

By: Representative McGee

To: Public Health and Human Services

HOUSE BILL NO. 1067

1 AN ACT TO BE KNOWN AS THE MISSISSIPPI GENETIC COUNSELOR
2 PRACTICE ACT; TO PROVIDE FOR THE LICENSURE AND REGULATION OF
3 GENETIC COUNSELORS BY THE STATE BOARD OF HEALTH; TO DEFINE CERTAIN
4 TERMS AND DEFINE THE SCOPE OF PRACTICE OF GENETIC COUNSELING; TO
5 PROVIDE THAT FROM AND AFTER JANUARY 1, 2025, A LICENSE ISSUED
6 UNDER THIS ACT IS REQUIRED TO ENGAGE IN THE PRACTICE OF GENETIC
7 COUNSELING; TO PROHIBIT PERSONS FROM HOLDING THEMSELVES OUT AS
8 GENETIC COUNSELORS UNLESS THEY ARE LICENSED IN ACCORDANCE WITH
9 THIS ACT; TO PRESCRIBE THE MINIMUM QUALIFICATIONS FOR GENETIC
10 COUNSELING LICENSURE; TO PROVIDE FOR RECIPROCAL LICENSURE FOR
11 PERSONS WHO ARE LICENSED OR REGISTERED AS A GENETIC COUNSELOR
12 UNDER THE LAWS OF ANOTHER STATE; TO AUTHORIZE THE BOARD TO GRANT
13 PROVISIONAL GENETIC COUNSELOR LICENSES FOR PERSONS WHO HAVE BEEN
14 GRANTED ACTIVE CANDIDATE STATUS; TO PRESCRIBE CONTINUING EDUCATION
15 REQUIREMENTS FOR LICENSEES; TO PROVIDE EXEMPTIONS FROM LICENSURE
16 FOR CERTAIN PERSONS; TO CREATE THE MISSISSIPPI COUNCIL OF ADVISORS
17 IN GENETIC COUNSELING TO ADVISE THE BOARD AND DEPARTMENT ON
18 MATTERS RELATING TO THE ADMINISTRATION AND INTERPRETATION OF THE
19 PROVISIONS OF THIS ACT; TO PRESCRIBE THE POWERS AND DUTIES OF THE
20 BOARD IN ADMINISTERING THE PROVISIONS OF THIS ACT; TO AUTHORIZE
21 THE BOARD TO DENY, SUSPEND OR REVOKE LICENSES FOR CERTAIN CONDUCT;
22 TO AUTHORIZE THE BOARD TO RECEIVE AND PROCESS COMPLAINTS AND
23 INVESTIGATE ALLEGATIONS OR PRACTICES VIOLATING THE PROVISIONS OF
24 THIS ACT; TO AUTHORIZE THE BOARD TO SEEK INJUNCTIVE RELIEF TO
25 PROHIBIT PERSONS FROM PROVIDING SERVICES AS A GENETIC COUNSELOR
26 WITHOUT BEING LICENSED UNDER THIS ACT; TO PROVIDE CRIMINAL
27 PENALTIES FOR VIOLATIONS OF THIS ACT; AND FOR RELATED PURPOSES.

28 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

29 **SECTION 1. Short Title.** This chapter shall be known and may
30 be cited as the Mississippi Genetic Counselor Practice Act.



31 **SECTION 2. Definitions.** For the purposes of this chapter,
32 the following terms shall have the meanings as defined in this
33 section:

34 (a) "Board" means the State Board of Health.

35 (b) "Department" means the State Department of Health.

36 (c) "Advisory Council" means the Mississippi Council of
37 Advisors in Genetic Counseling established in this chapter.

38 (d) "ABGC" means the American Board of Genetic
39 Counseling, its successor or equivalent.

40 (e) "ABMG" means the American Board of Medical
41 Genetics, its successor or equivalent.

42 (f) "NSGC" means the National Society of Genetic
43 Counselors, its successor or equivalent.

44 (g) "Active candidate status (ACS)" means a person who
45 has met the requirements established by the ABGC to take the ABGC
46 certification examination in general genetics and genetic
47 counseling and has been granted this designation by ABGC.

48 (h) "CEU" means continuing education unit as defined by
49 the NSGC.

50 (i) "Licensed genetic counselor" means a person
51 licensed under this chapter and regulations promulgated under this
52 chapter.

53 (j) "Provisionally licensed genetic counselor" means a
54 person provisionally licensed under this chapter and regulations
55 promulgated under this chapter.



56 (k) "Examination for licensure" means the ABGC or ABMG
57 certification exam.

58 (l) "Genetic counseling intern" means a student
59 enrolled in a genetic counseling program accredited by ABGC or
60 ABMG.

