

Dear Senators VANORDEN, Wintrow, and
Representatives VANDER WOUDE, Erickson, Rubel:

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 - Rules of the Genetic Counselors Licensing Board (ZBR Chapter Rewrite) -
Proposed Rule (Docket No. 24-2401-2401).

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 08/23/2024. 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 09/20/2024.

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.



Terri Kondoff
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: Division Manager - Matt Drake
DATE: August 7, 2024
SUBJECT: Division of Occupational and Professional Licenses - Genetic Counselors Licensing Board

IDAPA 24.24.01 - Rules of the Genetic Counselors Licensing Board (ZBR Chapter Rewrite) - Proposed Rule (Docket No. 24-2401-2401)

Summary and Stated Reasons for the Rule

The Division of Occupational and Professional Licences - Idaho Genetic Counselors Licensing Board submits notice of proposed rulemaking at Docket No. 24-2401-2401. The Division notes that this is a Zero-Based Regulation ("ZBR") chapter rewrite pursuant to Executive Order 2020-01. Accordingly, the Division states that this rulemaking is intended to streamline and simplify existing rules that were previously submitted to and reviewed by the Legislature. The Division also states that the rulemaking reflects a comprehensive review of the chapter in collaboration with the public to streamline the rules, use plain language, and to update the rules to comply with statute. The division states that no fees are being increased and no new fees are being imposed by the rulemaking.

Negotiated Rulemaking / Fiscal Impact

Negotiated rulemaking was conducted. The rulemaking is not anticipated to have a fiscal impact.

Statutory Authority

This rulemaking appears to be authorized pursuant to sections 54-5607, 67-2604, 67-2614, and 67-9409, Idaho Code.

cc: Division of Occupational and Professional Licenses - Genetic Counselors Licensing Board
Krissy Veseth

*** 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.

Paul Headlee, Deputy Director Matt Drake, Manager Keith Bybee, Manager April Renfro, Manager Norma Clark, Manager
Legislative Services Office Research & Legislation Budget & Policy Analysis Legislative Audits Information Technology

Statehouse, P.O. Box 83720
Boise, Idaho 83720-0054

Tel: 208-334-2475
legislature.idaho.gov

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.24.01 – RULES OF THE GENETIC COUNSELORS LICENSING BOARD

DOCKET NO. 24-2401-2401 (ZBR CHAPTER REWRITE)

NOTICE OF 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. This rulemaking action is authorized pursuant to Section 67-2604, Idaho Code, Sections 67-9404, 67-9405, 67- 9406, 67-9409, and 67-9413, Idaho Code, and Sections 54-5601 through 54-5616, Idaho Code.

PUBLIC HEARING SCHEDULE: The public hearing concerning this rulemaking will be held as follows:

24.24.01 – Rules of the Genetic Counselors Licensing Board
Tuesday, July 16, 2024 – 9:00 a.m. (MT) Division of Occupational and Professional Licenses Chinden Campus Building 4 11341 W. Chinden Blvd. Boise, ID 83714
Virtual Meeting Link
Telephone and web conferencing information will be posted on https://dopl.idaho.gov/calendar/ and https://townhall.idaho.gov/.

The hearing site will be accessible to persons with disabilities, if needed. Requests for accommodation must be made not later than five (5) days prior to the meeting to the agency address below.

DESCRIPTIVE SUMMARY AND STATEMENT OF PURPOSE: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Under [Executive Order 2020-01, Zero-Based Regulation](#), the Idaho Genetic Counselors Licensing Board is striving to prevent the accumulation of costly, ineffective, and outdated regulations and reduce regulatory burden to achieve a more efficient operation of government. In conjunction with stakeholders, the proposed rule changes reflect a comprehensive review of this chapter by collaborating with the public to streamline or simplify the rule language in this chapter and to use plain language for better understanding. This proposed rulemaking updates the rules to comply with governing statute and Executive Order 2020-01.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

The fees did not change.

