

State of South Dakota

NINETY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2016

256X0239

HOUSE ENGROSSED NO. **HB 1069** - 02/02/2016

Introduced by: Representatives Munsterman, Bartling, Conzet, Duvall, Hawks, Hawley, Heinemann (Leslie), Holmes, Hunhoff (Jean), and Soli and Senators Tidemann, Brown, Curd, Haverly, Heinert, Omdahl, Parsley, Soholt, Solano, and Tieszen

1 FOR AN ACT ENTITLED, An Act to revise certain provisions related to genetic counselor
2 licensure.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 36-36-1 be amended to read:

5 36-36-1. Terms used in this chapter mean:

6 (1) "ABGC," the American Board of Genetic Counseling;

7 (2) ~~"ABMG," the American Board of Medical Genetics~~ "ABMGG," the American Board
8 of Medical Genetics and Genomics;

9 (3) "ACGC," the Accreditation Council for Genetic Counseling;

10 (4) "Board," The South Dakota Board of Medical and Osteopathic Examiners;

11 ~~(4)(5)~~ "Genetic counselor," a person licensed under this chapter to engage in the practice
12 of genetic counseling;

13 ~~(5)(6)~~ "Referral," a written or telecommunicated authorization for genetic counseling

14 services from a licensed physician or a licensed certified nurse midwife, licensed



certified nurse practitioner, licensed clinical nurse specialist, or a licensed physician assistant, who has an agreement and signed protocols with a licensed physician who authorizes referrals to a genetic counselor; and

~~(6)(7)~~ "Supervision," the ongoing direct clinical review, for the purposes of training or teaching, by a supervisor approved by the board who monitors the performance or a person's supervised interaction with a client and provides regular documented face-to-face consultation, guidance, and instructions with respect to the clinical skills and competencies of the person supervised. This supervision may be by personal contact or indirect contact by telecommunication.

Section 2. That § 36-36-2 be amended to read:

36-36-2. For the purposes of this chapter, genetic counseling is a communication process, conducted by appropriately trained persons that includes:

(1) Assisting a person, the person's family, a health care provider, or the public with comprehending the issues inherent to genetic counseling. ~~Such~~ The assistance may include the following:

(a) Appreciating the medical, psychological, and social implications of a disorder including features, variability, usual course, and management options;

(b) Learning how genetic factors contribute to the disorder and affect the chance for recurrence of the condition in other family members;

(c) Understanding available options for coping with, preventing, or reducing the chance of occurrence or recurrence of a condition;

(d) Selecting the most appropriate, accurate, and cost-effective methods of diagnosis, including the ordering of genetic tests consistent with the referral and reporting requirements of this chapter; or

- 1 (e) Understanding genetic tests, including diagnostic genetic tests, screening tests,
2 or predispositional genetic tests, coordinating testing for inherited disorders,
3 and interpreting complex genetic test results;
- 4 (2) Assessing the likelihood of the occurrence or recurrence of an abnormality in the
5 fetus in structure, function, or metabolism or of any potentially inherited or
6 genetically influenced condition. ~~Such~~ The assessment may include the following:
- 7 (a) Obtaining and analyzing a complete health history of a person and the person's
8 family;
- 9 (b) Reviewing pertinent medical records;
- 10 (c) Evaluating the risks from exposure to possible mutagens or teratogens; or
- 11 (d) ~~Discussing~~ Ordering genetic testing or other evaluations, consistent with the
12 referral and reporting requirements of this chapter, to diagnose a condition or
13 determine the carrier status of one or more family members; and
- 14 (3) Facilitating an individual's or family's:
- 15 (a) Exploration of the perception of risk and burden associated with a genetic
16 disorder;
- 17 (b) Decision-making regarding testing or medical interventions consistent with the
18 individual's or family's beliefs, goals, needs, resources, or cultural, ethical, or
19 moral views; and
- 20 (c) Adjustment and adaptation to the condition or the genetic risk by addressing
21 needs for psychological, social, and medical support.

22 Section 3. That § 36-36-3 be amended to read:

23 36-36-3. For the purposes of this chapter, the practice of genetic counseling is the process
24 of helping people understand and adapt to the medical, psychological, and familial implications

of genetic contributions to disease performed pursuant to a referral. This process integrates the following:

- (1) Interpretation of family and medical histories to assess the chance of disease occurrence or recurrence;
- (2) Education about inheritance, testing, management, prevention, resources, and research; ~~and~~
- (3) Ordering genetic testing consistent with the referral and reporting requirements of this chapter; and
- (4) Counseling to promote informed decisions and adaptation to the risk or condition.