61 (m) "License" means the document of licensure issued by
62 the board.

63 **SECTION 3. Scope of practice.** The practice of "genetic
64 counseling" means the provision of services by an individual who
65 qualifies for a license under this chapter. It includes:

66 (a) Obtaining and interpreting individual, family,
67 medical, and developmental histories;

68 (b) Determining the mode of inheritance and risk of
69 transmission of genetic conditions and birth defects;

70 (c) Discussing the inheritance, features, natural
71 history, means of diagnosis, and management of these conditions;

72 (d) Identifying, ordering, coordinating, and explaining
73 the clinical implications of genetic laboratory tests and other
74 diagnostic studies;

75 (e) Assessing psychosocial factors, and recognizing
76 social, educational and cultural issues;

77 (f) Evaluating the client's or family's responses to
78 the condition or risk of recurrence and provide client-centered
79 counseling and anticipatory guidance;



80 (g) Communicating information to their clients in an
81 understandable manner;

82 (h) Facilitating informed decision making about testing
83 and management;

84 (i) Identifying and effectively using community
85 resources that provide medical, educational, financial, and
86 psychosocial support and advocacy; and

87 (j) Providing accurate written documentation of
88 medical, genetic, and counseling information for families and
89 health care professionals.

90 **SECTION 4. Licensure required.** (1) The board shall
91 establish a licensure process no later than January 1, 2025.
92 After the time that the licensure process is established, a
93 license issued under this chapter is required to engage in the
94 practice of genetic counseling. Genetic counselors who are
95 practicing in Mississippi on July 1, 2024, are allowed to continue
96 their current practice until the licensure process is established
97 by the board, at such time they shall be required to seek
98 licensure.

99 (2) Except in the case of a provisional genetic counselor
100 license issued under Section 6 of this act, all licenses shall be
101 issued for a two-year period upon the payment of the licensing fee
102 prescribed by the board, and shall be renewed upon the filing of a
103 renewal application and the payment of the licensing renewal fee.



104 (3) A genetic counselor whose license is suspended or
105 revoked or whose surrender of license with or without prejudice
106 has been accepted by the board shall promptly deliver the original
107 license and current biennial registration to the board.

108 (4) No person shall hold himself or herself out as a genetic
109 counselor unless he or she is licensed in accordance with this
110 chapter. No person who is not so licensed may use, in connection
111 with his or her name or place of business, the title "genetic
112 counselor", "licensed genetic counselor", "gene counselor",
113 "genetic consultant", "genetic associate" or any words, letters,
114 abbreviations or insignia indicating or implying that a person
115 holds a genetic counseling license.

116 **SECTION 5. Qualifications for licensure.** (1) The board
117 shall require the following as a minimum to qualify for genetic
118 counseling licensure. Each applicant under this chapter shall:

119 (a) Submit an application prescribed by the board;

120 (b) Pay a fee determined by the board;

121 (c) Provide satisfactory evidence of having

122 certification as a:

123 (i) Genetic counselor by the ABGC or ABMG; or

124 (ii) Geneticist by the ABMG; and

125 (d) Meet educational requirements, which shall include
126 a bachelor's and master's degree.

127 (2) An applicant who is licensed or registered as a genetic
128 counselor under the laws of another state, territory or



129 jurisdiction of the United States, which in the opinion of the
130 board imposes substantially the same licensing requirements as
131 this chapter may be licensed under this chapter. The issuance of
132 a license by reciprocity to a military-trained applicant, military
133 spouse or person who establishes residence in this state shall be
134 subject to the provisions of Section 73-50-1 or 73-50-2, as
135 applicable.

136 (3) The board may provide for the late renewal of a license
137 upon the payment of a late fee in accordance with its rules and
138 regulations, but no such late renewal of a license may be granted
139 more than one (1) year after its expiration.

140 (4) A suspended license shall be subject to expiration and
141 may be renewed as provided in this section, but such renewal shall
142 not entitle the licensee, while the license remains suspended and
143 until it is reinstated, to engage in the licensed activity, or in
144 any other conduct or activity in violation of the order of
145 judgment by which the license was suspended. If a license revoked
146 on disciplinary grounds is reinstated, the licensee, as a
147 condition of reinstatement, shall pay the renewal fee and any late
148 fee that may be applicable.

