



# PROPOSED RULE MAKING

## CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

**Agency:** Department of Health

- Preproposal Statement of Inquiry was filed as WSR 09-17-055 ; or
- Expedited Rule Making--Proposed notice was filed as WSR    ; or
- Proposal is exempt under RCW 34.05.310(4).

- Original Notice
- Supplemental Notice to WSR
- Continuance of WSR

**Title of rule and other identifying information:** (Describe Subject)  
Chapter 246-825 WAC establishing new rules for Genetic Counselors

**Hearing location(s):** Department of Health  
Town Center Two, Room 158  
111 Israel Road SE  
Tumwater WA 98501

Date: 10/06/2010 Time: 2:00 p.m.

**Submit written comments to:**

Name: Jennifer Coiteux  
Address: Department of Health  
PO Box 47852  
Olympia WA 98504-7852  
Website: <http://www3.doh.wa.gov/policyreview/>  
fax (360) 236-2901 by (date) 10/06/2010

**Assistance for persons with disabilities:** Contact

Jennifer Coiteux by 10/01/2010

TTY (800) 833-6388 or () 711

**Date of intended adoption:** 10/27/2010

(Note: This is **NOT** the **effective** date)

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:**

The purpose of the proposed rules is to implement 2009 legislation, Substitute Senate Bill 5608, codified as chapter 18.290 RCW, which requires licensure of genetic counselors. The proposed rules will establish enforceable standards of practice, and qualifications for licensure including, education and examination requirements, and fees.

**Reasons supporting proposal:**

The proposed rules will protect the people of this state by establishing minimum competency standards for the profession of genetic counselors and by only licensing appropriately educated and trained individuals as required by law.

**Statutory authority for adoption:**

RCW 18.290.020

**Statute being implemented:**

Chapter 18.290 RCW

**Is rule necessary because of a:**

- Federal Law?  Yes  No
  - Federal Court Decision?  Yes  No
  - State Court Decision?  Yes  No
- If yes, CITATION:

**DATE** 08/31/10

**NAME** (type or print)

Mary C. Selecky

**SIGNATURE**

**TITLE**

Secretary of Health

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE:** August 31, 2010

**TIME:** 10:34 AM

**WSR 10-18-076**

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

None.

**Name of proponent:** (person or organization) Department of Health

- Private
- Public
- Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... Jennifer Coiteux	PO Box 47852, Olympia WA 98504-7852	(360) 236-4766
Implementation..... Jennifer Coiteux	PO Box 47852, Olympia WA 98504-7852	(360) 236-4766
Enforcement..... Jennifer Coiteux	PO Box 47852, Olympia WA 98504-7852	(360) 236-4766

**Has a small business economic impact statement been prepared under chapter 19.85 RCW?**

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone

fax

e-mail

No. Explain why no statement was prepared.

A small business economic impact statement was not prepared. The proposed rule would not impose more than minor costs on businesses in an industry.

**Is a cost-benefit analysis required under RCW 34.05.328?**

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name: Jennifer Coiteux

Address: PO Box 47852

Olympia WA 98504-7852

phone (360) 236-4766

fax (360) 236-2901

e-mail [jennifer.sommer@doh.wa.gov](mailto:jennifer.sommer@doh.wa.gov)

No: Please explain:

## Chapter 246-825 WAC

### GENETIC COUNSELORS

#### NEW SECTION

**WAC 246-825-010 Definitions.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "**ABGC**" means the American Board of Genetic Counseling, a national organization for certification and recertification of genetic counselors.

(2) "**ABMG**" means the American Board of Medical Genetics, a national organization for certification and recertification of genetic counselors and geneticists with medical or other doctoral degrees.

(3) "**Collaborating physician**" means a physician licensed under chapter 18.71 RCW, or an osteopathic physician licensed under chapter 18.57 RCW, who is board certified in clinical genetics specialty or board certified in a specialty relevant to the practice of the genetic counselor(s) and provides medical direction and support as documented in a written collaborative agreement. No employment relationship is required or implied for this interaction.

(4) "**Continuing education**" means postlicensure professional genetic counselor education accredited or approved by NSGC, ABGC or any other entity approved by the secretary, and designed to maintain and improve competence and promote professional development in the practice of genetic counseling.

(5) "**Department**" means the department of health.

(6) "**Genetic counselor**" means an individual licensed under chapter 18.290 RCW to engage in the practice of genetic counseling.

(7) "**Licensed health care provider**" means a physician licensed under chapter 18.71 RCW, physician assistant licensed under chapter 18.71A RCW, osteopathic physician licensed under chapter 18.57 RCW, osteopathic physician assistant licensed under chapter 18.57A RCW, advanced registered nurse practitioner licensed under chapter 18.79 RCW, or naturopathic physician licensed under chapter 18.36A RCW.

(8) "**NSGC**" means the National Society of Genetic Counselors, a professional membership society which promotes the genetic counseling profession as an integral part of health care delivery, and offers educational programs.

