

CERTIFICATION OF ENROLLMENT
SUBSTITUTE SENATE BILL 5608

Chapter 302, Laws of 2009
(partial veto)

61st Legislature
2009 Regular Session

GENETIC COUNSELING--LICENSING

EFFECTIVE DATE: 08/01/10

Passed by the Senate April 20, 2009
YEAS 41 NAYS 8

BRAD OWEN

President of the Senate

Passed by the House April 8, 2009
YEAS 66 NAYS 32

FRANK CHOPP

Speaker of the House of Representatives

Approved April 30, 2009, 11:18 a.m.,
with the exception of Section 5 which is
vetoed.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of
the Senate of the State of
Washington, do hereby certify that
the attached is **SUBSTITUTE SENATE
BILL 5608** as passed by the Senate
and the House of Representatives
on the dates hereon set forth.

THOMAS HOEMANN

Secretary

FILED

May 1, 2009

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5608

AS AMENDED BY THE HOUSE

Passed Legislature - 2009 Regular Session

State of Washington 61st Legislature 2009 Regular Session

By Senate Health & Long-Term Care (originally sponsored by Senators Franklin, Pflug, Fairley, Regala, Marr, and Kohl-Welles)

READ FIRST TIME 02/19/09.

1 AN ACT Relating to genetic counselors; amending RCW 18.130.040;
2 adding a new chapter to Title 18 RCW; creating a new section; and
3 providing an effective date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The definitions in this section apply
6 throughout this chapter unless the context clearly requires otherwise.

7 (1) "Advisory committee" means the advisory committee on genetic
8 counseling established in section 5 of this act.

9 (2) "Collaborative agreement" means a written document that
10 memorializes a relationship between a genetic counselor and a physician
11 licensed under chapter 18.71 RCW or an osteopathic physician licensed
12 under chapter 18.57 RCW, who is board certified in medical genetics or
13 who is board certified in a specialty relevant to the practice of the
14 genetic counselor that authorizes a genetic counselor to perform the
15 functions specified in subsection (5)(d) of this section as applied to
16 the practice of genetic counseling.

17 (3) "Department" means the department of health.

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

1 (5) "Practice of genetic counseling" means a communication process,
2 conducted by one or more appropriately trained individuals that
3 includes:

4 (a) Estimating the likelihood of occurrence or recurrence of a
5 birth defect or of any potentially inherited or genetically influenced
6 condition. This assessment may involve:

7 (i) Obtaining and analyzing a complete health history of the person
8 and family;

9 (ii) Reviewing pertinent medical records;

10 (iii) Evaluating the risks from exposure to possible mutagens or
11 teratogens; and

12 (iv) Providing recommendations for genetic testing or other
13 evaluations to diagnose a condition or determine the carrier status of
14 one or more family members;

15 (b) Helping the individual, family, or health care provider:

16 (i) Appreciate the medical and psychosocial implications of a
17 disorder, including its features, variability, usual course, and
18 management options;

19 (ii) Learn how genetic factors contribute to the disorder and
20 affect the chance for recurrence of the condition in other family
21 members;

22 (iii) Understand available options for coping with, preventing, or
23 reducing the chance of occurrence or recurrence of a condition;

24 (iv) Understand genetic or prenatal tests, coordinate testing for
25 inherited disorders, and interpret complex genetic test results;

26 (c) Facilitating an individual's or family's:

27 (i) Exploration of the perception of risk and burden associated
28 with the disorder;

29 (ii) Decision making regarding testing or medical interventions
30 consistent with their beliefs, goals, needs, resources, and cultural,
31 ethical, and moral views; and

32 (iii) Adjustment and adaptation to the condition or their genetic
33 risk by addressing needs for psychosocial and medical support; and

34 (d) Pursuant to a collaborative agreement:

35 (i) Ordering genetic tests or other evaluations to diagnose a
36 condition or determine the carrier status of one or more family
37 members, including testing for inherited disorders; and

1 (ii) Selecting the most appropriate, accurate, and cost-effective
2 methods of diagnosis.

3 (6) "Secretary" means the secretary of health.

