



# HOUSE BILL 587: NC Genetic Counselors Workforce Act.

2023-2024 General Assembly

<b>Committee:</b>	House Health. If favorable, re-refer to Finance. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	May 16, 2023
<b>Introduced by:</b>	Reps. Potts, K. Baker, Sasser, Reeder	<b>Prepared by:</b>	Jessica Boney Staff Attorney
<b>Analysis of:</b>	PCS to First Edition H587-CSBPf-21		

**OVERVIEW:** *House Bill 587 would regulate the practice of genetic counseling and establish the Genetic Counselor Licensure Board ("Board"). The Proposed Committee Substitute ("PCS") would create a definition for "genetic testing", amend the scope of practice for genetic counselors, create criminal penalties for practicing without a license, allow the Genetic Counselors Licensure Board to seek injunctive relief, administer oaths, and subpoena witnesses, and address inactive licenses.*

**BILL ANALYSIS:** Section 1 would create a new Article 44 of Chapter 90 of the General Statutes titled "Genetic Counselor Licensure". **G.S. 90-750 (Definitions)** would create definitions, including for "genetic counseling", "genetic counselor", and "genetic testing".

**G.S. 90-751 (Genetic Counselors Licensure Board)** would establish a 5 member board made up of the following: one licensed genetic counselor appointed by the Speaker of the House of Representatives, one licensed genetic counselor appointed by the President Pro Tempore of the Senate, and a licensed genetic counselor, a licensed physician, and a public member appointed by the Governor. All members would serve three year terms and may be removed by the Governor for specified reasons. The Board would meet at least two times annually.

**G.S. 90-752 (Powers and duties of Board)** would allow the Board to adopt rules, establish qualifications and fees for licensure, issue or revoke licenses, discipline individuals, and conduct investigations.

**G.S. 90-753 (Publishing certain data)** would require the Board to publish the names of licensed genetic counselors on its website and to submit a report to the Governor of specified activities of the Board.

**G.S. 90-754 (Qualifications for licensure; application)** would provide for temporary licensure and reciprocity for applicants. An applicant would have to submit an application, pay a fee, be certified as a genetic counselor by the American Board of Genetic Counseling, and be at least 18 years of age and of good moral character. An individual who does not qualify for licensure under the Article but has worked as a genetic counsel for at least 10 years and provides specified information may apply to the Board for licensure. All licenses, except for a temporary one, would be issued for a two-year period.

**G.S. 90-755 (Scope of practice)** would define the scope of practice for genetic counselors to include the following:

- Evaluating individual, family, and medical histories to determine the genetic risk for genetic or medical conditions.
- Identifying and ordering genetic laboratory tests.

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- Explaining the clinical implications of genetic laboratory tests and their results.
- Identifying and utilizing community resources to provide medical, educational, financial, and psychosocial support and advocacy.
- Providing written documentation of medical, genetic, and counseling information, which may include genetic testing results and findings.

The practice of genetic counseling would not include the diagnosis, treatment, recommendations for treatment or any final interpretation of genetic testing. Genetic counselors would consult with the referring provider or refer all clients back to the referring provider for diagnosis, treatment, and any necessary follow-up.

**G.S. 90-756 (Fees)** would direct the Board to collect a \$250 application fee, a \$200 license renewal fee, a \$50 late renewal fee, a \$250 reciprocal license application fee, and a \$100 temporary license application fee.

**G.S. 90-757 (Criminal history record checks of applicants for licensure)** would require applicants to consent to a criminal history record check. A criminal conviction would not automatically bar licensure, the Board would evaluate certain factors and make a determination to either grant or deny licensure.

**G.S. 90-758 (Restrictions)** would preclude an individual from holding themselves out as a genetic counselor without proper licensure. Any person practicing without a license would be guilty of a Class 1 misdemeanor. Any person falsely representing themselves as licensed under this Article and practicing without a license would be guilty of a Class I felony. An out of state practitioner practicing without a State license would be guilty of a Class I felony.

**G.S. 90-759 (Exemptions)** would provide exemptions from the requirements of this Article for specified individuals. **G.S. 90-760 (Continuing education requirements)** would require an applicant seeking license renewal to complete 30 hours of National Society of Genetic Counselors continuing education units.

**G.S. 90-761 (Unprofessional conduct; violations)** would allow the Board to deny, suspend, or revoke licensure and to discipline, place on probation, limit practice, or require examination, remediation, and rehabilitation of any applicant or licensee for any violation as specified. Chapter 150B of the General Statutes would govern the procedure for disciplinary, remedial or rehabilitative actions. An individual's whose license has been denied or revoked may reapply to the Board after one year.

**G.S. 90-762 (Injunctions)** would let the Board seek an action for injunctive relief to prevent violation of the Article and **G.S. 90-763 (Administering oaths; subpoena witness records and other materials)** would permit the Board to administer oaths and subpoena witnesses to testify about any matter to be heard before or inquired into by the Board. All records, documents, or material compiled by the Board would not be considered public records. **G.S. 90-764 (Inactive licenses)** would allow the Board to retain jurisdiction over an inactive license.

**Section 2** would direct the Board to adopt temporary rules to implement the act. **Section 3** instructs initial appointments to the Board to be made on or before October 1, 2023, and the initial terms would begin on January 1, 2024.

**EFFECTIVE DATE:** Section 1 of this act would be effective October 1, 2024, and the remainder of this act would be effective when it becomes law.