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 as a result of this rulemaking:

This rulemaking is not anticipated to have any negative fiscal impact on the state General Fund.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was conducted under Docket No. 24-ZBRR-2401. The Omnibus Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the April 3, 2024, Idaho Administrative Bulletin, [Vol. 24-4, p.42](#).

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

The National Society of Genetic Counselors Code of Ethics April 2017 edition was incorporated by reference in the administrative rules effective March 28, 2023. That incorporation by reference remains in these proposed rules.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this proposed rule, contact Krissy Veseth, Bureau Chief, at (208) 577-2491. Materials pertaining to the proposed rulemaking, including any available preliminary rule drafts, can be found on the following DOPL website: <https://dopl.idaho.gov/rulemaking/>.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 24, 2024.

DATED this 7th day of June, 2024.

Krissy Veseth
Bureau Chief
11341 W. Chinden Blvd., Bldg. #4
Boise, ID 83714
Phone: (208) 577-2491
Email: krissy.veseth@dopl.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 24-2401-2401
(ZBR Chapter Rewrite.)

24.24.01 – RULES OF THE GENETIC COUNSELORS LICENSING BOARD

000. LEGAL AUTHORITY.

These rules are promulgated pursuant to Title 54, Chapter 56, Idaho Code. (3-28-23)

001. SCOPE.

These rules regulate the profession of genetic counseling in the interest of the public health, safety, and welfare. (3-28-23)

002. INCORPORATION BY REFERENCE.

The document titled “National Society of Genetic Counselors Code of Ethics,” ~~adopted January 1992 and revised December 2004, January 2006, and dated~~ April 2017, is incorporated by reference into this rule and is available at the Board’s office and on the Board’s web site. (3-28-23)()

003. -- ~~249099~~. (RESERVED)

100. 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 must submit with his application a written statement and any supplemental information establishing his current suitability for licensure.

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02. 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. ()

03. Examination. An applicant must pass an ABGC or ABMG administered genetic counselor certification exam, or another exam approved by the board. ()

04. Certification. An applicant must provide proof of current certification from the ABGC or ABMG. ()

101. -- 199. (RESERVED)

200. PRACTICE STANDARDS.

01. 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 002 of these rules and approved by the Board as the Idaho Code of Ethics. ()

201. -- 399. (RESERVED)

250400. 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:

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

(3-28-23)()

251401. -- 299999.(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. (3-28-23)

02. Consideration of Factors and Evidence. The Board will consider the factors set forth in Section

~~67-9411, Idaho Code. (3-28-23)~~

~~03. **Interview.** The Board may, at its discretion, grant an interview of the applicant. (3-28-23)~~

~~04. **Applicant Bears the Burden.** The applicant will bear the burden of establishing his current suitability for licensure. (3-28-23)~~

~~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. (3-28-23)~~

~~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. (3-28-23)~~

~~07. **Certification.** An applicant must provide proof of current certification from the ABGC or ABMG. (3-28-23)~~

~~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: (3-28-23)~~

~~01. **General.** Meets the requirements prescribed in Subsection 300.01 of these rules; and (3-28-23)~~

~~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. (3-28-23)~~

~~**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. (3-28-23)~~

~~01. **General.** Meets the requirements prescribed in Subsection 300.01 of these rules; and (3-28-23)~~

~~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. (3-28-23)~~

~~**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. (3-28-23)~~

~~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. (3-28-23)~~

~~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. (3-28-23)~~

~~313.—499. (RESERVED)~~

500. CONTINUING EDUCATION.

All licensees must comply with the following continuing education requirements: (3-28-23)

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. (3-28-23)

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. (3-28-23)

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. (3-28-23)

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. (3-28-23)

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. (3-28-23)

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. (3-28-23)

~~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 002 of these rules and approved by the Board as the Idaho Code of Ethics. (3-28-23)

~~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. (3-28-23)

~~901.—999. (RESERVED)~~