

TITLE 54
PROFESSIONS, VOCATIONS, AND BUSINESSES

CHAPTER 56
GENETIC COUNSELORS

54-5601. SHORT TITLE. This chapter shall be known and may be cited as the "Genetic Counselors Licensing Act."

[54-5601, added 2015, ch. 128, sec. 1, p. 322.]

54-5602. DEFINITIONS. As used in this chapter:

(1) "ABGC" means the American board of genetic counseling, inc., its successor or equivalent.

(2) "ABMG" means the American board of medical genetics, its successor or equivalent.

(3) "ACS" means active candidate status conferred by the American board of genetic counseling.

(4) "Board" means the genetic counselors licensing board.

(5) "Bureau" means the bureau of occupational licenses.

(6) "Certification" means the voluntary process by which a nongovernmental agency grants recognition and use of a credential to individuals who have met predetermined and standardized criteria.

(7) "Certification examination" means the certification examination for genetic counselors administered by a certifying agency approved by the board.

(8) "CEU" means continuing education unit as defined by the board by rule.

(9) "Code of ethics" means the current code of ethics adopted by the board.

(10) "Genetic counseling" means performing acts of a genetic counselor as described in section [54-5603](#), Idaho Code.

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

(12) "Licensed physician" means a person holding a license issued under [chapter 18, title 54](#), Idaho Code.

(13) "NSGC" means the national society of genetic counselors, its successor or equivalent.

(14) "Person" means an individual and does not mean an association of individuals or a legal entity.

[54-5602, added 2015, ch. 128, sec. 1, p. 322.]

54-5603. SCOPE OF PRACTICE. A licensed genetic counselor may perform the following acts as a genetic counselor:

(1) Obtain and evaluate individual, family and medical histories to determine genetic risk for genetic or medical conditions and diseases in a patient, his offspring and other family members;

(2) Discuss the features, natural history, means of diagnosis, genetic and environmental factors and management of risk for genetic medical conditions and diseases;

(3) Identify and coordinate genetic laboratory tests and other diagnostic studies as appropriate for the genetic assessment;

(4) Integrate genetic laboratory test results and other diagnostic studies with personal and family medical history to assess and communicate risk factors for genetic medical conditions and diseases;

(5) Explain the clinical implications of genetic laboratory tests, other diagnostic studies and results;

(6) Evaluate the client's or family's responses to the condition or risk of recurrence and provide client-centered counseling and anticipatory guidance;

(7) Identify and utilize community resources that provide medical, educational, financial and psychosocial support and advocacy; and

(8) Provide written documentation of medical, genetic and counseling information for families and health care professionals.

[54-5603, added 2015, ch. 128, sec. 1, p. 323.]

54-5604. EXEMPTIONS FOR LICENSURE. The provisions of this act shall not apply to the following:

(1) Any person who is not a genetic counselor but is licensed under [title 54](#), Idaho Code, acting within the scope of his profession and doing work of a nature consistent with his training, provided that he does not represent himself by any title or practice description prohibited by section [54-5605](#);

(2) Any person employed as a genetic counselor by the federal government or an agency thereof if such person provides genetic counseling services solely under the direction and control of the organization by which he is employed;

(3) A student enrolled in an ABGC-accredited genetic counseling educational program if genetic counseling services performed by the student are an integral part of the student's course of study and are performed under the direct supervision of a licensed genetic counselor assigned to supervise the student;

(4) An employee of a facility licensed under the provisions of [chapter 13, title 39](#), Idaho Code, who is designated in writing to be responsible for that facility's genetic counseling program and who receives regular consultation from a licensed genetic counselor; and

(5) Any person who holds a license to practice medicine and surgery, osteopathic medicine and surgery, or osteopathic medicine under [chapter 18, title 54](#), Idaho Code, provided that he does not represent himself as a licensed genetic counselor.

[54-5604, added 2015, ch. 128, sec. 1, p. 323.]

54-5605. GENETIC COUNSELOR LICENSE REQUIRED. Effective July 1, 2016, a license shall be required to engage in the practice of genetic counseling. No person shall hold himself out as a genetic counselor unless he is licensed in accordance with the provisions of this chapter. No person who is not so licensed may use in connection with his name or place of business the title genetic counselor, licensed genetic counselor, gene counselor, genetic consultant, genetic associate or any words, letters, abbreviations or insignia indicating or implying that a person holds a genetic counselor license unless such person holds a genetic counselor license.

