

Georgia Composite Medical Board

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NOTICE OF INTENT TO AMEND AND ADOPT RULES

TO ALL INTERESTED PARTIES:

Notice is hereby given that pursuant to the authority set forth below, the Georgia Composite Medical Board (hereinafter “Board”) proposes amendments to the Georgia Composite Medical Board Rules by amending Rule New Rule Chapter 360-39 “Genetic Counselors.” An exact copy of the proposed rule is attached to this Notice.

This notice, together with an exact copy of the proposed rules and a synopsis of the proposed amendments may be reviewed between 8:00 a.m. and 4:00 p.m., Monday through Friday, except official State holidays, at 2 Peachtree Street, N.W., 6th Floor, Atlanta, Georgia 30303. These documents can also be reviewed online at <http://medicalboard.georgia.gov/notice-intent-amendadopt-rules>.

A public hearing is scheduled to begin at **8:00 a.m.** on **January 9, 2020** at the Board offices, 2 Peachtree Street, NW, 6th Floor, Atlanta, GA 30303 to provide the public an opportunity to comment upon and provide input into the proposed rules. At the public hearing, any interested person may present data, make a statement or comment, or offer a viewpoint or argument orally or in writing. Lengthy statements and statements of a considerable technical or economic nature, as well as previously recorded messages, must be submitted for the official record. Oral statements should be concise and will be limited to 5 minutes per person. Additional comments should be presented in writing. To ensure their consideration, submit all written comments by **January 6, 2020 to lhughes@dch.ga.gov** or via mail to the Georgia Composite Medical Board Rule Committee at 2 Peachtree Street, N.W., 6th Floor, Atlanta, Georgia 30303.

The Board voted to adopt this Notice of Intent on **December 9, 2019**. Upon conclusion of the public hearing on **January 9, 2020**, the Board will consider whether the formulation and adoption of these proposed rule amendments imposes excessive regulatory costs on any license or entity, and whether any cost to comply with the proposed rule amendments could be reduced by a less expensive alternative that accomplishes the objectives of the statutes which are the basis of the proposed rule. Additionally, the Board will consider whether it is legal or feasible in meeting the objectives of the applicable laws to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(3)(A),(B),(C), and (D).

This Notice is adopted and posted in compliance with O.C.G.A. § 50-13-4 of the Georgia Administrative Procedures Act. A synopsis of the proposed rules and an economic impact statement are attached to this Notice. The authority for promulgation of these rules is O.C.G.A. §§ 43-1-31, 43-34-11, 43-34-312, 43-34-313, 43-34-314, 43-34-315, 50-36-1

Issued this day, December 9, 2019.



LaSharn Hughes, MBA
Executive Director
Georgia Composite Medical Board

ECONOMIC IMPACT AND SYNOPSIS FOR

NEW RULE CHAPTER 360-39

ECONOMIC IMPACT:

The attached rules are promulgated under the authority of the Medical Practice Act, Title 43, Chapter 34. The Georgia Composite Medical Board licenses and regulates nine professions. The formulation and adoption of these rules do not impose excessive regulatory cost on any licensee, and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of Article 2 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated. Additionally, it is not legal or feasible to meet the objectives of the Article 2 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated to adopt or implement differing actions for businesses listed in O.C.G.A. §50-13-4(a)(3)(A), (B), (C) and (D).

RULE SYNOPSIS:

New Rule Chapter 360-39

Purpose/Main Features: The purpose of the proposed rules is to implement House Bill 166 that will create a new licensure category for “Genetic Counselors”

O.C.G.A. §§ 43-1-31, 43-34-11, 43-34-312, 43-34-313, 43-34-314, 43-34-315, 50-36-1

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Rule 360-39-.01 Definitions

- (1) 'ABGC' means the American Board of Genetic Counseling or its successor or equivalent.
- (2) 'ABMG' means the American Board of Medical Genetics and Genomics or its successor or equivalent.
- (3) 'ACGC' means the Accreditation Council for Genetic Counseling or its successor or equivalent.
- (4) 'Board' means the Georgia Composite Medical Board.
- (5) 'Examination for licensure' means the ABGC or ABMG certification examination or the examination provided by a successor entity to the ABGC or ABMG to fairly test the competence and qualifications of applicants to practice genetic counseling.
- (6) 'Genetic counseling' means the provision of services by a genetic counselor to