Section 4. That § 36-36-5 be amended to read:

36-36-5. Any person desiring to engage in the practice of genetic counseling in this state shall apply to the board for a license and pay the license fee. The application shall contain ~~such~~ the information as the board may require. The license fee shall be established by the board by rules promulgated pursuant to chapter 1-26. The license fee may not exceed two hundred dollars. The board may grant a license to any applicant who gives satisfactory proof of being of at least eighteen years of age and who is of good moral character and also fulfills the following requirements:

- (1) Education at one of the following levels:
 - (a) Master's degree from a genetic counseling training program that is accredited by the ~~ABGC~~ ACGC and approved by the board; or
 - (b) Doctoral degree from a medical genetics training program that is accredited by the ~~ABMG~~ ABMGG and approved by the board; and
- (2) Successful completion of all requirements of the certification examination within a period not to exceed four years from initial examination to successful completion and

1 with no more than two attempts.

2 Section 5. That § 36-36-7 be amended to read:

3 36-36-7. No licensed genetic counselor may provide genetic counseling to individuals,
4 couples, groups, or families without a documented referral from a physician, certified nurse
5 midwife, licensed certified nurse practitioner, licensed clinical nurse specialist, or a licensed
6 physician assistant. The licensed physician, certified nurse midwife, licensed certified nurse
7 practitioner, licensed clinical nurse specialist, or licensed physician assistant shall maintain
8 supervision of the patient, including the regular review of orders of genetic tests. The licensed
9 genetic counselor shall submit reports to the physician, certified nurse midwife, licensed
10 certified nurse practitioner, licensed clinical nurse specialist, or licensed physician assistant on
11 any services provided, including genetic testing. No genetic testing may be provided unless
12 ordered by a licensed genetic counselor, physician, certified nurse midwife, licensed certified
13 nurse practitioner, licensed clinical nurse specialist, or licensed physician assistant.

14 Section 6. That § 36-36-9 be amended to read:

15 36-36-9. The board may issue a temporary license to an applicant who has paid the
16 temporary license fee, meets all the qualifications for licensure as established in § 36-36-5 with
17 the exception of certification by the ~~ABMG~~ ABMGG or ABGC, and has submitted evidence
18 to the board that the applicant is a candidate accepted to write the examination or is awaiting
19 the results of the first examination for which the applicant is eligible after graduation from an
20 approved genetic counseling program. The board shall establish a temporary license fee by rules
21 promulgated pursuant to chapter 1-26. The temporary license fee may not exceed one hundred
22 dollars. A temporary licensee shall take the next available examination. If any temporary
23 licensee fails the first sitting of ABGC or ~~ABMG~~ ABMGG certification examination or the
24 temporary license expires, then ~~he or she~~ the applicant may reapply for a second temporary

license. A temporary license may not be issued if the applicant has failed the ABGC or ~~ABMG~~
ABMGG certification examination more than twice. A temporary license expires on the
occurrence of the following:

- (1) Issuance of a regular license;
- (2) Failure to pass the board-approved examination; or
- (3) Expiration of the term for which the temporary license was issued.

Section 7. That § 36-36-10 be amended to read:

36-36-10. Any licensee practicing pursuant to the authority of a temporary license shall
practice under the supervision of a licensed genetic counselor or a physician approved by the
board with current ~~ABMG~~ ABMGG certification in clinical genetics.

Section 8. That § 36-36-11 be amended to read:

36-36-11. Each license issued pursuant to this chapter shall be renewed annually on a date
set by the board. The board shall renew a license upon payment of the renewal fee, submission
of a renewal application in a form approved by the board, and evidence satisfactory to the board
of the applicant's successful completion, ~~within a three year period prior to the application for~~
~~license renewal of five continuing education units or fifty contact hours. Any genetic counselor~~
~~who maintains current certification by the ABGC or ABMG may document compliance with~~
~~this requirement by providing proof of current certification by the ABGC or ABMG of~~
continuing education requirements. The board shall establish the renewal fee by rules
promulgated pursuant to chapter 1-26. The fee may not exceed one hundred dollars.

Section 9. That § 36-36-12 be amended to read:

36-36-12. The board shall promulgate rules pursuant to chapter 1-26 pertaining to fees,
licensure, investigations, ~~and disciplinary proceedings,~~ and continuing education.