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**VIRTUAL/TELECONFERENCE**  
**GENETIC COUNSELORS AFFILIATED CREDENTIALING BOARD**  
**Virtual, 4822 Madison Yards Way, Madison**  
**Contact: Tom Ryan (608) 266-2112**  
**April 14, 2023**

*The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a record of the actions of the Board.*

**AGENDA**

**1:30 P.M.**

**OPEN SESSION – CALL TO ORDER – ROLL CALL**

**A. Adoption of Agenda (1-3)**

**B. Welcome and Introductions**

**C. Administrative Matters – Discussion and Consideration**

1. Department, Staff and Council Updates
2. Annual Policy Review **(4-7)**
3. Election of Officers, Appointment of Liaisons and Alternates, Delegation of Authorities **(8)**
4. Board Members – Board Member Status
  - a) Geurts, Jennifer L. – 7/1/2024
  - b) Grzybowski, Jessica A. – 7/1/2025
  - c) Karwedsky, Stephanie L. – 7/1/2025
  - d) Levonian, Peter J. – 7/1/2023
  - e) Mullane, Michael P. – 7/1/2024
  - f) Muriello, Michael J. – 7/1/2023
  - g) Pabst, Rebecca L. – 7/1/2025

**D. Future Meeting Dates and Availability – Discussion and Consideration**

**E. Open Meetings Law, Ethics, and Public Records Overview – Discussion and Consideration**

- a. Legal Advice to All Board, Council, and Committee Members Regarding Wis. Stat. Ch. 19 **(9-14)**

**F. Legislation and Policy Matters – Discussion and Consideration**

**G. Administrative Rule Matters – Discussion and Consideration (15)**

1. Implementation of 2021 Wisconsin Act 251 **(16-23)**

2. Pending and Possible Rulemaking Projects (24-25)

H) Discussion and Consideration of Items Added After Preparation of Agenda:

1. Introductions, Announcements and Recognition
2. Nominations, Elections, and Appointments
3. Administrative Matters
4. Election of Officers
5. Appointment of Liaisons and Alternates
6. Delegation of Authorities
7. Education and Examination Matters
8. Credentialing Matters
9. Practice Matters
10. Legislative and Policy Matters
11. Administrative Rule Matters
12. Liaison Reports
13. Board Liaison Training and Appointment of Mentors
14. Public Health Emergencies
15. Informational Items
16. Division of Legal Services and Compliance (DLSC) Matters
17. Presentations of Petitions for Summary Suspension
18. Petitions for Designation of Hearing Examiner
19. Presentation of Stipulations, Final Decisions and Orders
20. Presentation of Proposed Final Decisions and Orders
21. Presentation of Interim Orders
22. Petitions for Re-Hearing
23. Petitions for Assessments
24. Petitions to Vacate Orders
25. Requests for Disciplinary Proceeding Presentations
26. Motions
27. Petitions
28. Appearances from Requests Received or Renewed
29. Speaking Engagements, Travel, or Public Relation Requests, and Reports

**I) Public Comments**

**ADJOURNMENT**

**NEXT MEETING: TBD**

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MEETINGS AND HEARINGS ARE OPEN TO THE PUBLIC, AND MAY BE CANCELLED WITHOUT NOTICE.

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held virtually unless otherwise indicated. In-person meetings are typically conducted at 4822 Madison Yards Way, Madison, Wisconsin, unless an alternative location is listed on the meeting notice. In order to confirm a meeting or to request a complete copy of the board's agenda, please visit the Department website at <https://dps.wi.gov>. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of disciplinary hearings may be changed by the examiner for the convenience of the parties. Requests for interpreters for the hard of hearing, or other

accommodations, are considered upon request by contacting the Affirmative Action Officer, or the Meeting Staff at 608-267-7213.

**State of Wisconsin  
Department of Safety & Professional Services**

**AGENDA REQUEST FORM**

|  |  |  |  |
|--|--|--|--|
| <b>1) Name and title of person submitting the request:</b><br>Katlin Schwartz, Bureau Assistant on behalf of Division of Policy Development Executive Directors  |  | <b>2) Date when request submitted:</b><br>12/14/2022<br>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting |  |
| <b>3) Name of Board, Committee, Council, Sections:</b><br>All Boards   |  |  |  |
| <b>4) Meeting Date: First Meeting of 2023</b>  | <b>5) Attachments:</b><br><input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No                                       | <b>6) How should the item be titled on the agenda page?</b><br>Annual Policy Review  |  |
| <b>7) Place Item in:</b><br><input checked="" type="checkbox"/> Open Session<br><input type="checkbox"/> Closed Session  | <b>8) Is an appearance before the Board being scheduled?</b><br><input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No | <b>9) Name of Case Advisor(s), if applicable:</b><br>N/A   |  |
| <b>10) Describe the issue and action that should be addressed:</b><br>Please be advised of the following Annual Policy Review items: <ol style="list-style-type: none"> <li>1. <b>In-Person Meeting Policy:</b> Depending on the frequency of Board meetings, a Board may be allowed a certain number of in-person meetings.                         <ul style="list-style-type: none"> <li>• 4-5 Meetings per year = 1 in-person opportunity</li> <li>• 6-8 Meetings per year =2 in-person opportunities</li> <li>• 12 Meetings per year = 4 in-person opportunities</li> </ul> </li> <li>2. <b>Attendance/Quorum:</b> Thank you for your service and for your commitment to meeting attendance. If you cannot attend a meeting or if you have scheduling conflicts impacting your attendance, please let us know ASAP. Timely notification is appreciated as quorum is required for our Boards, Sections and Councils to meet pursuant to Open Meetings Law.</li> <li>3. <b>Walking Quorum:</b> Board/Section/Council members must not collectively discuss the body's business outside of a properly noticed meeting. Should several members of a body do so, the members could be violating the open meetings law.</li> <li>4. <b>Mandatory Training:</b> All Board Members must complete their annual Public Records and Ethics Trainings, if not complete, the training will be done at the next meeting.</li> <li>5. <b>Agenda Deadlines:</b> Please communicate agenda topics to your Executive Director before the agenda submission deadline which is at 12:00 pm, 8 business days prior to a meeting. (Attachment: Timeline of a Meeting)</li> <li>6. <b>Travel Voucher and Per Diem Submissions:</b> Please submit all Per Diem and Reimbursement claims to DSPS within 30 days of the close of each month in which expenses are incurred. (Attachments: Per Diem Example, Travel Voucher Example)</li> <li>7. <b>Lodging Accommodations/Hotel Cancellation Policy:</b> Lodging accommodations are available to eligible members. Standard eligibility: member must leave home before 6:00 a.m. to attend a meeting by the scheduled start time.                         <ul style="list-style-type: none"> <li>• If a member cannot attend a meeting it is their responsibility to cancel their reservation within the applicable cancellation timeframe. If a meeting is changed to occur remotely or is cancelled or rescheduled DSPS staff will cancel or modify reservations as appropriate.</li> </ul> </li> <li>8. <b>Inclement Weather Policy:</b> In the event of inclement weather the agency may change a meeting from an in-person venue to one that is executive remotely.</li> </ol> |  |  |  |
| <b>11) Authorization</b>   |  |  |  |
| Katlin Schwartz  |  | 12/14/2022   |  |
| Signature of person making this request  |  | Date   |  |
| Supervisor (Only required for post agenda deadline items)  |  | Date   |  |
| Executive Director signature (Indicates approval for post agenda deadline items)   |  | Date   |  |
| <b>Directions for including supporting documents:</b> <ol style="list-style-type: none"> <li>1. This form should be saved with any other documents submitted to the <a href="#">Agenda Items</a> folders.</li> <li>2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director.</li> <li>3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.</li> </ol>  |  |  |  |