(9) "**Secretary**" means the secretary of the department of

health.

(10) **"Supervisor"** means:

- (a) A genetic counselor licensed under this chapter;
- (b) A physician licensed under chapter 18.71 RCW with a current ABMG certification in clinical genetics specialty; or
- (c) An osteopathic physician licensed under chapter 18.57 RCW, with a current ABMG certification in clinical genetics specialty.

NEW SECTION

**WAC 246-825-020 Practice parameters.** (1) Except as provided in WAC 246-825-030(1), a genetic counselor shall not diagnose, test or treat any genetic disease or condition or other disease or condition.

(2) If a genetic counselor finds any indication of a disease or condition that requires professional service outside the scope of practice defined in RCW 18.290.010, the genetic counselor shall refer that client to a licensed health care provider as defined in WAC 246-825-010(7).

NEW SECTION

**WAC 246-825-030 Collaborative agreement.** (1) Under a collaborative agreement, a licensed genetic counselor may order laboratory tests or recommend other evaluations to diagnose a hereditary condition or determine the carrier status of one or more family members, including testing for inherited disorders. The collaborative agreement shall include:

(a) A written statement identifying and signed by the collaborating physician and genetic counselor who are party to the agreement.

(b) A general statement of the procedures, decision criteria, or categories of care that a genetic counselor is to follow when ordering genetic tests or other evaluations.

(c) A selection of the most appropriate, accurate, and cost-effective methods of diagnosis.

(2) Any modification to the collaborative agreement shall be treated as a new agreement.

(3) A collaborative agreement must be reevaluated at least every two years and the document reexecuted if any modification is made.

(4) A signed copy of the collaborative agreement must be maintained by all parties and available for inspection by the department upon request.

NEW SECTION

**WAC 246-825-050 Examination required.** (1) An applicant for licensure as a genetic counselor shall take and pass the ABGC certification examination or other examination approved by the secretary, or have passed the ABMG general genetics and genetic counseling specialty examinations or the ABMG clinical genetics specialty or subspecialty certification examination.

(2) An applicant may appeal failure of the examination through ABMG's or ABGC's exam failure procedure.

NEW SECTION

**WAC 246-825-060 Licensure requirements.** (1) An applicant for licensure as a genetic counselor must:

(a) Have a master's degree from a genetic counseling training program that is accredited or was accredited at the time of the applicant's graduation by the ABGC or an equivalent program as determined by the ABGC; or

(b) Have a doctorate from a medical genetics training program that is accredited by ABMG or an equivalent program as determined by the ABMG; and

(2) Meet examination requirements under WAC 246-825-050; and

(3) Complete four clock hours of AIDS education and training as required under chapter 246-12 WAC, Part 8; and

(4) Pay fees required under WAC 246-825-990(2); and

(5) Provide any other written declarations or documentation, as required by the secretary.

NEW SECTION

**WAC 246-825-080 Licensure by endorsement.** (1) An applicant for licensure as a genetic counselor who is currently licensed under the laws of another state shall file an application with the department and submit:

(a) Documentation verifying that the applicant meets the education requirements under WAC 246-825-060;

(b) Documentation that the applicant holds an unrestricted active license to practice as a genetic counselor in another state;

(c) Proof of passing the ABGC certification examination or the ABMG general genetics and genetic counseling specialty examinations or the ABMG clinical genetics specialty or subspecialty certification examinations;

(d) Documentation of completion of four clock hours of AIDS education and training as required under chapter 246-12 WAC, Part 8;

(e) Any other written declarations or documentation, as required by the secretary; and

(f) Fees required under WAC 246-825-990(2).

(2) The secretary may examine an endorsement application to determine whether the licensing standards of the other state are substantially equivalent to the licensing standards in Washington state.

(3) An endorsement applicant may also apply for a temporary practice permit as established under WAC 246-12-050.

#### NEW SECTION

**WAC 246-825-100 Qualification for provisional license.** (1) An individual who has met all the requirements for licensure except for passing the examination may apply for a provisional license to engage in supervised practice as a genetic counselor.

(2) Applicants may be eligible for a provisional license, if they:

(a) Have met the education requirements of WAC 246-825-060 (1)(a) or (b); and

(b) File documentation of supervised practice as outlined under WAC 246-825-105 with the department; and

(c) Pay fees required under WAC 246-825-990(3).

(3) An applicant for provisional licensure shall not practice as a genetic counselor until his or her application for such licensure has been approved.

(4) A provisional license shall expire on the practitioner's birthday as provided under WAC 246-12-020 or upon the earliest of the following:

(a) A license is granted; or

(b) A notice of decision is mailed.

(5) A provisional license may be renewed a maximum of three times.

NEW SECTION

**WAC 246-825-105 Documentation and supervision--Provisional license.** (1) An individual practicing under the authority of a provisional license shall practice genetic counseling only under the general supervision of a supervisor.