4 NEW SECTION. **Sec. 2.** In addition to any other authority, the
5 secretary has the authority to:

6 (1) Adopt rules under chapter 34.05 RCW necessary to implement this
7 chapter;

8 (2) Establish all licensing, examination, and renewal fees in
9 accordance with RCW 43.70.110 and 43.70.250;

10 (3) Establish forms and procedures necessary to administer this
11 chapter;

12 (4) Issue licenses to applicants who have met the education,
13 training, and examination requirements for obtaining a license and to
14 deny a license to applicants who do not meet the requirements;

15 (5) Hire clerical, administrative, investigative, and other staff
16 as needed to implement this chapter to serve as examiners for any
17 practical examinations;

18 (6) Determine minimum education requirements and evaluate and
19 designate those educational programs from which graduation will be
20 accepted as proof of eligibility to take a qualifying examination for
21 applicants for obtaining a license;

22 (7) Establish practice parameters consistent with the practice of
23 genetic counseling as defined in section 1 of this act and considering
24 developments in the field, with the advice and recommendations of the
25 advisory committee;

26 (8) Prepare, grade, and administer, or determine the nature of, and
27 supervise the grading and administration of examinations for obtaining
28 a license;

29 (9) Determine which states have licensing requirements equivalent
30 to those of this state, and issue licenses to applicants licensed in
31 those states without examination;

32 (10) Define and approve any experience requirement for licensing;

33 (11) Adopt rules implementing a continuing competency program;

34 (12) Maintain the official department record of all applicants and
35 license holders; and

36 (13) Establish by rule the procedures for an appeal of an
37 examination failure.

1 NEW SECTION. **Sec. 3.** Nothing in this chapter shall be construed
2 to prohibit or restrict:

3 (1) An individual who holds a credential issued by this state,
4 other than as a genetic counselor, to engage in the practice of that
5 occupation or profession without obtaining an additional credential
6 from the state. The individual may not use the title genetic counselor
7 unless licensed as such in this state;

8 (2) The practice of genetic counseling by a person who is employed
9 by the government of the United States while engaged in the performance
10 of duties prescribed by the laws of the United States;

11 (3) The practice of genetic counseling by a person who is a regular
12 student in an educational program approved by the secretary, and whose
13 performance of services is pursuant to a regular course of instruction
14 or assignments from an instructor and under the general supervision of
15 the instructor; or

16 (4) The practice of genetic counseling by a person who is
17 practicing under the general supervision of a genetic counselor in a
18 genetic counseling training site while gathering logbook cases for the
19 purpose of meeting licensing requirements.

20 NEW SECTION. **Sec. 4.** The secretary shall issue a license to any
21 applicant who demonstrates to the satisfaction of the secretary that
22 the applicant meets the following requirements:

23 (1) Graduation from a master's or doctorate program in genetic
24 counseling or medical genetics approved by the secretary;

25 (2) Successful completion of any clinical experience requirements
26 established by the secretary; and

27 (3) Successful completion of an examination administered or
28 approved by the secretary.

29 ****NEW SECTION. Sec. 5. (1) The advisory committee on genetic***
30 ***counseling is established consisting of five members appointed by the***
31 ***secretary. The membership consists of three members who are genetic***
32 ***counselors, one member who is a licensed health care provider with***
33 ***genetic expertise, and one member of the public. Initial terms of the***
34 ***members must be staggered and then are three-year terms. The advisory***
35 ***committee shall meet at the times and places designated by the***
36 ***secretary. Each member of an advisory committee shall be reimbursed***

1 for travel expenses as authorized in RCW 43.03.050 and 43.03.060. In
2 addition, members of the committee shall be compensated in accordance
3 with RCW 43.03.240 when engaged in the authorized business of the
4 advisory committee.

5 (2) The department shall seek the advice and assistance of the
6 advisory committee in administering this chapter, including:

7 (a) Advice and recommendations regarding the establishment or
8 implementation of rules related to the administration of this chapter;

9 (b) Advice and recommendations regarding developments in the
10 practice of genetic counseling;

11 (c) Advice, recommendations, and consultation regarding case
12 disposition guidelines and priorities related to unprofessional conduct
13 cases regarding the practice of genetic counseling;

14 (d) Assistance and consultation of individual committee members as
15 needed in the review, analysis, and disposition of reports of
16 unprofessional conduct and consumer complaints; and

17 (e) Assistance and recommendations regarding any continuing
18 competency program administered under the provisions of this chapter.

**Sec. 5 was vetoed. See message at end of chapter.*

19 NEW SECTION. **Sec. 6.** (1) The date and location of examinations
20 must be established by the secretary. Applicants who have been found
21 by the secretary to meet the other requirements for obtaining a license
22 must be scheduled for the next examination following the filing of the
23 application. The secretary shall establish by rule the examination
24 application deadline.

25 (2) The secretary or the secretary's designees shall examine each
26 applicant, by means determined most effective, on subjects appropriate
27 to the scope of practice, as applicable. The examinations must be
28 limited to the purpose of determining whether the applicant possesses
29 the minimum skill and knowledge necessary to practice competently.