## Timeline of a Meeting

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**8 business days prior to the meeting:** All agenda materials are due to the Department by 12:00 pm, 8 business days prior to the meeting date.

**7 business days prior to the meeting:** The draft agenda page is due to the Executive Director. The Executive Director transmits to the Chair for review and approval.

**5 business days prior to the meeting:** The approved agenda is returned to the Bureau Assistant for agenda packet production and compilation.

**4 business days prior to the meeting:** Agenda packets are posted on the DSPS Board SharePoint site and on the Department website.

### Agenda Item Examples:

- Approval of the Agenda and Minutes (from the last meeting)
- Open Session Items
  - Public Hearings (on Admin Rules)
  - Administrative Matters
  - Legislation and Policy Matters
  - Administrative Rules Matters
  - Credentialing Matters
  - Education and Exam Issues
  - Public Agenda Requests
  - Current Issues Affecting the Profession
  - Public Comments
- Closed Session items
  - Deliberations on Proposed Disciplinary Actions
    - Stipulations
    - Administrative Warnings
    - Case Closings
    - Monitoring Matters
    - Professional Assistance Procedure (PAP) Issues
  - Proposed Final Decisions and Orders
  - Orders Fixing Costs/Matters Relating to Costs
  - Credentialing Matters
  - Education and Exam Issues

**Thursday of the Week Prior to the Meeting:** Agendas are published for public notice on the Public Notices and Meeting Minutes website: [publicmeetings.wi.gov](http://publicmeetings.wi.gov).

**1 business day after the Meeting:** "Action" lists are distributed by staff detailing board actions on closed session business.

**5 business days after the Meeting:** "To Do" lists are distributed to staff to ensure that board decisions are acted on and/or implemented within the appropriate divisions in the Department. Minutes approved by the board are published on the the Public Notices and Meeting Minutes website: [publicmeetings.wi.gov](http://publicmeetings.wi.gov).

# Department of Safety and Professional Services

## PER DIEM REPORT

**INSTRUCTIONS:** Claimant records board-related activities by entering the date of an activity, the duration of time spent in that activity, the relevant purpose code (see purpose code descriptions below), where the activity is conducted, and the type of activity performed. Only one (1) \$25.00 per diem payment can be issued on any given calendar day.

**Purpose Codes:**

- A. Official meetings including video/teleconference calls** (automatic day of per diem): i.e., board, committee, board training or screening panels; **Hearings**, i.e., Senate Confirmation, legislative, disciplinary or informal settlement conferences; **Examinations and Test Development Sessions**, i.e., test administration, test review or analysis events, national testing events, tour of test facilities, etc.)
- B. Other** (One (1) per diem will be issued for every five (5) hours spent in category B, per calendar month): i.e., review of disciplinary cases, consultation on cases, review of meeting materials, board liaison work e.g., contacts regarding Monitoring, Professional Assistance Procedure, Credentialing, Education and Examinations

| NAME OF EXAMINING BOARD OR COUNCIL<br><b>EXAMPLE EXAMINING BOARD</b>   |                                       |                        | BOARD OR COUNCIL MEMBER'S NAME<br><b>MARY SUNSHINE</b> |  |
|--|---------------------------------------|------------------------|--|--|
| Activity Date<br>MM/DD/YY  | Duration of Activity<br>Hours/Minutes | Purpose Code<br>A or B | Where Performed<br>City/Location<br>(Home, Work, DSPS) | Activity<br>Describe Activity Performed<br>(see purpose codes)   |
| 12/2/20  | 2 hrs                                 | B                      | Pleasant Prairie/Home                                  | Review of screening panel materials  |
| 12/3/20  | 2 hr / 30 mins                        | B                      | Pleasant Prairie/Home                                  | Review of screening panel materials  |
| 12/10/20   | 1 hr                                  | A                      | Pleasant Prairie/Home                                  | Screening Panel Meeting - Teleconference   |
| 12/12/20   | 1 hr / 30 mins                        | B                      | Pleasant Prairie/Home                                  | Case consultation  |
| 12/13/20   | 1 hr                                  | B                      | Pleasant Prairie/Home                                  | Liaison: Application Review  |
| 12/16/20   | 6 hrs                                 | A                      | Madison/DSPS   | Board Member Training  |
|  |                                       |                        |  | <p><b>The 5-hour rule applies to "B" code activities. Add the 'B' codes within the calendar month and then divide by five (5) hours to calculate your per diem payment. In this case the total is seven (7) hours which equals one (1) day of per diem.</b></p> <p><b>Each 'A' code is an automatic day of per diem regardless of time spent in that activity. Ms. Sunshine is eligible for two (2) additional days of payment.</b></p> <p><b>Department staff completes the fields titled "Total Days Claimed".</b></p> |
|  |                                       |                        |  |  |
|  |                                       |                        |  |  |
|  |                                       |                        |  |  |
|  |                                       |                        |  |  |
|  |                                       |                        |  |  |
|  |                                       |                        |  |  |
|  |                                       |                        |  |  |
|  |                                       |                        |  |  |
|  |                                       |                        |  |  |
| <b>CLAIMANT'S CERTIFICATION</b>  |                                       |                        | Comments:  |  |
| The undersigned certifies, in accordance with § 16.53, Wis. Stats., that this account for per diem, is just and correct; and that this claim is for service necessarily incurred in the performance of duties required by the State, as authorized by law. |                                       |                        |  |  |
| <i>Mary Sunshine</i>   |                                       | <i>1/4/2021</i>        |  |  |
| Claimant's Signature   | Date                                  | Supervisor             | Date   |  |