[54-5605, added 2015, ch. 128, sec. 1, p. 324.]

54-5606. BOARD -- ORGANIZATION AND MEETINGS. (1) There is hereby established in the department of self-governing agencies, bureau of occupational licenses, the genetic counselors licensing board.

(2) The board shall consist of four (4) members, two (2) of whom shall be fully licensed genetic counselors, one (1) of whom shall be a licensed physician and one (1) of whom shall be a member of the public with an interest in the rights of consumers of genetic counseling services. All board members shall be residents of this state.

(3) Initial appointments to the board shall be for the following terms: one (1) genetic counselor member shall serve a term of one (1) year; one (1) genetic counselor member shall serve a term of two (2) years; and the physician member shall serve a term of three (3) years. Thereafter, the term of office for each member of the board shall be three (3) years.

(4) Board members shall be appointed by the governor and shall serve at the pleasure of the governor.

(5) Each genetic counselor member of the board shall:

(a) Except for the initial appointments, be currently licensed and in good standing to engage in the practice of genetic counseling in this state. The initial genetic counselor members of the board must meet the qualifications for licensure under this act;

(b) At the time of appointment have been actively engaged in the practice of genetic counseling for at least one (1) year of the last five (5) years; and

(c) Be certified by the ABGC, ABMG or NSGC.

(6) In the event of the death, resignation or removal of any board member before the expiration of the term to which the member is appointed, the vacancy shall be filled for the unexpired portion of the term in the same manner as the original appointment.

(7) The board shall meet annually and at such times as deemed necessary and advisable by the chairman, or by a majority of its members, or by the governor. Notice of all meetings shall be given in the manner prescribed by rule. A majority of the board shall constitute a quorum at any meeting or hearing.

(8) Members of the board shall be reimbursed for expenses as provided in section [59-509](#)(b), Idaho Code.

[54-5606, added 2015, ch. 128, sec. 1, p. 324; am. 2016, ch. 340, sec. 46, p. 965.]

54-5607. BOARD POWERS. (1) The board shall have the following powers:

(a) To receive applications for licensure, determine the qualifications of persons applying for licensure, provide licenses to applicants qualified under the provisions of this chapter and reinstate and deny licenses;

(b) To establish by rule and collect fees as prescribed by this chapter;

(c) To maintain records necessary to carry out its duties under this chapter;

(d) To pass upon the qualifications and fitness of applicants for licenses and to adopt rules requiring annual continuing education as a condition for the renewal of licenses issued under this chapter;

(e) To prescribe by rule the minimum number of and qualifications for continuing education units (CEUs) to be required of each genetic counselor seeking to obtain or renew a license in the state of Idaho and for the approval of continuing education courses;

(f) To examine for, deny, approve, issue, revoke and suspend licenses pursuant to this chapter and to conduct investigations and hearings in connection with such actions;

(g) Establish requirements for reinstatement and renewal of licenses;

(h) To adopt and revise such rules as may be necessary to carry into effect the provisions of this chapter in compliance with [chapter 52, title 67](#), Idaho Code. The rules shall include, but shall not be limited to, a code of ethics for genetic counselors and licensed genetic counselor standards of practice;

(i) In any proceeding before the board authorized by this chapter, the board or its designee may administer oaths or affirmations to witnesses appearing before it; and

(j) To take such action as may be necessary to enforce the provisions of this chapter and to regulate the practice of genetic counseling.

(2) In a final order, the board may impose a civil penalty not to exceed one thousand dollars (\$1,000) for each violation by a licensee of this chapter or of rules adopted by the board.

(3) The board may authorize, by written agreement, the bureau of occupational licenses as its agent to act in its interest and, in its discretion, to contract with the bureau of occupational licenses for those services deemed necessary for the proper administration of this chapter.

(4) The assessment of costs and attorney's fees incurred in the investigation and prosecution or defense of a licensee under this chapter shall be governed by the provisions of section [12-117](#)(5), Idaho Code.

