and the reasonably estimated costs to be borne by citizens, or the private sector, or both.

**Department or Agency:** Division of Occupational and Professional Licenses

**Agency Contact:** Rob McQuade     **Phone:** 208-334-3233

**Date:** August 19, 2020

**IDAPA, Chapter and Title Number and Chapter Name:**

[24.24.01, Rules of the Genetic Counselors Licensing Board](#)

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**Fee Rule Status:**  **Proposed**      **Temporary**

**Rulemaking Docket Number:** 24-2401-2000F

**STATEMENT OF ECONOMIC IMPACT:** The fees are unchanged from the previous year's temporary fee rule.

<b>FEE TYPE</b>	<b>AMOUNT (Not to Exceed)</b>
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Original License	\$200
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