 - (a) Obtain and evaluate individual, family, and medical histories to determine genetic risk for genetic or medical conditions and diseases in a patient, his or her offspring, and other family members;
 - (b) Discuss the features, natural history, means of diagnosis, genetic and environmental factors, and management of risk for genetic or medical conditions and diseases;
 - (c) Identify, order, and coordinate genetic laboratory tests and other diagnostic studies as appropriate for the genetic assessment consistent with practice based competencies provided by the ACGC;
 - (d) Integrate genetic laboratory test results and other diagnostic studies with personal and family medical history to assess and communicate risk factors for genetic or medical conditions and diseases;
 - (e) Explain the clinical implications of genetic laboratory tests and other diagnostic studies and their results;
 - (f) Evaluate the client's or family's responses to the condition or risk of recurrence and provide client centered counseling and anticipatory guidance;
 - (g) Identify and utilize community resources that provide medical, educational, financial, and psychosocial support and advocacy; or
 - (h) Provide written documentation of medical, genetic, and counseling information for families and health care professionals.
- (7) 'Genetic counseling intern' means a student enrolled in a genetic counseling program accredited by the ACGC or ABMG.
- (8) 'Genetic counselor' means an individual licensed by the board pursuant to this article104 to engage in the competent practice of genetic counseling.

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

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

(11) 'Qualified supervisor' means any person that is board certified as a genetic counselor under this article or any licensed physician.

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

Authority O.C.G.A. § 43-34-311

360-39-.02 Qualifications for Licensure

(1) Applications for licensure as a genetic counselor must submit an application on a form approved by the Board, submit an application fee, and submit an affidavit that the applicant is a United States citizen, a legal permanent resident of the United States, or that he/she is a qualified alien or non-immigrant under the Federal Immigration and Nationality Act. If the applicant is not a U.S. citizen, he/she must submit documentation that will determine his/her qualified alien status. The Board participates in the DHS-USCIS SAVE (Systematic Alien Verification for Entitlements or "SAVE") program for the purpose of verifying citizenship and immigration status information of non-citizens. If the applicant is a qualified alien or non-immigrant under the Federal Immigration and Nationality Act, he/she must provide the alien number issued by the Department of Homeland Security or other federal immigration agency.

(2) An applicant for licensure as a genetic counselor must be at least 21 years of age.

(3) Has not engaged in conduct or activities which would constitute grounds for discipline under this article;

(4) Has successfully completed:

(A) A master's degree in genetic counseling from an ACGC, ABGC, or ABMG accredited training program or an equivalent program approved by the ACGC, ABGC, or ABMG.

(B) A doctoral degree and successful completion of an ABMG/ACGME accredited medical genetics training program or an equivalent program approved by the ABMG/ACGME; these individuals would also be required to pass the ABGC examination.

(5) Has successfully completed the ABGC or ABMG certification examination or the examination provided by a successor entity to the ABGC or ABMG;

(6) Has met the requirements for certification set forth by the ABGC or the ABMG, if required by the board pursuant to rule; and

(7) Has met any other requirements established by rule.

Authority O.C.G.A. § 43-34-312

Rule 360-39-.03 Temporary License

A temporary license may be issued to an individual who has made application to the board, has submitted evidence to the board of admission to examination for licensure, has met all of the requirements for licensure in accordance with this Code section, except for the examination requirement, and has met any other condition established by rule. The holder of a temporary license shall practice only under the supervision of a qualified supervisor and may not have the authority to order genetic tests. Nothing in this subsection shall prohibit an applicant from reapplying for a temporary license if he or she meets the qualifications of this subsection. The Temporary license is only valid for 18 months.

