

LICENSURE OF GENETIC COUNSELORS

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<http://www.house.mi.gov/hfa>

Senate Bill 331 (S-1) as reported from House committee

Sponsor: Sen. Judy Emmons

House Committee: Health Policy

Senate Committee: Health Policy

Complete to 12-19-18

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

SUMMARY:

Senate Bill 331 would amend the Public Health Code to require genetic counselors to obtain a license from the Michigan Department of Licensing and Regulatory Affairs (LARA).

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 their offspring. Currently, 22 states¹ issue licenses for genetic counselors.

Genetic counseling

The bill would require medical professionals to seek licensure in genetic counseling before engaging in the *practice of genetic counseling*, which encompasses the following practices:

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

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

Licensing Fees

The bill would set the following fees for any individual seeking a genetic counseling license:

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

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

Michigan Board of Medicine

The bill would also add 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 would remain on the Board, but the first public member vacancy would be filled by a genetic counselor and the number of public members on the Board would be reduced to seven.

Setting Standards for Genetic Counseling Licensure

The bill would require LARA, in consultation with the Board, to set the 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.

The bill would require genetic counselors to do all of the following to get their licenses:

- Submit their applications.
- Pay their 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 one year after the bill's effective date, an individual could not practice genetic counseling without a license. Unless an individual fell under the exceptions listed below, an individual without a license could not 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 could, 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 when acting within the scope of the individual's specific health profession and doing work of a nature consistent with the individual's education and training.

To obtain a license renewal as a genetic counselor, a licensee would have to present satisfactory evidence to the Board that the licensee had maintained certification through a nationally recognized certifying agency for genetic counselors or medical geneticists since the individual most recently obtained or renewed his or her licensure.

The bill specifies that it would 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 under this part.

The bill would take effect 90 days after enactment.

MCL 333.17001 and 333.17021, and proposed MCL 333.16338 et al.

HOUSE COMMITTEE ACTION:

The House Committee on Health Policy reported the Senate-passed version of the bill without amendment.

FISCAL IMPACT:

Senate Bill 331 would increase both expenditures and revenues of the Department of Licensing and Regulatory Affairs (LARA), but the net fiscal impact of the bill 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.

POSITIONS:

A representative of the Michigan Association of Genetic Counselors testified in support of the bill. (12-12-18)

The following entities indicated support for the bill (12-12-18):

- National Society of Genetic Counselors
- Michigan Hospital Association
- Michigan Council for Maternal and Child Health
- Michigan State Medical Society
- Michigan Association of Health Plans
- Henry Ford Health System

Legislative Analyst: Nick Kelly
Fiscal Analyst: Marcus Coffin

■ 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.