149 (5) An individual who does not otherwise qualify for
150 licensure under this chapter but who has worked as a genetic
151 counselor for a minimum of ten (10) years before July 1, 2024, may
152 apply to the board for licensure but shall provide documentation
153 of the following:



154 (a) A master's or higher degree in genetics or related
155 field of study;

156 (b) Has never failed the ABMG/ABGC certification
157 examination;

158 (c) Three (3) letters of recommendation from at least
159 one (1) genetic counselor who qualifies for licensure under this
160 chapter, and either a clinical geneticist certified by ABMG or
161 medical geneticist certified by ABMG. All individuals submitting
162 letters of recommendation must have worked with the applicant in
163 an employment setting during the last five (5) years and can
164 attest to the applicant's competency in providing genetic
165 counseling services; and

166 (d) Attendance of NSGC/ABGC approved CEU programs
167 within the last five (5) years.

168 **SECTION 6. Provisional licensed genetic counselor.** (1) The
169 board may grant a provisional genetic counselor license to a
170 person who has been granted ACS:

171 (a) Upon filing an approved application with the board;
172 and

173 (b) Payment of a fee to be determined by the board.

174 (2) Such license shall be valid for one (1) year from the
175 date of its issue and may be renewed for an additional one (1)
176 year if an applicant fails the ABGC or ABMG certification exam.

177 (3) Such provisional license shall expire automatically upon
178 the earliest of the following:



- 179 (a) Issuance of a full license;
- 180 (b) Thirty (30) days after the applicant fails to pass
- 181 the certification examination; or
- 182 (c) The date printed on the temporary license.
- 183 (4) A provisionally licensed genetic counselor must work
- 184 under the general supervision of a licensed genetic counselor or a
- 185 licensed physician at all times during which the provisional
- 186 licensed genetic counselor performs genetic counseling.

187 **SECTION 7. Continuing Education Requirements.** (1) Each

188 applicant shall present satisfactory evidence when seeking license

189 renewal that in the period since the license was issued or last

190 renewed the applicant has completed twelve and five-tenths (12.5)

191 hours of NSGC or ABMG continuing education units (CEUs) and/or

192 other means as approved by NSGC for re-certification by ABGC or

193 ABMG every five (5) years, prorated for the length of the license.

194 (2) The board shall make exceptions for licensees from the

195 continuing education requirements, including waiver of all or a

196 portion of these requirements or the granting of an extension of

197 time in which to complete these requirements, upon a finding of

198 good cause following receipt of a written request for exception

199 based upon emergency or hardship. Emergency or hardship cases

200 include, but are not limited to:

201 (a) Long term personal illness or illness involving a

202 close relative or person for whom the licensee has caregiving

203 responsibilities;



204 (b) Where the licensee can demonstrate that the
205 required course(s) are not reasonably available; and

206 (c) Other demonstrated economic, technological or legal
207 hardships that substantially relate to the ability to perform or
208 complete the continuing education requirements.

209 **SECTION 8. Certain exemptions from licensure.** The
210 provisions of this chapter shall not apply to the following:

211 (a) Any person licensed by the state to practice in a
212 profession other than that of genetic counseling, such as a
213 licensed physician or nurse practitioner, when acting within the
214 scope of the person's profession and doing work of a nature
215 consistent with the person's training. However, the person shall
216 not hold himself or herself out to the public as a genetic
217 counselor.

218 (b) Any person employed as a genetic counselor by the
219 federal government or an agency thereof if such person provides
220 genetic counseling services solely under the direction and control
221 of the organization by which he or she is employed.

222 (c) A student or intern enrolled in an ABGC accredited
223 genetic counseling educational program if genetic counseling
224 services performed by the student are an integral part of the
225 student's course of study and are performed under the direct
226 supervision of a licensed genetic counselor assigned to supervise
227 the student and who is on duty and available in the assigned



228 patient care area, and if the person is designated by a title
229 "genetic counseling intern;"

230 (d) A nonresident genetic counselor may practice
231 genetic counseling in Mississippi for no more than a total of five
232 (5) days per calendar year with current licensure from another
233 state.

234 **SECTION 9. Council of Advisors in Genetic Counseling**

235 **established.** (1) (a) There is established the Mississippi
236 Council of Advisors in Genetic Counseling under the jurisdiction
237 of the board. The purpose of the council is to advise the board
238 and department on matters relating to the administration and
239 interpretation of the provisions of this chapter.

240 (b) The council shall be comprised of three (3) to five
241 (5) members, with the majority of the council being licensed
242 genetic counselors and may include a public member and shall
243 include at least one (1) licensed physician.

244 (c) Each council member shall serve a term of three (3)
245 years. However, the terms of initial appointees shall be
246 staggered so that no more than one (1) member's term expires in
247 any one (1) year. No council member may be appointed to more than
248 three (3) consecutive full terms. If a vacancy occurs, the board
249 shall appoint a person to fill the unexpired term.