[54-5607, added 2015, ch. 128, sec. 1, p. 324; am. 2018, ch. 348, sec. 22, p. 818.]

54-5608. REQUIREMENTS FOR ISSUANCE OF A LICENSE. In addition to such other information as the board may require by rule, each applicant under this act shall:

(1) Hold a master's degree or higher in genetics or a related field of study as approved by the board;

(2) Submit an application in the form prescribed by the board;

(3) Pay the fee determined by the board by rule; and

(4) Provide evidence satisfactory to the board of having successfully passed a nationally recognized competency examination approved by the board by rule.

[54-5608, added 2015, ch. 128, sec. 1, p. 325.]

54-5609. ENDORSEMENT LICENSURE. An applicant who satisfies the board that he is licensed or registered under the laws of another state, territory or jurisdiction of the United States, which in the opinion of the board imposes substantially equivalent licensing requirements as this act, may, upon the payment of the required fee and the approval of the application, be licensed by endorsement pursuant to this act.

[54-5609, added 2015, ch. 128, sec. 1, p. 325.]

54-5610. PROVISIONAL LICENSE. (1) The board may grant a person who has been granted ACS a provisional genetic counselor license to practice genetic counseling upon filing an application with the board and payment of the fee established by the board by rule.

(2) The provisional license shall be valid for one (1) year from the date of its issue and may be renewed at the discretion of the board for additional one (1) year periods up to a maximum of four (4) renewals. A provisional license shall expire automatically upon the issuance of a full license.

(3) A provisional licensed genetic counselor shall work under the general supervision of a licensed genetic counselor or a licensed physician at all times during which the provisionally licensed genetic counselor performs genetic counseling. An application for extension of the provisional license shall be signed by the supervisor. General supervision shall not require the physical presence of the provisional licensee's supervisor at the location where such provisional licensee provides genetic counseling services; however, the supervisor shall be readily accessible by telephone or electronically for consultation and assistance whenever such provisional licensee provides such services.

[54-5610, added 2015, ch. 128, sec. 1, p. 325.]

54-5611. LICENSING OF EXISTING GENETIC COUNSELORS. Until July 1, 2016, an individual who does not qualify for licensure under this chapter may apply to the board for licensure, and the board may approve the application if the individual has paid the required fees and:

(1) Has worked as a genetic counselor for a minimum of ten (10) years preceding the enactment of these provisions with at least five (5) of those years being the five (5) years immediately preceding the application for a license;

(2) Holds a master's degree or higher in genetics or a related field of study as approved by the board;

(3) Submits three (3) letters of recommendation from individuals who have worked with the applicant in an employment setting, including at least one (1) letter from a genetic counselor who qualifies for licensure under this chapter and one (1) letter from either a clinical geneticist certified by ABMG or a medical geneticist certified by ABMG; and

(4) Provides documentation satisfactory to the board that he has completed at least two hundred (200) hours of formal training in genetic counseling as determined by the board and has practiced genetic counseling for at least five (5) hours per week on average for at least the five (5) years immediately prior to the date of application.

[54-5611, added 2015, ch. 128, sec. 1, p. 326.]

54-5612. LICENSE RENEWAL. (1) All licenses issued under the provisions of this chapter shall be subject to annual renewal and shall expire on the licensee's birthday unless renewed in the manner prescribed by the board regarding applications for renewal, continuing education and fees and in compliance with section [67-2614](#), Idaho Code.

(2) In addition to such other requirements as the board may establish by rule, each applicant shall present satisfactory evidence when seeking license renewal that in the period since the license was issued or last renewed the applicant has completed the amount of board-approved continuing education required by the board by rule. The board may waive all or a portion of these requirements or grant an extension of time in which to complete these requirements upon a finding of good cause.

[54-5612, added 2015, ch. 128, sec. 1, p. 326.]

54-5613. FEES. (1) The board shall establish by rule fees for licensure under the provisions of this chapter as follows:

- (a) An application fee not to exceed five hundred dollars (\$500);
- (b) A fee established by rule for an initial full license not to exceed five hundred dollars (\$500);
- (c) A fee established by rule for a provisional license, an endorsement license and for an existing genetic counselor license not to exceed five hundred dollars (\$500);
- (d) The fee established by rule for annual renewal of licenses not to exceed five hundred dollars (\$500); and
- (e) Fees charged pursuant to paragraph (b), (c) or (d) of this subsection shall be in addition to the application fee.

