

House Bill 636 (COMMITTEE SUBSTITUTE) (AM)

By: Representatives Silcox of the 52<sup>nd</sup>, Drenner of the 85<sup>th</sup>, Newton of the 123<sup>rd</sup>, Hatchett of the 150<sup>th</sup>, and Cooper of the 43<sup>rd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to  
2 physicians, assistants, and others, so as to provide for the licensure of genetic counselors; to  
3 provide for continuing education requirements; to provide a short title; to provide for  
4 definitions; to provide for licensure requirements; to provide for renewal requirements; to  
5 provide for the duties and powers of the Georgia Composite Medical Board with respect to  
6 genetic counselors; to provide for applicability; to provide for contingent effectiveness; to  
7 provide for related matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 style="text-align:center">**SECTION 1.**

10 Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to physicians,  
11 assistants, and others, is amended by revising subsection (a) of Code Section 43-34-11,  
12 relating to continuing education requirements for physicians, acupuncture, physician  
13 assistants, cancer and glaucoma treatment, respiratory care, clinical perfusionists, and  
14 orthotics and prosthetics practice, as follows:

15 "(a)(1) The board shall be authorized to require persons seeking renewal of a license,  
16 certificate, or permit under this chapter to complete board approved continuing education  
17 of not less than 40 hours biennially. The board shall be authorized to approve courses  
18 offered by institutions of higher learning, specialty societies, or professional  
19 organizations, including, but not limited to, the American Medical Association, the  
20 National Medical Association, and the American Osteopathic Association, the number  
21 of hours required, and the category in which these hours should be earned. This  
22 paragraph shall not apply to respiratory care professionals, persons seeking renewal of  
23 certification as respiratory care professionals, clinical perfusionists, persons seeking  
24 renewal of licensure as a clinical perfusionist, licensed orthotists or prosthetists, ~~or~~  
25 persons seeking renewal of licensure as an orthotist or prosthetist, genetic counselors, or  
26 persons seeking renewal of licensure as a genetic counselor.

27 (2) The board shall be authorized to require persons seeking renewal of certification as  
28 respiratory care professionals under Article 6 of this chapter to complete board approved  
29 continuing education. The board shall be authorized to establish the number of hours of  
30 continuing education required biennially for renewal of certification as a respiratory care  
31 professional and the categories in which these hours should be earned. The board shall  
32 be authorized to approve courses offered by institutions of higher learning, specialty  
33 societies, or professional organizations. Any action taken by the board pursuant to this  
34 paragraph shall be taken in conformity with the provisions of Code Section 43-34-143.

35 (3) The board shall be authorized to require persons seeking renewal of licensure as  
36 clinical perfusionists under Article 7 of this chapter to complete board approved  
37 continuing education. The board shall be authorized to establish the number of hours of  
38 continuing education required biennially for renewal of licensure as a clinical perfusionist  
39 and the categories in which these hours should be earned. The board shall be authorized  
40 to approve courses offered by institutions of higher learning, specialty societies, or  
41 professional organizations. Any action taken by the board pursuant to this paragraph  
42 shall be taken in conformity with the provisions of Code Section 43-34-172.

43 (4) The board shall be authorized to require persons seeking renewal of licensure to  
44 practice orthotics or prosthetics under Article 8 of this chapter to complete board  
45 approved continuing education. The board shall be authorized to establish the number  
46 of hours of continuing education required biennially for renewal of licensure to practice  
47 orthotics or prosthetics and the categories in which these hours should be earned,  
48 however, the maximum number of hours of continuing education required for renewal  
49 of licensure shall not exceed 40 hours. The board shall be authorized to approve courses  
50 offered by institutions of higher learning, specialty societies, or professional  
51 organizations. Any action taken by the board pursuant to this paragraph shall be taken  
52 in conformity with the provisions of subsection (a) of Code Section 43-34-200.

53 (5) The board shall be authorized to require persons seeking renewal of licensure to  
54 practice genetic counseling under Article 11 of this chapter to complete board approved  
55 continuing education. The board shall be authorized to establish the number of hours of  
56 continuing education required biennially for renewal of licensure to practice genetic  
57 counseling and the categories in which these hours should be earned, however, the  
58 number of hours of continuing education required for renewal of licensure shall not be  
59 less than 30 hours biennially. The board shall be authorized to approve courses offered  
60 by institutions of higher learning, specialty societies, or professional organizations. Any  
61 action taken by the board pursuant to this paragraph shall be taken in conformity with the  
62 provisions of subsection (b) of Code Section 43-34-303."