250 (d) A person is eligible for appointment as a public
251 member if the person or the person's spouse:



252 (i) Is not employed by and does not participate in
253 the management of an agency or business entity that provides
254 health care services or that sells, manufactures or distributes
255 health care supplies or equipment; and

256 (ii) Does not own, control or have a direct or
257 indirect interest in more than ten percent (10%) of a business
258 entity that provides health care services or that sells,
259 manufactures or distributes health care supplies or equipment.

260 (2) The board shall appoint the initial advisory council
261 members not later than September 1, 2024.

262 (3) The council shall meet at least annually or as deemed
263 necessary to conduct business. Meetings may be convened at the
264 call of the chairman or the written request of a majority of the
265 council members, or at the request of the department.

266 (4) A majority of the members of the council shall
267 constitute a quorum for all purposes.

268 (5) Members of the council shall receive no compensation for
269 services performed on the council, but may be reimbursed for
270 necessary and actual expenses incurred in connection with
271 attendance at meetings of the council or for authorized business
272 of the council, in accordance with Section 25-3-41, from funds
273 made available to the board for such purpose.

274 (6) It shall be a ground for removal from the council if a
275 member:



- 276 (a) Does not have at the time of appointment the
277 qualifications required for appointment to the council;
- 278 (b) Does not maintain during service on the council the
279 qualifications required for appointment to the council;
- 280 (c) Violates a prohibition established by this chapter;
281 or
- 282 (d) Fails to attend council meetings for a period of
283 one (1) year.

284 **SECTION 10. State Board of Health powers and duties.** (1)

285 (a) The board shall adopt, amend, promulgate and enforce such
286 rules, regulations and standards governing genetic counselors as
287 may be necessary to further the accomplishment of the purpose of
288 this chapter, and in so doing shall consider the corresponding
289 recommendations of the advisory council.

290 (b) The board shall publish and disseminate to all
291 licensees, in an appropriate manner, the licensure standards
292 prescribed by this chapter, any amendments thereto, and such rules
293 and regulations as the board may adopt, within sixty (60) days of
294 their adoption.

295 (2) The board shall adopt a code of ethics for genetic
296 counselors based upon the NSGC "Code of Ethics for the Profession
297 of Genetic Counselors."

298 (3) The board shall issue and renew licenses to any person
299 who meets the requirements of this chapter.



300 (4) Denial or revocation of license. (a) The board may
301 deny or refuse to renew a license, or suspend or revoke a license,
302 or issue orders to cease or desist from certain conduct, or issue
303 warnings or reprimands where the licensee or applicant for license
304 has been convicted of unlawful conduct or has demonstrated
305 unprofessional conduct which has endangered or is likely to
306 endanger the health, welfare or safety of the public. Such
307 conduct includes:

308 (i) Obtaining a license by means of fraud,
309 misrepresentation or concealment of material facts;

310 (ii) Being guilty of unprofessional conduct as
311 defined by the rules and established by the board or violating the
312 Code of Ethics of the NSGC;

313 (iii) Being convicted of a crime in any court
314 other than a misdemeanor;

315 (iv) Violating any lawful order, rule or
316 regulation rendered or adopted by the board; or

317 (v) Violating any provision of this chapter.

318 (b) Such denial, refusal to renew, suspension,
319 revocation, order to cease and desist from designated conduct, or
320 warning or reprimand may be ordered by the board in a decision
321 made after a hearing in the manner provided by the rules and
322 regulations adopted by the board. One (1) year from the date of
323 the revocation of a license, application may be made to the board
324 for reinstatement. The board shall have discretion to accept or



325 reject an application for reinstatement and may, but shall not be
326 required to, hold a hearing to consider such reinstatement.

327 (5) Receive and process complaints. (a) The board shall
328 have full authority to investigate and evaluate each and every
329 applicant applying for a license to practice genetic counseling,
330 with the advice of the advisory council.

331 (b) The board shall have the authority to issue
332 subpoenas, examine witnesses and administer oaths, and shall, at
333 its discretion, investigate allegations or practices violating the
334 provisions of this chapter, and in so doing shall have power to
335 seek injunctive relief to prohibit any person from providing
336 services as a licensed genetic counselor without being licensed as
337 provided under this chapter.

338 (6) A license certificate issued by the board is the
339 property of the board and must be surrendered on demand.

340 **SECTION 11. Penalties.** Any person who violates any
341 provision of this chapter shall, upon conviction thereof, be
342 guilty of a misdemeanor and shall be punished by a fine of not
343 more than One Thousand Dollars (\$1,000.00), or imprisoned in the
344 county jail for a period not exceeding six (6) months, or both.

345 **SECTION 12.** This act shall be codified as a new chapter in
346 Title 73, Mississippi Code of 1972.

347 **SECTION 13.** This act shall take effect and be in force from
348 and after July 1, 2024.