EMPL ID: 100012345-0

To be completed by Department staff: **TOTAL DAYS CLAIMED: 3 @ \$25.00 = 75.00**

Travel Voucher

Staple Receipts Face Up On Backside

For Agency Use Only

| <b>Safety &amp; Professional Services</b> |       |                                |            |            | <b>Emp ID</b> 100012345 <b>Z</b> |                 |                 |                    |                       |                |        |  |
|---|-------|--------------------------------|------------|------------|----------------------------------|-----------------|-----------------|--------------------|-----------------------|----------------|--------|--|
| <b>Department/ Division</b>               |       | <u>Example Examining Board</u> |            |            | <b>Address</b> 2424 Happy Road   |                 |                 |                    |                       |                |        |  |
| <b>State Officer/Employee Name</b>        |       | <u>Mary Sunshine</u>           |            |            | <b>City</b> Pleasant Prairie     |                 | <b>State</b> WI |                    | <b>Zip-Code</b> 53158 |                |        |  |
| <b>Mo/Yr</b>                              |       | <b>From/To:</b>                |            |            |                                  |                 |                 |                    |                       |                |        |  |
| FY  | FUND  | BUSINESS UNIT                  | DEPART     | APPR CLASS | OBJECT                           | PROJECT         |                 | BALANCE SHEET ACCT | REPORTING CATEGORY    | PROJECT NUMBER | AMOUNT |  |
| 2021                                      | 10000 | 16500                          | 1651300200 | 12100      | 7340000                          | 16500P1<BRD ID> |                 |                    |                       |                |        |  |
|   |       |                                |            | 12800      |                                  | 16500P2<TRD ID> |                 |                    |                       |                |        |  |
|   |       |                                |            | 22100      |                                  |                 |                 |                    |                       |                |        |  |
| <b>TOTALS</b>                             |       |                                |            |            |                                  |                 |                 |                    |                       |                |        |  |

| Official Business |                   | Travel Points                  |           | HDQS-TIME             |        | Personal Vehicle                      | Lodging     | Meals, including tips        |            |             | Other Allowable Expenses |        | Total Allowable Expenses |               |  |
|-------------------|-------------------|--------------------------------|-----------|-----------------------|--------|---------------------------------------|-------------|------------------------------|------------|-------------|--------------------------|--------|--------------------------|---------------|--|
| Date              | Purpose of Trip   | From                           | To        | Depart                | Return | Miles                                 |             | Morning                      | Noon       | Evening     | Item                     | Amount | Taxable                  | Non-Taxable   |  |
| Use               | Board Meeting     | Home base                      | Madison   | Report times you left |        | Miles                                 | P-card      | \$8.00                       | \$10.00    | \$20.00     |                          |        | Report                   | Report        |  |
| separate          |                   | Madison                        | Home base | and returned home if  |        | must be                               |             | Maximum in-state amounts     |            |             |                          |        | meal cost                | meal cost     |  |
| lines for         | You must identify |                                |           | meals are claimed     |        | split.                                | Enter       |                              | or         |             |                          |        | here if there            | here if there |  |
| each leg          | the purpose of    |                                |           |                       |        | Cannot                                | "P-card"    | \$10.00                      | \$15.00    | \$25.00     |                          |        | is <b>NO</b>             | <b>IS</b> an  |  |
| of your           | your trip.        |                                |           |                       |        | place                                 | when hotel  | Maximum out-of-state amounts |            |             |                          |        | overnight                | overnight     |  |
| trip.             |                   |                                |           |                       |        | roundtrip                             | is provided |                              |            |             |                          |        | stay.                    | stay.         |  |
|                   |                   |                                |           |                       |        | total on                              | by DSPS     | Must leave                   | Must leave | Must return |                          |        |                          |               |  |
|                   |                   |                                |           |                       |        | one line.                             |             | home                         | home       | home after  |                          |        |                          |               |  |
|                   |                   |                                |           |                       |        |                                       |             | before                       | before     | 7:00 p.m.   |                          |        |                          |               |  |
|                   |                   |                                |           |                       |        |                                       |             | 6:00 a.m.                    | 10:30 a.m. |             |                          |        |                          |               |  |
|                   |                   |                                |           |                       |        |                                       |             |                              | and return |             |                          |        |                          |               |  |
|                   |                   |                                |           |                       |        |                                       |             |                              | home after |             |                          |        |                          |               |  |
|                   |                   |                                |           |                       |        |                                       |             |                              | 2:30 p.m.  |             |                          |        |                          |               |  |
| <b>LEGEND:</b>    |                   | Staff can fill in these areas. |           |                       |        | Board Member MUST fill in these areas |             |                              |            |             |                          |        |                          |               |  |

\*Item billed directly to the state agency

|                   |  |  |  |  |  |  |  |                 |                         |                            |               |  |  |  |
|-------------------|--|--|--|--|--|--|--|-----------------|-------------------------|----------------------------|---------------|--|--|--|
| <b>Sub-Totals</b> |  |  |  |  |  |  |  |                 |                         |                            |               |  |  |  |
|                   |  |  |  |  |  |  |  |                 |                         | <b>Mileage Costs</b>       |               |  |  |  |
|                   |  |  |  |  |  |  |  | <b>Miles at</b> | <b>0.510 cents/mile</b> |                            | <b>Totals</b> |  |  |  |
|                   |  |  |  |  |  |  |  |                 |                         | <b>Total Expenditure</b>   |               |  |  |  |
|                   |  |  |  |  |  |  |  |                 |                         | <b>Less Travel Advance</b> |               |  |  |  |
|                   |  |  |  |  |  |  |  |                 |                         | <b>Net Amount Due</b>      |               |  |  |  |

**Claimant's Statement § 16.53 Wisconsin Statutes**

I declare, under penalties, that all claimed travel expenses are true and correct and are in conformity with Wisconsin statute 16.53 and related agreements. This claim represents reasonable and actual expenses necessarily incurred by me personally in the performance of official duties and no portion was previously reimbursed to me by the State or any other source.

I certify that all expenses on this voucher conform to statutory, departmental or applicable collective bargaining provisions, and were necessary in the official performance of duties required by the State. Expenditures are determined to be reasonable and proper, and that sufficient funds are available to pay this claim.

Date \_\_\_\_\_ Claimant's Signature \_\_\_\_\_

I certify that this travel claim is reasonable, proper, and in conformity with applicable statutes, travel schedule amounts, and/or collective bargaining agreements.

Agency Head or Authorized Representative \_\_\_\_\_

Date \_\_\_\_\_ Supervisor's Signature \_\_\_\_\_

Audited in accordance with S. 16.53 Wisconsin Statutes and allowed by the provisions of chapter 20.