30 (3) The examination papers, all grading of the papers, and the
31 grading of any practical work shall be preserved for a period of not
32 less than one year after the secretary has made and published the
33 decisions. All examinations must be conducted under fair and wholly
34 impartial methods.

35 (4) Any applicant failing to make the required grade in the first
36 examination may take up to two subsequent examinations as the applicant
37 desires upon prepaying a fee determined by the secretary under RCW

1 43.70.250 for each subsequent examination. Upon failing four
2 examinations, the secretary may invalidate the original application and
3 require remedial education before the person may take future
4 examinations.

5 (5) The secretary may approve an examination prepared or
6 administered by a private organization that certifies and recertifies
7 genetic counselors, or an association of licensing agencies, for use by
8 an applicant in meeting the credentialing requirements.

9 NEW SECTION. **Sec. 7.** Applications for licensing must be submitted
10 on forms provided by the secretary. The secretary may require any
11 information and documentation that reasonably relates to the need to
12 determine whether the applicant meets the criteria for licensing
13 provided for in this chapter and chapter 18.130 RCW. Each applicant
14 shall pay a fee determined by the secretary under RCW 43.70.250. The
15 fee must accompany the application.

16 NEW SECTION. **Sec. 8.** The secretary shall establish by rule the
17 requirements and fees for renewal of a license. Failure to renew the
18 license invalidates the license and all privileges granted by the
19 license. If a license has lapsed for a period longer than three years,
20 the person shall demonstrate competence to the satisfaction of the
21 secretary by completing continuing competency requirements or meeting
22 other standards determined by the secretary.

23 NEW SECTION. **Sec. 9.** The secretary may grant a provisional
24 license to a person who has met all of the requirements for obtaining
25 a license except for the successful completion of an examination. A
26 provisional license must be renewed annually. The secretary may grant
27 a provisional license to a person up to four times. A provisional
28 license holder may only practice genetic counseling under the
29 supervision of either a licensed genetic counselor, a physician
30 licensed under chapter 18.71 RCW, or osteopathic physician licensed
31 under chapter 18.57 RCW, with a current certification in clinical
32 genetics issued by an organization approved by the secretary.

33 NEW SECTION. **Sec. 10.** An applicant holding a license in another
34 state may be licensed to practice in this state without examination if

1 the secretary determines that the licensing standards of the other
2 state are substantially equivalent to the licensing standards of this
3 state.

4 NEW SECTION. **Sec. 11.** (1) Except as provided in section 3 of this
5 act, no person shall engage in the practice of genetic counseling
6 unless he or she is licensed, or provisionally licensed, under this
7 chapter.

8 (2) A person not licensed with the secretary to practice genetic
9 counseling may not represent himself or herself as a "licensed genetic
10 counselor or a genetic counselor."

11 NEW SECTION. **Sec. 12.** The uniform disciplinary act, chapter
12 18.130 RCW, governs unlicensed practice, the issuance and denial of a
13 license, and the discipline of persons licensed under this chapter.
14 The secretary shall be the disciplining authority under this chapter.

15 NEW SECTION. **Sec. 13.** Sections 1 through 12 of this act
16 constitute a new chapter in Title 18 RCW.

17 **Sec. 14.** RCW 18.130.040 and 2009 c 2 s 16 (Initiative Measure No.
18 1029) are each amended to read as follows:

19 (1) This chapter applies only to the secretary and the boards and
20 commissions having jurisdiction in relation to the professions licensed
21 under the chapters specified in this section. This chapter does not
22 apply to any business or profession not licensed under the chapters
23 specified in this section.

24 (2)(a) The secretary has authority under this chapter in relation
25 to the following professions:

26 (i) Dispensing opticians licensed and designated apprentices under
27 chapter 18.34 RCW;

28 (ii) Naturopaths licensed under chapter 18.36A RCW;

29 (iii) Midwives licensed under chapter 18.50 RCW;

30 (iv) Ocularists licensed under chapter 18.55 RCW;

31 (v) Massage operators and businesses licensed under chapter 18.108
32 RCW;

33 (vi) Dental hygienists licensed under chapter 18.29 RCW;

34 (vii) Acupuncturists licensed under chapter 18.06 RCW;

