

Legislative Analysis



LICENSURE OF GENETIC COUNSELORS

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Senate Bill 331 as enacted
Public Act 624 of 2018
Sponsor: Sen. Judy Emmons
House Committee: Health Policy
Senate Committee: Health Policy
Complete to 5-16-19

Analysis available at
<http://www.legislature.mi.gov>

BRIEF SUMMARY: Senate Bill 331 amends the Public Health Code to require genetic counselors to obtain a license from the Department of Licensing and Regulatory Affairs (LARA).

FISCAL IMPACT: Senate Bill 331 would increase both expenditures and revenues of LARA, but its net fiscal impact is presently indeterminate. The bill would establish fees for individuals seeking licensure as a genetic counselor, including an application processing fee, annual license fee, and a temporary license fee (per year). It is currently unknown how many individuals may seek licensure, so a projection of expected revenues cannot be computed. The department would experience an indeterminate increase in expenditures, due to administration of the genetic counselor licensing program. It is presently unclear if revenues under the bill would sufficiently offset the department's expenses.

THE APPARENT PROBLEM:

Genetic counselors are individuals who administer, evaluate, and counsel patients about genetic tests, which are often used to determine whether an individual suffers from an inherited disorder or is likely to develop or transmit such a disorder to his or her offspring. With the increased use of genetic counseling to make important medical decisions, some have argued that licensure should be required for those who practice genetic counseling in order to ensure a minimum level of expertise and professionalism. Currently, 22 states issue licenses for genetic counselors.¹

THE CONTENT OF THE BILL:

Genetic counseling

Senate Bill 331 requires medical professionals to seek licensure in genetic counseling before engaging in the *practice of genetic counseling*, which encompasses the following:

- Obtaining and evaluating individual, family, and medical histories to determine the genetic risk of developing genetic or medical conditions or diseases for a client, the client's descendants, or family members of the client.
- Discussing with a client the features, natural history, means of diagnosis, genetic and environmental factors, and management of such genetic risks.
- Identifying and coordinating appropriate genetic laboratory tests and other diagnostic studies for genetic assessment of a client.

¹ <https://www.nsgc.org/p/cm/ld/fid=19>

- Integrating genetic tests and diagnostic studies with personal and family medical history to assess and communicate a client’s risk factors.
- Explaining to a client the clinical implications of genetic tests and diagnostic studies and their results.
- Evaluating the responses of a client and the client’s family to a genetic or medical condition or disease or to the risk of recurrence of that condition or disease and providing client-centered counseling and anticipatory guidance.
- Identifying and utilizing community resources that provide medical, educational, financial, and psychological support and advocacy to a client.
- Providing written documentation of medical, genetic, and counseling information for a client’s family and health care professionals.

Licensing Fees

The bill sets the following fees for an individual seeking a genetic counseling license:

- Application processing fee: \$230
- Per-year license fee: \$54
- Per-year temporary license fee: \$50

After LARA has recouped its upfront costs from implementing the new requirements of the bill, the application processing fee drops to \$75.

Michigan Board of Medicine

The bill also adds a genetic counselor to the Michigan Board of Medicine. Currently, the board includes 10 physicians, one physician’s assistant, and eight public members. Under the bill, the current members remain on the board, but the first public member vacancy must be filled by a genetic counselor and the number of public members on the board is reduced to seven.

Setting Standards for Genetic Counseling Licensure

The bill requires LARA, in consultation with the board, to set requirements for obtaining licensure as a genetic counselor in Michigan. In addition, the bill requires the board to perform other necessary responsibilities in regulating genetic counseling.

An individual must do all of the following to be licensed as a genetic counselor:

- Submit an application.
- Pay the requisite fee.
- Provide evidence of having current certification through a nationally recognized certifying agency for genetic counselors or medical geneticists approved by the board.

Restrictions on the Practicing of Genetic Counseling in Michigan

Beginning March 28, 2020 (one year after the bill’s effective date), an individual cannot practice genetic counseling without a license. Unless an individual falls under the exceptions listed below, an individual without a license cannot use the title “genetic counselor,” “genetic consultant,” “gene counselor,” or any other specified terms that would imply that he or she is a certified practitioner in genetic counseling.

An individual may, however, continue to practice genetic counseling without a license under the following circumstances:

- The individual is certified by the American Board of Medical Genetics and Genomics as a Doctor of Philosophy medical geneticist or holds an equivalent certification as determined by the board.
- The individual is licensed by the state to engage in a health profession other than genetic counseling and is acting within the scope of the individual's specific health profession and doing work of a nature consistent with his or her education and training.

To obtain a license renewal as a genetic counselor, the licensee must present satisfactory evidence to the board that he or she has maintained certification through a nationally recognized certifying agency for genetic counselors or medical geneticists since most recently obtaining or renewing his or her licensure.

The bill does not require new or additional third-party reimbursements or mandated worker's compensation benefits for services rendered by an individual who is licensed as a genetic counselor.

The bill took effect (as 2018 PA 624) on March 28, 2019.

MCL 333.16338 et seq.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.