**State of Wisconsin  
Department of Safety & Professional Services**

**AGENDA REQUEST FORM**

|   |   |  |  |
|---|---|--|--|
| 1) Name and title of person submitting the request:<br>Dialah Azam, Bureau Assistant  |   | 2) Date when request submitted:<br>4/5/2023<br><small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>                                 |  |
| 3) Name of Board, Committee, Council, Sections:<br>Genetic Counselors Affiliated Credentialing Board  |   |  |  |
| 4) Meeting Date:<br>4/14/2023   | 5) Attachments:<br><input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No                                       | 6) How should the item be titled on the agenda page?<br>Administrative Matters <ul style="list-style-type: none"> <li>• Election of Officers, Appointment of Liaisons and Alternates, Delegation of Authorities</li> </ul> |  |
| 7) Place Item in:<br><input checked="" type="checkbox"/> Open Session<br><input type="checkbox"/> Closed Session  | 8) Is an appearance before the Board being scheduled?<br><input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No | 9) Name of Case Advisor(s), if applicable:<br>N/A  |  |
| 10) Describe the issue and action that should be addressed:<br><ol style="list-style-type: none"> <li>1) The Board, Council or Section should conduct Election Officers: Chairperson, Vice Chairperson &amp; Secretary</li> <li>2) The newly elected Chairperson should review and appoint/reappoint Liaisons and Alternates as appropriate</li> <li>3) The Board should review and then consider its existing delegated authorities including any modification of these delegations and any proposals for additional delegations.</li> </ol>   |   |  |  |
| 11) <span style="float: right;">Authorization</span><br><div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="width: 60%;"> <i>Dialah Azam</i><br/>           Signature of person making this request         </div> <div style="width: 35%; text-align: right;">           4/5/2023<br/>           Date         </div> </div> <hr/> <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="width: 60%;">           Supervisor (Only required for post agenda deadline items)         </div> <div style="width: 35%; text-align: right;">           Date         </div> </div> <hr/> <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="width: 60%;">           Executive Director signature (Indicates approval for post agenda deadline items)         </div> <div style="width: 35%; text-align: right;">           Date         </div> </div> |   |  |  |
| Directions for including supporting documents:<br><ol style="list-style-type: none"> <li>1. This form should be saved with any other documents submitted to the <a href="#">Agenda Items</a> folders.</li> <li>2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director.</li> <li>3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.</li> </ol>   |   |  |  |





## State of Wisconsin

### DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

## CORRESPONDENCE / MEMORANDUM

**DATE:** March 20, 2023

**TO:** Board, Council, and Committee Members

**FROM:** Legal Counsel

**SUBJECT:** Attorney-Client Privileged Communication

### **Legal Advice to All Board, Council, and Committee Members Regarding Wis. Stat. Ch. 19 Relating to Public Records, Open Meetings and Ethical Conduct**

The purpose of this document is to provide board, council, and committee members with legal advice related to public records, open meetings, and ethical conduct. If you encounter questions relating to any of these topics, please contact the Department of Safety and Professional Services (DSPS) legal counsel or the executive director assigned to your board, council, or committee for assistance.

DSPS is an umbrella agency that provides centralized administrative and legal services to approximately 75 boards, councils, and committees, and in conjunction with those government bodies, DSPS issues/regulates approximately 250 different types of credentials and, among other things, administers and enforces laws to ensure the safe and sanitary conditions in public and private buildings.

The boards, councils, and committees have varying levels of responsibility and professional oversight based on statutory provisions. Those boards identified in Wis. Stat. ch. 15 are comprised of members who are nominated (often referred to as “appointed”) by the Wisconsin Governor and with the advice and consent of the Wisconsin Senate appointed to their positions (often referred to as “confirmed”).<sup>1</sup> Although not employees of DSPS or the State of Wisconsin, those board members are “state public officials.”<sup>2</sup> Wis. Stat. §§ 19.42(13)(a) and (14) define “state public office” and “state public official”:

**(13)** “*State public office*” means:

**(a)** *All positions to which individuals are regularly appointed [or nominated] by the governor . . . .*

**(14)** “*State public official*” means *any individual holding a state public office.*

As state public officials, board members<sup>3</sup> are subject to the general duties of public officials as outlined in Wis. Stat. ch. 19, which includes abiding by public records, open meetings, and ethics

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<sup>1</sup> Some council members are appointed by the Governor as opposed to “nominated.”

<sup>2</sup> Council members appointed by the Governor are also “state public officials.”

<sup>3</sup> See Footnote 2.

laws. DSPS highly recommends that you review ch. 19<sup>4</sup> and become familiar with its provisions related to these important topics. Again, should any questions arise, please contact the legal counsel or executive director assigned to your government body.

### **Public Records:**

Wisconsin Stat. § 19.35(1)(a) provides that “any requestor has a right to inspect any record.” As members of government bodies, it is important for you to know for public records purposes what constitutes a “record” and what constitutes an “authority.” *See* Wis. Stat. § 19.32 for the full definitions.

A record is any material created or kept by an authority. Wis. Stat. § 19.32(2). An “authority” includes a board, council, committee, or any public body created by any law that has custody of records. Board, council, and committee members who create or keep records as part of their official duties are authorities subject to public records law.

In summary, each board, council, and committee and each member of those government bodies is an “authority;” each board and council member nominated (or appointed) by the Governor is a “state public official,” and any kind of written (including electronic) correspondence pertaining to official business is a “record” of that authority, which may be the subject of a public records request.

If there is a public records request, the presumption is of complete public access, consistent with the conducting of government business (Please note that there are exemptions or exceptions to the general presumption). Furthermore, any public records authority must retain records generated or received in the normal course of business as required by law.

The boards, councils, and committees (and in some cases individual members such as with email correspondence or text messages received or sent from a private email address or cellular phone which relates to the government body’s business or a request to consider taking up an issue as potential business) are the legal custodians of any records that the boards, councils, committees, and its members generate or receive assuming those records are not turned over to the custody of DSPS.

If you are a member of a board, council, or committee and you receive a public records request, you should immediately notify the executive director of your board, council, or committee. Again, any records that may be covered by the request need to be preserved. Please also note public records law does not require any magic language or format for record requests. A request could even be made orally. If you have any question whether something constitutes a public records request, please refer the request to your DSPS executive director for consideration.

Any request for records should be forwarded to the executive director within three business days so efforts to respond can be coordinated and so you can receive any guidance or assistance needed to ensure that you are complying with your obligations as a member of a government body, etc. You will also need to provide information and responsive records to DSPS staff who are coordinating the response on behalf of the board, council, or committee. Again, you have a legal duty to assist in responding to public records requests. The statutory directive is to comply

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<sup>4</sup> [Wisconsin Legislature: Chapter 19](#)

with records requests “as soon as practicable and without delay.” For this reason, timely cooperation with DSPS staff is essential.

