



Eric Milstead  
Director

# Legislative Services Office

## Idaho State Legislature

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### MEMORANDUM

**TO:** Senators MARTIN, Souza, Jordan and,  
Representatives WOOD, Wagoner, Chew

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

**DATE:** April 22, 2020

**SUBJECT:** Temporary Rule

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

We are forwarding this temporary rule to you for your information only. No analysis was done by LSO. This rule is posted on our web site. If you have any questions, please call Matt Drake at the Legislative Services Office at (208) 334-4845. Thank you.

Attachment: Temporary Rule

Kristin Ford, Manager  
Research & Legislation

Paul Headlee, Manager  
Budget & Policy Analysis

April Renfro, Manager  
Legislative Audits

Glenn Harris, Manager  
Information Technology

# 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 – ADOPTION OF TEMPORARY RULE

**EFFECTIVE DATE:** The effective date of the temporary rules being adopted through this omnibus rulemaking is the adjournment date of the second regular session of the 65th Idaho State Legislature - March 20, 2020.

**AUTHORITY:** In compliance with Sections 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Sections 54-5607, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule:

This temporary rulemaking adopts the following chapter under IDAPA 24.24.01:

**IDAPA 24.24**

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

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Sections 67-5226(1) and 67-5226(2), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

These temporary rules are necessary to protect the public health, safety, and welfare of the citizens of Idaho and confer a benefit on its citizens. These temporary rules implement the duly enacted laws of the state of Idaho, provide citizens with the detailed rules and standards for complying with those laws, and assist in the orderly execution and enforcement of those laws. The expiration of these rules without due consideration and processes would undermine the public health, safety, and welfare of the citizens of Idaho and deprive them of the benefit intended by these rules. These rules govern the qualifications, code of ethics, and standards of practice for genetic counselors. Allowing these rules to expire would harm the public health, safety, and welfare of those citizens who utilize genetic services.

**FEE SUMMARY:** Pursuant to Section 67-5226(2), the Governor has found that the fees or charges being imposed or increased are justified and necessary to avoid immediate danger and the fees are described herein:

The fees or charges, authorized in Section 54-5613, Idaho Code, are part of the agency's 2021 budget that relies upon the existence of these fees or charges to meet the state's obligations and provide necessary state services. Failing to reauthorize these temporary rules would create immediate danger to the state budget, immediate danger to necessary state functions and services, and immediate danger of a violation of Idaho's constitutional requirement that it balance its budget.

The following is a specific description of the fees or charges:

FEE TYPE	AMOUNT (Not to Exceed)
Application	\$200
Original License	\$200
Annual Renewal	\$200
Provisional License	\$200
License by Endorsement	\$200
Examination	Determined by third-party examination administrator

<b>FEE TYPE</b>	<b>AMOUNT (Not to Exceed)</b>
Reinstatement	As provided in Section 67-2614, Idaho Code

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

DATED this February 21, 2020.

Kelley Packer  
Division Administrator  
Division of Occupational and Professional Licenses  
700 W. State Street  
P.O. Box 83720  
Boise, ID 83720  
Phone: (208) 334-3233  
Fax: (208) 334-3945

**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. (3-20-20)T

**001. TITLE AND SCOPE.**

**01. Title.** The rules are titled IDAPA 24.24.01, “Rules of the Genetic Counselors Licensing Board.” (3-20-20)T

**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. (3-20-20)T

**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. (3-20-20)T

**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. (3-20-20)T

**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

(3-20-20)T

**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. (3-20-20)T

**02. Consideration of Factors and Evidence.** The Board will consider the following factors or evidence: (3-20-20)T

**a.** The severity or nature of the crime or discipline; (3-20-20)T

**b.** The period of time that has passed since the crime or discipline under review; (3-20-20)T

- c. The number or pattern of crimes or discipline or other similar incidents; (3-20-20)T
- d. The circumstances surrounding the crime or discipline that would help determine the risk of repetition; (3-20-20)T
- e. The relationship of the crime or discipline to the practice of genetic counseling; (3-20-20)T
- 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 (3-20-20)T
- g. Any other information regarding rehabilitation or mitigating circumstances. (3-20-20)T
- 03. Interview.** The Board may, at its discretion, grant an interview of the applicant. (3-20-20)T
- 04. Applicant Bears the Burden.** The applicant will bear the burden of establishing his current suitability for licensure. (3-20-20)T
- 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. (3-20-20)T
- 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. (3-20-20)T
- 07. Certification.** An applicant must provide proof of current certification from the ABGC or ABMG. (3-20-20)T

**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: (3-20-20)T

- 01. General.** Meets the requirements prescribed in Subsection 300.01 of these rules; and (3-20-20)T
- 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. (3-20-20)T

**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. (3-20-20)T

- 01. General.** Meets the requirements prescribed in Subsection 300.01 of these rules; and (3-20-20)T
- 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. (3-20-20)T

**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. (3-20-20)T

**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. (3-20-20)T

**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. (3-20-20)T

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

**500. CONTINUING EDUCATION.**

All licensees must comply with the following continuing education requirements: (3-20-20)T

**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. (3-20-20)T

**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. (3-20-20)T

**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. (3-20-20)T

**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. (3-20-20)T

**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. (3-20-20)T

**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. (3-20-20)T

**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. (3-20-20)T

**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. (3-20-20)T

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