Authority O.C.G.A. § 43-34-312

Rule 360-39-.04 Renewal Requirements

- 1) All licenses shall expire biennially unless renewed. Genetic Counselors who are applying for their first renewal in Georgia shall be exempt from the continuing education requirement.
- (2) Each licensee shall notify the Board within thirty (30) days, in writing, of all changes of address. Any mailing or notice from the Board shall be considered to be served on the licensee when sent to the licensee's last address on file with the Board.
- (3) All active licenses must be renewed every two years. This may be done via the internet or through mail. A licensee may not practice after the expiration date of the license. A license must be renewed biennially by the last day of the month in which the applicant's

birthday falls, and the licensee must establish satisfaction of Board-approved continuing education requirements to be eligible for renewal.

- (4) Licensees have the right to obtain a late renewal of their licenses during the three (3) month period immediately following the expiration date. During this period, the penalty for late renewal applies. A licensee may not practice after the expiration date of his or her license.
- (5) The Board shall administratively revoke any license not renewed prior to the expiration of the late renewal period. In order to obtain a license after revocation for failure to renew, an applicant must reapply for reinstatement/restoration and meet the requirements in effect at the time of the application.
- (6) Notwithstanding the provisions of paragraph (4) of this rule, any service member as defined in O.C.G.A. § 43-1-31 whose license to practice as a genetic counselor expired while on active duty outside the state shall be permitted to practice in accordance with the expired license and shall not be charged with a violation relating to such practice on an expired license for a period of six (6) months from the date of his or her discharge from active duty or reassignment to a location within the state. Such service member shall be entitled to renew such expired license without penalty within six (6) months after the date of his or her discharge from active duty or reassignment to a location within this state. The service member must present to the Board a copy of the official military orders or a written verification signed by the service member's commanding officer to waive any charges.
- (7) The fee for renewals and late renewals shall be designated in the fee schedule.
- (8) A person who has permitted his or her license to expire or who has had his or her license on inactive status may have his or her license restored by:
 - (a) Making application to the board;
 - (b) Filing proof acceptable to the board of his or her fitness to have his or her license restored, including, but not limited to, sworn evidence certifying to active practice in another jurisdiction satisfactory to the board; and
 - (d) Paying the required restoration fee.
- (9) In the event of licensure retirement or inactivity in excess of two (2) years or if derogatory information or communication is received during the reactivation process, the applicant should be prepared to appear before the Board and Committee, for an interview regarding continued competence to ensure the public is protected. If competence is not demonstrated to the Board's satisfaction, additional continuing education and/or supervision may be required for a period of time at the Board's discretion.
- (10) If licensure retirement was in excess of five (5) Years, in addition to the above, the applicant would be requirement to successfully complete up to 250 hours of continuing education.

(11) All applicants must provide an affidavit and a secure and verifiable document in accordance with O.C.G.A. 50-36-1(f). If the applicant has previously provided a secure and verifiable document and affidavit of United States citizenship, no additional documentation of citizenship is required for renewal. If the applicant for renewal is not a United States citizen, he/she must submit documentation that will determine his/her qualified alien status. The Board participates in the DHS-USCIS SAVE (Systematic Alien Verification for Entitlements or "SAVE") program for purpose of verifying citizenship and immigration status information of non-U.S. citizens. If the applicant for renewal is a qualified alien or non-immigrant under the Federal Immigration and Nationality Act, he/she must provide the alien number issued by the Department of Homeland Security or other federal agency.

Authority O.C.G.A. §§ 43-1-31 and 50-36-1

Rule 360-39-.05 Continuing Education Requirements

- (1) Licenses shall be renewable biennially on the renewal date established by the board.
- (2) The board shall be authorized to require persons seeking renewal of licensure under this article to complete board approved continuing education.
- (3) Thirty (30) contact hours of continuing education (3 CEUs) are required for license renewal, except for the first renewal in which no continuing education is required. Please note that these contact hours need to be approved by the National Society of Genetic Counselors (NSGC). Professional activity credits (PACs) do not count towards these 30 contact hours. Please note that NSGC counts one contact hour as 0.1 CEU.