If you are notified by DSPS staff of a request for records pertaining to you and your role as part of a government body (board, council, or committee), acknowledge receipt of the request and provide a timeline as to when you can provide a response. Again, these requests should be given priority, as you have a legal duty to respond to public records requests regardless of whether the requestor sent the request directly to you as opposed to sending it to DSPS for processing. Every effort should be made to examine your records (documents, emails, text messages, voicemails, etc.) as soon as possible to determine if you in fact have any responsive records. If you have records but are not sure whether they are responsive to a records request, please preserve the record and plan to provide it/discuss it with DSPS staff. DSPS records custodians (and, as needed, legal staff) will then perform the necessary review and assessment and ultimately will decide whether the record is responsive and whether it will be released to the requestor (there are some records that are not subject to release due to an exception or exemption from the public records laws).

Finally, please note that you should never respond directly to a public records request. You should leave that task to DSPS staff who process public records requests on a regular basis. Among other things, confidential records may need to be redacted and, in some cases, requests may be denied. In many situations, the expertise of the DSPS records custodians and legal staff is required.

**Note:**

*Upon resigning from a board, council, or committee, you have an affirmative duty to preserve any records generated or received regarding official business pursuant to the Records Schedules established by the State of Wisconsin Public Records Board in case subsequent public records requests are received by the government entity or DSPS following your resignation. DSPS recommends that you retain any records for a minimum period of 3 years following your resignation from a board, council, or committee.<sup>5</sup> More preferably, DSPS recommends that board, council, and committee members turn over all records (to include electronic correspondence such as emails, text messages, etc.) to DSPS upon a resignation from the board, council, or committee.*

*Pursuant to Wis. Stat. § 946.72(1), “whoever with intent to injury or defraud destroys, damages, removes or conceals any public record is guilty of a Class H felony.” Furthermore, if an authority delays or refuses to provide requested records, particularly for arbitrary or capricious reasons, the law provides for several remedies for the requester and penalties for the authority. These include an action in mandamus (i.e., a court order to produce the requested records), actual damages in terms of costs and delay, punitive damages, and forfeitures.” See Wis. Stat. § 19.37.*

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<sup>5</sup> For any correspondence that is sent to you by DSPS or any correspondence that you send to or copy DSPS, DSPS will retain for public records purposes. The individual member need not retain that correspondence. Also, transitory correspondence, such as any correspondence which does not set policy, establish guidelines or procedures, document a transaction or become a receipt, does not need to be retained. Feel free to consult with assigned legal counsel or executive director with regard to any correspondence which you may believe constitutes transitory correspondence.

To ensure that access to your personal email is not subject to public records inspection, we strongly encourage you to create an email address to use solely for matters related to your official role as a board, council, or committee member.

## **Open Meetings:**

Board, council, and committee members (members of a government body as defined in ch. 19), are also required to conduct their meetings in accordance with open meetings law, including all provisions for notice and affording reasonable access to members of the public.

Wisconsin Stat. § 19.82(2) defines a “meeting” as follows:

“[T]he convening of members of a governmental body for the purpose of exercising the responsibilities, authority, power or duties delegated to or vested in the body. If one-half or more of the members of a governmental body are present, the meeting is rebuttably presumed to be for the purpose of exercising the responsibilities, authority, power or duties delegated to or vested in the body. The term does not include any social or chance gathering or conference which is not intended to avoid this subchapter . . . .” Emphasis added.

Board, council, and committee members must not collectively discuss the body’s business outside of a properly noticed meeting. Should several members of a body do so, the members could be violating the open meetings law. A meeting need not be in person to satisfy the definition of a meeting as set forth in open meeting laws. A meeting could take place via telephone, email, video conference, text message, etc. if a sufficient number of members (either a “walking quorum” – discussed below or a quorum – a majority of the body’s membership) is present for the purpose of conducting business. Furthermore, a series of phone calls, text messages, or emails between board, council, or committee members can constitute a meeting. Even if there is less than a quorum of members participating in an individual conversation, a series of conversations involving fewer members than what is required for a quorum can result in what is referred to as a “walking quorum.” For example, if the chairperson of a 5-member board calls or emails members B and C individually to discuss and determine their opinion on a matter of business of the body, this would be an open meetings violation. Although there was no single meeting of the body where a quorum was present, the individual discussions, taken as a whole, constitute a walking quorum and an unnoticed meeting of the body.

All aspects of a meeting shall be conducted in open session unless an exemption set forth in Wis. Stat. § 19.85 applies and proper notice of the closed session subject matter and exemption is provided in the public notice. Please *also see* Wis. Stat. § 19.84.

Furthermore, the motions and roll call votes of each meeting of a government body shall be recorded, preserved, and open to public inspection to the extent prescribed in subchapter II of ch. 19. DSPS staff has extensive experience noticing meetings and complying with the open meetings laws. Please refer questions to your assigned legal counsel or executive director.

Finally, knowingly attending a meeting that is in violation of open meetings law can result in forfeitures for each occurrence and any actions taken in such meetings are voidable. *See* Wis. Stat. §§ 19.96 and 19.97.

## Ethics:

Wis. Stat. § 19.45 establishes the standards of conduct for state public officials. Some of the more predominant standards of conduct for those serving as a board member<sup>6</sup> include:

(2) No state public official may use his or her public position or office to obtain financial gain or anything of substantial value for the private benefit of himself or herself or his or her immediate family, or for an organization with which he or she is associated. This subsection does not prohibit a state public official from using the title or prestige of his or her office to obtain contributions permitted and reported as required by ch. 11.

(3) No person may offer or give to a state public official, directly or indirectly, and no state public official may solicit or accept from any person, directly or indirectly, anything of value if it could reasonably be expected to influence the state public official's vote, official actions or judgment, or could reasonably be considered as a reward for any official action or inaction on the part of the state public official. This subsection does not prohibit a state public official from engaging in outside employment.

(3m) No state public official may accept or retain any transportation, lodging, meals, food or beverage, or reimbursement therefor, except in accordance with ss. [13.625 \(4m\)](#) and. [19.56 \(3\)](#).

(4) No state public official may intentionally use or disclose information gained in the course of or by reason of his or her official position or activities in any way that could result in the receipt of anything of value for himself or herself, for his or her immediate family, or for any other person, if the information has not been communicated to the public or is not public information.

(5) No state public official may use or attempt to use the public position held by the public official to influence or gain unlawful benefits, advantages or privileges personally or for others.