97 (G) Identify and utilize community resources that provide medical, educational,  
 98 financial, and psychosocial support and advocacy; or  
 99 (H) Provide written documentation of medical, genetic, and counseling information for  
 100 families and health care professionals.

101 (7) 'Genetic counseling intern' means a student enrolled in a genetic counseling program  
 102 accredited by the ACGC or ABMG.

103 (8) 'Genetic counselor' means an individual licensed by the board pursuant to this article  
 104 to engage in the competent practice of genetic counseling.

105 (9) 'Genetic testing' and 'genetic test' mean a test or analysis of human genes, gene  
 106 products, DNA, RNA, chromosomes, proteins, or metabolites that detects genotypes,  
 107 mutations, chromosomal changes, abnormalities, or deficiencies, including carrier status,  
 108 that (A) are linked to physical or mental disorders or impairments, (B) indicate a  
 109 susceptibility to illness, disease, impairment, or other disorders, whether physical or  
 110 mental, or (C) demonstrate genetic or chromosomal damage due to environmental factors.  
 111 The terms 'genetic testing' and 'genetic test' do not include routine physical  
 112 measurements; chemical, blood, and urine analyses that are widely accepted and in use  
 113 in clinical practice; tests for use of drugs; tests for the presence of the human  
 114 immunodeficiency virus; analyses of proteins or metabolites that do not detect genotypes,  
 115 mutations, chromosomal changes, abnormalities, or deficiencies; or analyses of proteins  
 116 or metabolites that are directly related to a manifested disease, disorder, or pathological  
 117 condition that could reasonably be detected by a health care professional with appropriate  
 118 training and expertise in the field of medicine involved.

119 (10) 'NSGC' means the National Society of Genetic Counselors or its successor or  
 120 equivalent.

121 (11) 'Qualified supervisor' means any person licensed as a genetic counselor under this  
 122 article or any licensed physician.

123 (12) 'Supervision' means the overall responsibility of a qualified supervisor to assess the  
 124 work of the genetic counselor with a temporary license, including regular meetings and  
 125 chart review, if an annual supervision contract signed by the supervisor and the  
 126 temporarily licensed genetic counselor is on file with both parties. The supervisor's  
 127 presence shall not be required during the performance of the service.

128 43-34-302.

129 (a) A person shall be qualified for licensure as a genetic counselor and the board may issue  
 130 a license if that person:

131 (1) Has applied in writing in form and substance satisfactory to the board and is at least  
 132 21 years of age;

- 133 (2) Has not engaged in conduct or activities which would constitute grounds for  
 134 discipline under this article;
- 135 (3) Has successfully completed:
- 136 (A) A master's degree in genetic counseling from an ABGC or ABMG accredited  
 137 training program or an equivalent program approved by the ABGC or the ABMG; or  
 138 (B) A doctoral degree and an ABMG accredited medical genetics training program or  
 139 an equivalent program approved by the ABMG;
- 140 (4) Has successfully completed examination for licensure, approved by the board;
- 141 (5) Has paid the fees required by rule;
- 142 (6) Has met the requirements for certification set forth by the ABGC or its successor or  
 143 the ABMG or its successor, if required by the board pursuant to rule; and
- 144 (7) Has met any other requirements established by rule.
- 145 (b) A temporary license may be issued to an individual who has made application to the  
 146 board, has submitted evidence to the board of admission to examination for licensure, has  
 147 met all of the requirements for licensure in accordance with this Code section, except for  
 148 the examination requirement, and has met any other condition established by rule. The  
 149 holder of a temporary license shall practice only under the supervision of a qualified  
 150 supervisor and may not have the authority to order genetic tests. Nothing in this subsection  
 151 shall prohibit an applicant from reapplying for a temporary license if he or she meets the  
 152 qualifications of this subsection.

153 43-34-303.

- 154 (a) Licenses issued by the board pursuant to this article shall be subject to renewal and  
 155 shall be valid for up to two years unless otherwise specified by this article and shall be  
 156 renewable biennially on the renewal date established by the board.
- 157 (b) The board shall be authorized to, in conformance with paragraph (5) of subsection (a)  
 158 of Code Section 43-34-11:
- 159 (1) Require persons seeking renewal of licensure under this article to complete board  
 160 approved continuing education; and
- 161 (2) Establish the number of hours of continuing education to be completed as well as the  
 162 categories in which the continuing education is to be completed.
- 163 (c) A person who has permitted his or her license to expire or who has had his or her  
 164 license on inactive status may have his or her license restored by:
- 165 (1) Making application to the board;
- 166 (2) Filing proof acceptable to the board of his or her fitness to have his or her license  
 167 restored, including, but not limited to, sworn evidence certifying to active practice in  
 168 another jurisdiction satisfactory to the board; and

169 (3) Paying the required restoration fee.