(2) All fees received under the provisions of this chapter shall be non-refundable and shall be deposited in the state treasury to the credit of the occupational license account in the dedicated fund, and all costs and expenses incurred by the board under the provisions of this chapter shall be a charge against and paid from the account for such purposes, and the funds collected hereunder shall be immediately available for the administration of this chapter, the provisions of any other law notwithstanding.

[54-5613, added 2015, ch. 128, sec. 1, p. 326.]

54-5614. DENIAL OF LICENSE AND DISCIPLINARY PROCEEDINGS. (1) The board may refuse to issue, refuse to renew, revoke, suspend or otherwise sanction a licensee upon the following grounds:

- (a) Fraud or deception in procuring or renewing the license;
- (b) Having been found guilty, convicted, or placed on probation; having entered into a guilty plea that is accepted by the court; forfeited bail, bond or collateral deposited to secure a defendant's appearance; or having received a withheld judgment or suspended sentence of a felony by a court of competent jurisdiction;
- (c) Gross incompetence or unprofessional conduct;
- (d) Fraud or deceit in connection with services rendered as a genetic counselor or in establishing qualifications for licensure under this chapter;
- (e) Violation of any of the provisions of this chapter or any of the rules promulgated by the board under the authority of this chapter;
- (f) Failure to comply with a board order;
- (g) Having had a license revoked or suspended or having been otherwise disciplined by the board or the proper authorities of another state, territory or country;
- (h) Habitual drunkenness or addiction to habit-forming drugs, either of which impairs the ability to perform work without danger to himself or the public;
- (i) Aiding or abetting any person not licensed or otherwise authorized under this chapter in the practice of genetic counseling in the state of Idaho;
- (j) Representing himself as a licensed genetic counselor when he is unlicensed;
- (k) Failing to maintain the requirements for a license or failing to achieve the minimum CEUs required for the renewal of a license;

(1) Having a license or certification in a related field revoked or suspended or having been otherwise disciplined in Idaho or any other state;
or

(m) Unethical or unprofessional conduct as defined by the rules of the board or the code of ethics established by the rules of the board.

(2) The board may reinstate any revoked or suspended license upon such terms as it may determine.

(3) The board may by rule provide a procedure for an applicant to request an exemption review for a felony or lesser crime conviction. The applicant shall bear the burden and financial responsibility of providing all evidence, documentation and proof of suitability for licensure required by the board for exemption review.

[54-5614, added 2015, ch. 128, sec. 1, p. 327.]

54-5615. CONFIDENTIAL COMMUNICATIONS. No licensee shall disclose any information that he may have acquired from a client consulting him in his professional capacity that was necessary to enable him to render services in his professional capacity to those persons, except:

(1) With the written consent of that client or, in the case of death or disability, the written consent of the client's personal representative, other person or entity authorized to sue, or the beneficiary of an insurance policy on their life, health or physical condition;

(2) That a licensee shall not be required to treat as a confidential communication anything that reveals the contemplation or execution of a crime or harmful act;

(3) When the client is a minor under the laws of this state, and the information acquired by the licensee indicates that the minor was the victim or subject of a crime, the licensee may testify fully in relation to such information upon any examination, trial or other proceeding in which the commission of such a crime is the subject of the inquiry;

(4) When the client waives the privilege by bringing charges or other claims against the licensee; or

(5) To the board or its authorized agent in connection with an investigation or other proceeding by the board or its agent under this chapter.

[54-5615, added 2015, ch. 128, sec. 1, p. 327.]

54-5616. CERTAIN ACTS PROHIBITED. It shall be unlawful and a misdemeanor for any person to engage in any of the following acts:

(1) To practice genetic counseling or to represent himself to be a licensed genetic counselor as defined in this chapter without having at the time of so doing, a valid license issued under this chapter; or

(2) To use in connection with his name or place of business, the title genetic counselor or any words indicating or implying that the person holds a genetic counselor license unless he is licensed in accordance with this chapter.

[54-5616, added 2015, ch. 128, sec. 1, p. 328.]