Generally, state public officials (board and council members appointed by the Governor<sup>7</sup>) may not accept anything of pecuniary (monetary) value from a lobbyist or lobbying principal. This prohibition includes lodging; transportation; food, meals, and beverages; money; or anything else of pecuniary value. *See* Wis. Stat. § 13.625. There are very limited exceptions for items and services made available to the general public, educational/informational materials, and a few other items. Before accepting anything from a lobbyist or lobbying principal, DSPS encourages you to seek a confidential informal opinion from the State of Wisconsin Ethics Commission. The Ethics Commission can be contacted at (608) 266-8123 or at [ethics@wi.gov](mailto:ethics@wi.gov). To determine if someone or an entity is a lobbyist or lobbying principal, please visit <https://lobbying.wi.gov/Who/Whoislobbying/2023REG> or contact the Ethics Commission at

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<sup>6</sup> Or council member appointed by the Governor.

<sup>7</sup> Ethical responsibilities also apply to those members of government bodies not appointed by the Governor. DSPS therefore recommends that members of government bodies not appointed by the Governor also abide by the standards of conduct set forth in Wis. Stat. § 19.45.

(608) 266-8123 or at [ethics@wi.gov](mailto:ethics@wi.gov). DSPS highly recommends you review ch. 13 and become familiar with the provisions related to lobbying.<sup>8</sup>

**Finally, a reminder with regard to your Statement of Economic Interests (SEI). For those state public officials who are nominated by the Wisconsin Governor and with the advice and consent of the Wisconsin Senate appointed to their positions, you are required to file a SEI within 21 days of assuming office. Furthermore, state public officials are required to update their SEI on or before April 30 of each year. For more information regarding SEIs, please visit <https://sei.wi.gov/FAQ> or contact the Ethics Commission at (608) 266-8123 or at [ethics@wi.gov](mailto:ethics@wi.gov).**

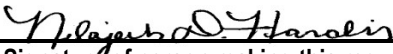
Should you have questions with regard to any part of this document, please do not hesitate to contact your assigned DSPS legal counsel or executive director. Also, please note the Department of Justice, Office of Open Government, has prepared public records and open meeting compliance guides. Those guides can be found at <https://www.doj.state.wi.us/office-open-government/open-government-law-and-compliance-guides>. Wis Stat. ch. 19 can be located at the following link: <https://docs.legis.wisconsin.gov/statutes/statutes/19.pdf>.

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<sup>8</sup> <https://docs.legis.wisconsin.gov/statutes/statutes/13/iii>

**State of Wisconsin  
Department of Safety & Professional Services**

**AGENDA REQUEST FORM**

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|---|---|--|--|
| <b>1) Name and title of person submitting the request:</b><br>Nilajah Hardin<br>Administrative Rules Coordinator  |   | <b>2) Date when request submitted:</b><br>04/05/23<br>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting                                   |  |
| <b>3) Name of Board, Committee, Council, Sections:</b><br>Genetic Counselors Affiliated Credentialing Board   |   |  |  |
| <b>4) Meeting Date:</b><br>04/14/23   | <b>5) Attachments:</b><br><input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No  | <b>6) How should the item be titled on the agenda page?</b><br>Administrative Rule Matters Discussion and Consideration<br>1. Implementation of 2021 Wisconsin Act 251<br>2. Pending or Possible Rulemaking Projects |  |
| <b>7) Place Item in:</b><br><input checked="" type="checkbox"/> Open Session<br><input type="checkbox"/> Closed Session   | <b>8) Is an appearance before the Board being scheduled?</b> <i>(If yes, please complete <a href="#">Appearance Request</a> for Non-DSPS Staff)</i><br><input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No | <b>9) Name of Case Advisor(s), if required:</b><br>N/A   |  |
| <b>10) Describe the issue and action that should be addressed:</b><br>Review Legislative Report and Final Rule Draft for PA 1 to 4<br><br><b>Attachments:</b><br>1. 2021 Wisconsin Act 251<br>2. Scope Statement – Gen Couns 1 to 5<br>3. Emergency Rule Process Chart<br>4. Permanent Rule Process Chart   |   |  |  |
| <b>11) Authorization</b>  |   |  |  |
| <br>Signature of person making this request  |   | 04/05/23<br>Date   |  |
| Supervisor (if required)  |   | Date   |  |
| N/A (Meeting Not Scheduled Until After Agenda Deadline)   |   |  |  |
| Executive Director signature (indicates approval to add post agenda deadline item to agenda)  |   | Date   |  |
| <b>Directions for including supporting documents:</b><br>1. This form should be attached to any documents submitted to the agenda.<br>2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director.<br>3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting. |   |  |  |

# State of Wisconsin



2021 Senate Bill 259

Date of enactment: April 8, 2022  
Date of publication\*: April 9, 2022

## 2021 WISCONSIN ACT 251

AN ACT *to renumber* 448.970, subchapter VIII (title) of chapter 448 [precedes 448.980] and subchapter IX (title) of chapter 448 [precedes 448.985]; *to amend* 15.085 (1m) (b), 49.45 (9r) (a) 7. b., 146.81 (1) (dg), 146.997 (1) (d) 4., 155.01 (7), 252.14 (1) (ar) 4e., 446.01 (1v) (d), 448.956 (1m), 448.956 (4), 450.10 (3) (a) 5., 451.02 (1) and 462.04; and *to create* 15.406 (8), 48.981 (2) (a) 20m., 146.81 (1) (et), 252.14 (1) (ar) 4r., 440.03 (13) (b) 30m., 440.08 (2) (a) 37m. and subchapter VIII of chapter 448 [precedes 448.970] of the statutes; **relating to:** the regulation and licensure of genetic counselors, creating a genetic counselors affiliated credentialing board, providing an exemption from emergency rule procedures, granting rule-making authority, and providing a penalty.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1.** 15.085 (1m) (b) of the statutes is amended to read:

15.085 (1m) (b) The public members of the podiatry affiliated credentialing board ~~or~~ occupational therapists affiliated credentialing board, or genetic counselors affiliated credentialing board shall not be engaged in any profession or occupation concerned with the delivery of physical or mental health care.

**SECTION 2.** 15.406 (8) of the statutes is created to read:

15.406 (8) GENETIC COUNSELORS AFFILIATED CREDENTIALING BOARD. There is created in the department of safety and professional services, attached to the medical examining board, a genetic counselors affiliated credentialing board consisting of the following members appointed for 4-year terms:

(a) Four genetic counselors who are licensed under subch. VIII of ch. 448.

(b) Two members who are licensed to practice medicine and surgery under subch. II of ch. 448, at least one of whom is a clinical geneticist.

(c) One public member.

**SECTION 3.** 48.981 (2) (a) 20m. of the statutes is created to read:

48.981 (2) (a) 20m. A genetic counselor.

**SECTION 4.** 49.45 (9r) (a) 7. b. of the statutes is amended to read:

49.45 (9r) (a) 7. b. A physical therapist who is licensed under subch. III of ch. 448 or who holds a compact privilege under subch. ~~IX~~ X of ch. 448.