(a) The applicant for provisional license must provide the name, business address and telephone number, professional license number, and signature of the supervisor.

(b) The supervisor's license and ABGC or ABMG certification shall be current and in good standing at all times during the supervisory relationship.

(c) The provisionally licensed genetic counselor and the supervisor shall notify the department in writing of any change relating to the working relationship within fifteen days of the change. In the event of a change of supervisor, a provisional licensee shall not practice as a genetic counselor at any time between the end of one supervisory relationship and the department's receipt and approval of the new supervisor.

(2) General supervision includes:

(a) On-going availability to engage in direct communication, either face-to-face or by electronic means;

(b) Active, ongoing review of the genetic counselor's services, as appropriate, for quality assurance and professional support;

(c) Description of contingency plans to include the unplanned unavailability of the primary supervisor; and

(d) Identification and professional license number of an alternate supervisor, as appropriate to the practice setting.

(3) General supervision does not require the physical presence of the supervisor. The supervisor shall be readily accessible for consultation and assistance to the provisionally licensed genetic counselor.

NEW SECTION

**WAC 246-825-110 Continuing education.** (1) Licensed genetic counselors must complete a minimum of seventy-five continuing education hours or 7.5 continuing education units (CEUs) every three years following the first license renewal. One contact hour equals 0.1 CEU. No more than fifteen continuing education hours or 1.5 CEUs may be earned for professional development activity credits within a reporting cycle.

(2) Professional development activities include, but are not limited to:

(a) Teaching or providing clinical supervision; authoring or coauthoring an article or chapter in peer-review journal; genetics education outreach; leadership activities.

(b) Lecturing or instructing professional groups.

(c) Teaching genetics related courses for undergraduate, graduate, or other health provider groups.

Multiple credits shall not be given to presenters for multiple presentations of the same program.

(3) Practice-based competency courses or programs may consist of postgraduate studies, seminars, lectures, workshops (including distance learning), and professional conferences. Practice-based competencies include, but are not limited to:

(a) Communication - convey detailed genetic information to diverse audiences clearly and concisely while bridging cultural, socioeconomic and educational difference.

(b) Critical thinking - perform complicated risk calculations; evaluate medical, family and psychosocial histories; distill genetic and psychosocial information; participate in diagnostic evaluations; and develop effective case management plan.

(c) Interpersonal counseling, and psychosocial assessment - use an empathetic approach to identify a patient's concerns, clarify beliefs and values, promote preventative health measures and facilitate informed decision making.

(d) Professional ethics and values.

(4) Courses and programs accredited or approved by the following organizations qualify for continuing education credit for licensed genetic counselors.

(a) ABGC;

(b) ABMG;

(c) NSGC; or

(d) Other courses or programs as approved by the secretary.

(5) Continuing education contact hours or CEUs may not be carried over from one reporting cycle to another.

(6) A genetic counselor may request an extension or to be excused from meeting the continuing education requirements due to illness or other extenuating circumstances.

## NEW SECTION

**WAC 246-825-130 Auditing for compliance.** Licensed genetic counselors must comply with auditing and documentation requirements under chapter 246-12 WAC, Part 7. If audited, the licensee will be required to submit documentation of completed continuing education activities.

(1) Acceptable documentation of continuing education includes:

(a) Certificates indicating the date, number of contact hours awarded, program title, and participant's name; or

(b) An original letter on official stationery from the continuing education program's sponsor indicating the date, number of contact hours awarded, program title, and participant's name.

(2) The secretary may require additional information as needed to assess compliance.

NEW SECTION

**WAC 246-825-140 Expired license.** (1) A genetic counselor may not practice at any time while his or her license is expired. If the license has expired, the practitioner must meet the requirements under chapter 246-12 WAC, Part 2.

(2) If a license is expired for three years or more the practitioner must meet the requirements under chapter 246-12 WAC, Part 2 and demonstrate competence in one of the following ways:

(a) Provide verification of current active practice in another state or U.S. jurisdiction or Canada, and ABGC or ABMG certification.

(b) Provide verification of a current unrestricted active credential in another state or U.S. jurisdiction or Canada.

(c) Take and pass the ABGC certification examination or other examination approved by the secretary no more than six months prior to applying for licensure.

NEW SECTION

**WAC 246-825-990 License fees.** (1) Licenses must be renewed every year on the practitioner's birthday as provided under chapter 246-12 WAC, Part 2.

(2) The following nonrefundable fees will be charged:

<b>Title</b>	<b>Fee</b>
Application	300.00
Renewal	300.00
Late renewal penalty	150.00
Expired license reissuance	150.00
Duplicate license	30.00
Certification of licensure	30.00

(3) The following nonrefundable fees will be charged for provisional license:

<b>Title</b>	<b>Fee</b>
Application	30.00
Renewal	30.00
Late renewal penalty	30.00
Duplicate provisional license	30.00