170 If the person has not maintained an active practice in another jurisdiction satisfactory to the  
 171 board, the board shall determine, by an evaluation program established by rule, such  
 172 person's fitness to resume active status and may require the person to complete a period of  
 173 evaluated clinical experience and successful completion of an examination.

174 (d) A person who notifies the board on forms prescribed thereby may elect to place his or  
 175 her license on an inactive status and shall, subject to rules of the board, be excused from  
 176 payment of renewal fees until he or she notifies the board of his or her desire to resume  
 177 active status. A person requesting restoration from inactive status shall be required to pay  
 178 the current renewal fee and shall be required to restore his or her license as provided in  
 179 subsection (c) of this Code section. A genetic counselor whose license is on inactive status  
 180 shall not practice genetic counseling in this state.

181 (e) A person whose license expired while he or she was:

182 (1) In federal service on active duty within the armed forces of the United States or with  
 183 the state militia and called into service or training; or

184 (2) In training or education under the supervision of the United States preliminary to  
 185 induction into military service

186 may have his or her license renewed or restored without paying a lapsed renewal fee if,  
 187 within two years after termination from the service, training, or education except under  
 188 conditions other than honorable, he or she furnishes the board with satisfactory evidence  
 189 that he or she has been so engaged and that his or her service, training, or education has  
 190 been terminated.

191 43-34-304.

192 (a) On and after January 1, 2018, a person shall not engage in the practice of genetic  
 193 counseling in this state without a valid license issued by the board pursuant to this article.

194 (b) A person shall not hold himself or herself out as a genetic counselor unless he or she  
 195 holds a license issued by the board in accordance with this article. A person not licensed  
 196 by the board pursuant to this article shall not use in connection with his or her name or  
 197 place of business the terms 'genetic counselor,' 'licensed genetic counselor,' 'gene  
 198 counselor,' 'genetic consultant,' 'genetic associate,' or any words, letters, abbreviations, or  
 199 insignia indicating or implying the person holds a genetic counseling license.

200 43-34-305.

201 The board shall have the power and responsibility to:

202 (1) Determine the qualifications and fitness of applicants for licensure and renewal of  
 203 licensure;

- 204 (2) Adopt and revise rules consistent with the laws of the State of Georgia that are  
 205 necessary to conduct its business, carry out its duties, and administer this article;  
 206 (3) Examine for, approve, issue, deny, revoke, suspend, sanction, and renew the licenses  
 207 of applicants and genetic counselors under this article and conduct hearings in connection  
 208 with these actions;  
 209 (4) Conduct hearings on complaints concerning violations of this article and the rules  
 210 adopted under this article and cause the prosecution and enjoinder of the violations;  
 211 (5) Establish application, examination, and certification fees; and  
 212 (6) Establish continuing education requirements.

213 43-34-306.

214 The provisions of this article shall not apply to:

- 215 (1) Any person licensed by the state to practice in a profession other than that of a  
 216 genetic counselor, such as a physician, when acting within the scope of the person's  
 217 profession and doing work of a nature consistent with the person's training; provided,  
 218 however, that such person shall not hold himself or herself out to the public as a genetic  
 219 counselor;  
 220 (2) Any person employed as a genetic counselor by the federal government or an agency  
 221 thereof if the person provides genetic counseling services solely under the direction and  
 222 control of the organization by which he or she is employed;  
 223 (3) A student or intern enrolled in an ACGC accredited genetic counseling educational  
 224 program if genetic counseling services performed by the student are an integral part of  
 225 the student's course of study and are performed under the direct instruction of a licensed  
 226 genetic counselor or physician assigned to the student and who is on duty and available  
 227 in the assigned patient care area and if the person is designated with the title of 'genetic  
 228 counseling intern';  
 229 (4) Any company providing services available directly to consumers without seeing a  
 230 physician or genetic counselor, that are approved by the United States Food and Drug  
 231 Administration to assess risks for certain genetic diseases or conditions, but that do not  
 232 diagnose them; or  
 233 (5) Any company using genetic data for purposes of nutritional counseling.

234 43-34-307.

235 This article shall become effective upon appropriations to fund this article being  
 236 specifically made by the General Assembly in an Appropriations Act."

237

**SECTION 3.**

238 All laws and parts of laws in conflict with this Act are repealed.