**SECTION 5.** 146.81 (1) (dg) of the statutes is amended to read:

146.81 (1) (dg) A physical therapist or physical therapist assistant who is licensed under subch. III of ch. 448 or who holds a compact privilege under subch. ~~IX~~ X of ch. 448.

**SECTION 6.** 146.81 (1) (et) of the statutes is created to read:

\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."



146.81 (1) (et) A genetic counselor licensed under subch. VIII of ch. 448.

**SECTION 7.** 146.997 (1) (d) 4. of the statutes, as affected by 2021 Wisconsin Act 123, is amended to read:

146.997 (1) (d) 4. A physician, physician assistant, podiatrist, perfusionist, physical therapist, physical therapist assistant, occupational therapist, or occupational therapy assistant, or genetic counselor licensed under ch. 448; a physical therapist or physical therapist assistant who holds a compact privilege under subch. IX X of ch. 448; or an occupational therapist or occupational therapy assistant who holds a compact privilege under subch. XI of ch. 448.

**SECTION 8.** 155.01 (7) of the statutes, as affected by 2021 Wisconsin Acts 123, 130 and 131, is amended to read:

155.01 (7) “Health care provider” means a nurse licensed or permitted under ch. 441, a chiropractor licensed under ch. 446, a dentist licensed under ch. 447, a physician, physician assistant, perfusionist, podiatrist, physical therapist, physical therapist assistant, occupational therapist, or occupational therapy assistant, or genetic counselor licensed under ch. 448, a naturopathic doctor licensed under ch. 466, a person practicing Christian Science treatment, an optometrist licensed under ch. 449, a psychologist who is licensed under ch. 455, who is exercising the temporary authorization to practice, as defined in s. 455.50 (2) (o), in this state, or who is practicing under the authority to practice interjurisdictional telepsychology, as defined in s. 455.50 (2) (b), a physical therapist or physical therapist assistant who holds a compact privilege under subch. IX X of ch. 448, an occupational therapist or occupational therapy assistant who holds a compact privilege under subch. XI of ch. 448, a partnership thereof, a corporation or limited liability company thereof that provides health care services, a cooperative health care association organized under s. 185.981 that directly provides services through salaried employees in its own facility, or a home health agency, as defined in s. 50.49 (1) (a).

**SECTION 9.** 252.14 (1) (ar) 4e. of the statutes is amended to read:

252.14 (1) (ar) 4e. A physical therapist or physical therapist assistant who is licensed under subch. III of ch. 448 or who holds a compact privilege under subch. IX X of ch. 448.

**SECTION 11.** 252.14 (1) (ar) 4r. of the statutes is created to read:

252.14 (1) (ar) 4r. A genetic counselor licensed under subch. VIII of ch. 448.

**SECTION 12.** 440.03 (13) (b) 30m. of the statutes is created to read:

440.03 (13) (b) 30m. Genetic counselor.

**SECTION 13.** 440.08 (2) (a) 37m. of the statutes is created to read:

440.08 (2) (a) 37m. Genetic counselor: November 1 of each odd-numbered year.

**SECTION 14.** 446.01 (1v) (d) of the statutes is amended to read:

446.01 (1v) (d) Physical therapy examining board under subch. III of ch. 448. “Health care professional” also includes an individual who holds a compact privilege under subch. IX X of ch. 448.

**SECTION 15.** 448.956 (1m) of the statutes, as affected by 2021 Wisconsin Act 123, is amended to read:

448.956 (1m) Subject to sub. (1) (a), a licensee may provide athletic training to an individual without a referral, except that a licensee may not provide athletic training as described under s. 448.95 (5) (d) or (e) in an outpatient rehabilitation setting unless the licensee has obtained a written referral for the individual from a practitioner licensed or certified under subch. II, III, IV, V, or VII of this chapter; under ch. 446; or under s. 441.16 (2) or from a practitioner who holds a compact privilege under subch. IX X or XI of ch. 448.

**SECTION 16.** 448.956 (4) of the statutes, as affected by 2021 Wisconsin Act 71, is amended to read:

448.956 (4) If a licensee determines that a patient’s medical condition is beyond the scope of practice of the licensee, the licensee shall, in accordance with the protocol established under sub. (1) (a), refer the patient to a health care practitioner who is licensed under ch. 446 or 447 or subch. II, III or IV of ch. 448; or who holds a compact privilege under subch. IX X of ch. 448 and who can provide appropriate treatment to the patient.

**SECTION 17.** Subchapter VIII of chapter 448 [precedes 448.970] of the statutes is created to read:

## CHAPTER 448

### SUBCHAPTER VIII

#### GENETIC COUNSELORS AFFILIATED CREDENTIALING BOARD

#### 448.970 Definitions. In this subchapter:

(1) “Accreditation Council for Genetic Counseling,” “American Board of Genetic Counseling,” “American Board of Medical Genetics and Genomics,” and “National Society of Genetic Counselors” include an equivalent successor organization as determined by the board.

(2) “Board” means the genetic counselors affiliated credentialing board.

(3) “Genetic counseling” means to do any of the following:

(a) Obtain and evaluate individual, family, and medical histories to determine genetic risk for genetic or medical conditions and diseases in a patient, a patient’s 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, coordinate, and order genetic laboratory tests as appropriate for a genetic assessment.

(d) Integrate genetic laboratory test results 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 a patient’s or family’s responses to the condition or risk of recurrence and provide patient-centered counseling and anticipatory guidance.

(g) Provide written documentation of medical, genetic, and counseling information for families and health care professionals.

(4) “Genetic counselor” means an individual who is licensed by the board to practice genetic counseling.

**448.971 License required; exceptions.** (1) (a) Except as provided in sub. (2), no person may practice genetic counseling unless the person is licensed under this subchapter.

(b) No person may designate himself or herself as a genetic counselor or use or assume the title “genetic associate,” “genetic counselor,” “licensed genetic counselor,” or “registered genetic counselor,” or append to the person’s name the letters “G.A.,” “G.C.,” “L.G.C.,” or “R.G.C.,” or use any insignia or designation that would imply that the individual is licensed or certified or registered as a genetic counselor, or claim to render genetic counseling services unless the person is licensed under this subchapter.

(2) A license is not required under this subchapter for any of the following if the person does not claim to be a genetic counselor:

(a) Any person, such as a physician, who is lawfully practicing within the scope of a license, permit, registration, or certification granted by this state or the federal government.

(b) Any person assisting a genetic counselor in practice under the direct, on-premises supervision of the genetic counselor.

(c) A student of genetic counseling assisting a genetic counselor in the practice of genetic counseling if the assistance is within the scope of the student’s education or training.

(d) A person who is licensed to practice genetic counseling in another state or country and who is providing consulting services in this state on a temporary basis, as determined by the board by rule, if the person notifies the board that he or she will be providing consulting services and of the nature and date of those services and receives authorization from the board to provide consulting services on a temporary basis under this paragraph.