1 (viii) Radiologic technologists certified and X-ray technicians
2 registered under chapter 18.84 RCW;
3 (ix) Respiratory care practitioners licensed under chapter 18.89
4 RCW;
5 (x) Persons registered under chapter 18.19 RCW;
6 (xi) Persons licensed as mental health counselors, marriage and
7 family therapists, and social workers under chapter 18.225 RCW;
8 (xii) Persons registered as nursing pool operators under chapter
9 18.52C RCW;
10 (xiii) Nursing assistants registered or certified under chapter
11 18.88A RCW;
12 (xiv) Health care assistants certified under chapter 18.135 RCW;
13 (xv) Dietitians and nutritionists certified under chapter 18.138
14 RCW;
15 (xvi) Chemical dependency professionals certified under chapter
16 18.205 RCW;
17 (xvii) Sex offender treatment providers and certified affiliate sex
18 offender treatment providers certified under chapter 18.155 RCW;
19 (xviii) Persons licensed and certified under chapter 18.73 RCW or
20 RCW 18.71.205;
21 (xix) Denturists licensed under chapter 18.30 RCW;
22 (xx) Orthotists and prosthetists licensed under chapter 18.200 RCW;
23 (xxi) Surgical technologists registered under chapter 18.215 RCW;
24 (xxii) Recreational therapists;
25 (xxiii) Animal massage practitioners certified under chapter 18.240
26 RCW;
27 (xxiv) Athletic trainers licensed under chapter 18.250 RCW; (~~and~~)
28 (xxv) Home care aides certified under chapter 18.88B RCW; and
29 (xxvi) Genetic counselors licensed under chapter 18.-- RCW (the new
30 chapter created in section 13 of this act).
31 (b) The boards and commissions having authority under this chapter
32 are as follows:
33 (i) The podiatric medical board as established in chapter 18.22
34 RCW;
35 (ii) The chiropractic quality assurance commission as established
36 in chapter 18.25 RCW;
37 (iii) The dental quality assurance commission as established in

1 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW and
2 licenses and registrations issued under chapter 18.260 RCW;

3 (iv) The board of hearing and speech as established in chapter
4 18.35 RCW;

5 (v) The board of examiners for nursing home administrators as
6 established in chapter 18.52 RCW;

7 (vi) The optometry board as established in chapter 18.54 RCW
8 governing licenses issued under chapter 18.53 RCW;

9 (vii) The board of osteopathic medicine and surgery as established
10 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and
11 18.57A RCW;

12 (viii) The board of pharmacy as established in chapter 18.64 RCW
13 governing licenses issued under chapters 18.64 and 18.64A RCW;

14 (ix) The medical quality assurance commission as established in
15 chapter 18.71 RCW governing licenses and registrations issued under
16 chapters 18.71 and 18.71A RCW;

17 (x) The board of physical therapy as established in chapter 18.74
18 RCW;

19 (xi) The board of occupational therapy practice as established in
20 chapter 18.59 RCW;

21 (xii) The nursing care quality assurance commission as established
22 in chapter 18.79 RCW governing licenses and registrations issued under
23 that chapter;

24 (xiii) The examining board of psychology and its disciplinary
25 committee as established in chapter 18.83 RCW; and

26 (xiv) The veterinary board of governors as established in chapter
27 18.92 RCW.

28 (3) In addition to the authority to discipline license holders, the
29 disciplining authority has the authority to grant or deny licenses.
30 The disciplining authority may also grant a license subject to
31 conditions.

32 (4) All disciplining authorities shall adopt procedures to ensure
33 substantially consistent application of this chapter, the Uniform
34 Disciplinary Act, among the disciplining authorities listed in
35 subsection (2) of this section.

36 NEW SECTION. **Sec. 15.** This act takes effect August 1, 2010.

1 NEW_SECTION. **Sec. 16.** The secretary of health may adopt such
2 rules as authorized under section 2 of this act to ensure that this act
3 is implemented on its effective date.

 Passed by the Senate April 20, 2009.

 Passed by the House April 8, 2009.

 Approved by the Governor April 30, 2009, with the exception of
 certain items that were vetoed.

 Filed in Office of Secretary of State May 1, 2009.

 Note: Governor's explanation of partial veto is as follows:

"I am returning, without my approval as to Section 5, Substitute
Senate Bill 5608 entitled:

 "AN ACT Relating to genetic counselors; amending RCW 18.130.040."

Section 5 provides for an advisory committee on genetic counseling to
be established under the Secretary of Health. In difficult economic
times, we need fewer not more advisory committees, boards and
commissions absorbing limited funding and staff time. For this
reason, I have vetoed Section 5 of Substitute Senate Bill 5608.

With the exception of Section 5, Substitute Senate Bill 5608 is
approved."