O.C.G.A. §§ 43-34-11 and 43-34-313

Rule 360-39-.06 Inactive Status

- (1) A person who notifies the board on forms prescribed thereby may elect to place his or her license on an inactive status and shall, subject to rules of the board, be excused from payment of restoration fees until he or she notifies the board of his or her desire to resume active status
- (2) A person requesting restoration from inactive status shall be required to pay the current renewal fee and shall be required to restore his or her license as provided in O.C.G.A. § 43-34-313(c).
- (3) A genetic counselor whose license is on inactive status shall not practice genetic counseling in this state.
- (4) A person whose license expired while he or she was:
 - (a) In federal service on active duty within the armed forces of the United States or with the state militia and called into service or training; or

(b) In training or education under the supervision of the United States preliminary to induction into military service may have his or her license renewed or restored without paying a lapsed renewal fee if, within two years after termination from the service, training, or education except under conditions other than honorable, he or she furnishes the board with satisfactory evidence that he or she has been so engaged and that his or her service, training, or education has been terminated.

Authority § 43-34-313

Rule 360-39-.07. Composition and Responsibilities of the Genetic Counselors Advisory Committee

- (1) The composition of the Genetic Counselor Advisory Committee ("Advisory Committee") shall be comprised as follows:
 - (a) Board members of the Georgia Composite Medical Board.
 - (b) At least four (4) appointees, who will be licensed within six months of licensure and representative of the genetic counselors profession, and such other individuals as the Board, in its discretion, may determine.
- (2) Shall serve a three year term and may be reappointed for an additional three year term by a majority vote of the Board, but may not serve more than two consecutive terms.
- (3) Requirements for Genetic Counselors Advisory Members:
 1. All appointees to the Advisory Committee with the exception of medical board members shall have on file with the Executive Director of the Board, or his/her designee, a resume and three (3) letters of recommendation, (one of which may be from a physician familiar with the appointee's practice).
 2. In order to preserve continuity on the Advisory Committee, two appointees shall serve a three year-term and two appointees shall serve a two-year term which will be considered a partial term. At the time of the appointment, each appointee will be notified in writing by the Executive Director of the Board as to the beginning and ending dates of their respective appointment terms. Each may reapply to the full Board to serve an additional term, but may not serve more than two consecutive two-year terms.
 3. In the event an Advisory Committee member is replaced during a term, the replacement member will serve the remaining time of that term as a partial term. An Advisory Committee member who serves a partial term will, after the completion of the partial term, be eligible to serve two consecutive two-year terms.
 4. Appointees shall serve without compensation from the State of Georgia for their time and expenses.

'genetic associate,' or any words, letters, abbreviations, or insignia indicating or implying the person holds a genetic counseling license

Authority O.C.G.A. § 43-34-314

Rule 360-39-.09 Exceptions

The provisions of this article shall not apply to:

(1) Any person licensed by the state to practice in a profession other than that of a genetic counselor, such as a physician, when acting within the scope of the person's profession and doing work of a nature consistent with the person's training; provided, however, that such person shall not hold himself or herself out to the public as a genetic counselor;

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

(3) A student or intern enrolled in an ACGC 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 instruction of a licensed genetic counselor or physician assigned to the student and who is on duty and available in the assigned patient care area and if the person is designated with the title of 'genetic counseling intern';

(4) Any company providing services available directly to consumers without such consumers seeing a physician or genetic counselor, that are approved by the United States Food and Drug Administration to assess risks for certain genetic diseases or conditions, but that do not diagnose such diseases or conditions; or

(5) Any person using genetic data for purposes of nutritional counseling who is licensed as a dietitian under Chapter 11A of this title or exempt from such licensure pursuant to paragraph (10) of Code Section 43-11A-18."

Authority O.C.G.A. § 43-34-315

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