(e) A person who is not licensed to practice genetic counseling in another state or country and who is providing consulting services in this state on a temporary basis,

as determined by the board by rule, if the person satisfies all of the following:

1. The person is certified by the American Board of Genetic Counseling or the American Board of Medical Genetics and Genomics.

2. The person notifies the board that he or she will be providing consulting services and of the nature and date of those services.

3. The person receives authorization from the board to provide consulting services on a temporary basis under this paragraph.

**448.973 Duties and powers of board.** The board shall promulgate rules to do all of the following:

(1) Adopt the National Society of Genetic Counselors code of ethics as a code of ethics governing the professional conduct of genetic counselors.

(2) Establish criteria for the approval of continuing education programs and courses required for renewal of a genetic counselor license.

(3) Establish requirements for an applicant seeking renewal of a genetic counselor license, including that an applicant has satisfied all of the following:

(a) Successfully completed at least 30 hours of continuing education in the prior 2-year period.

(b) Maintained certification from and, if applicable, achieved recertification through the American Board of Genetic Counseling.

(4) Adopt a definition of “temporary basis” for purposes of s. 448.971 (2) (d) and (e).

**448.974 Licensure of genetic counselors.** (1) Except as provided in sub. (2), the board shall grant a license as a genetic counselor to an applicant who does all of the following:

(a) Submits an application for the license to the department on a form provided by the department.

(b) Pays the fee specified in s. 440.05 (1).

(c) Subject to ss. 111.321, 111.322, and 111.335, submits evidence satisfactory to the board that the applicant does not have an arrest or a conviction record.

(d) Submits evidence satisfactory to the board that he or she has done all of the following:

1. Satisfied one of the following:

a. Successfully completed the academic and clinical requirements of and developed the practice-based competencies required by a degree-granting program in genetic counseling that is accredited by the Accreditation Council for Genetic Counseling or the American Board of Medical Genetics and Genomics.

b. Successfully completed a degree-granting program outside of the United States that the board determines is substantially equivalent to a program described in subd. 1. a.

2. Passed an examination administered by the American Board of Genetic Counseling or the genetic counsel-

ing examination administered by the American Board of Medical Genetics and Genomics.

3. Obtained certification, maintained valid certification, and, if applicable, achieved recertification with the American Board of Genetic Counseling.

(2) (a) The board may waive the requirements of sub. (1) (d) if the applicant holds an unexpired genetic counselor license issued by another state or territory or foreign country or province and the requirements for licensure and for renewal of a genetic counselor license of such other state or territory or foreign country or province are deemed by the board to be substantially equivalent to the requirements for licensure and for renewal of a genetic counselor license of this state.

(b) The board may waive the requirements of sub. (1) (d) if the applicant does all of the following:

1. Applies for licensure under sub. (1) by the first day of the 4th month beginning after the effective date of this subdivision .... [LRB inserts date].

2. Submits evidence satisfactory to the board of all of the following:

a. Having at least 10 years of documented work experience practicing genetic counseling.

b. Having completed, within the previous 5 years, 25 hours of continuing education approved by the National Society of Genetic Counselors.

3. Submits to the board 2 letters of recommendation, one from a genetic counselor and another from a physician.

**448.975 Temporary license.** (1) The board may, by rule, provide for a temporary license to practice genetic counseling for an applicant who satisfies the requirements of s. 448.974 (1) other than the examination requirement under s. 448.974 (1) (d) 2.

(2) Except as provided in sub. (3), a temporary license issued under this section expires upon granting of a license under s. 448.974 (1) or on whichever of the following dates occurs first:

(a) The date that is one year after the date on which the temporary license was granted.

(b) If, after the applicant obtains a temporary license under this section, the American Board of Genetic Counseling administers the examination required under s. 448.974 (1) (d) 2. and the applicant takes the examination, 30 days after the results of the examination are issued by the American Board of Genetic Counseling.

(3) The board may, in its discretion and only once, renew a temporary license issued to a person under this section, for a period specified by the board, if the person maintains active candidate status with the American Board of Genetic Counseling. The board may require an applicant for the renewal of a temporary license to appear before a member of the board for an interview.

(4) A person who holds a temporary license issued under this section may not practice genetic counseling unless the person is under the supervision and direction

of a genetic counselor or physician at all times while the person is practicing genetic counseling. The board may promulgate rules governing general supervision of a person holding a temporary license under this section by a genetic counselor or physician.

**448.976 Issuance of license; expiration and renewal.** (1) The department shall issue a certificate of licensure to each person who is licensed under this subchapter.

(2) Except as provided in s. 448.975, the renewal dates for licenses granted under this subchapter are specified under s. 440.08 (2) (a). Renewal applications shall be submitted to the department on a form provided by the department, and shall include the renewal fee specified in s. 440.08 (2) (a) and proof of compliance with the requirements established by rules promulgated by the board under s. 448.973 (3).

**448.977 Disciplinary proceedings and actions; prohibited practice.** (1) Subject to the rules promulgated under s. 440.03 (1), the board may make investigations and conduct hearings to determine whether a violation of this subchapter or any rule promulgated under this subchapter has occurred.

(2) Subject to the rules promulgated under s. 440.03 (1), the board may reprimand a genetic counselor or may deny, limit, suspend, or revoke a license granted under this subchapter if it finds that the applicant or genetic counselor has done any of the following:

(a) Made a material misstatement in an application for a license or for renewal of a license.

(b) Interfered with an investigation or disciplinary proceeding by using threats, harassment, or intentional misrepresentation of facts.

(c) Subject to ss. 111.321, 111.322, and 111.335, been convicted of an offense the circumstances of which substantially relate to the practice of genetic counseling.

(d) Been adjudicated mentally incompetent by a court.

(e) Advertised in a manner that is false, deceptive, or misleading.

(f) Advertised, practiced, or attempted to practice under another's name.

(g) Subject to ss. 111.321, 111.322, and 111.34, practiced or assisted in the practice of genetic counseling while the applicant's or licensee's ability to practice or assist was impaired by alcohol or other drugs.

(h) Engaged in unprofessional or unethical conduct in violation of the code of ethics adopted in the rules promulgated under s. 448.973 (1).

(i) Engaged in conduct while practicing genetic counseling that evidences a lack of knowledge or ability to apply professional principles or skills.

(j) Violated this subchapter or any rule promulgated under this subchapter.

(3) The board shall revoke the license of a genetic counselor who has failed to maintain certification with

the American Board of Genetic Counseling or whose certification with the American Board of Genetic Counseling has been revoked.

(4) (a) A genetic counselor may voluntarily surrender his or her license to the board, which may refuse to accept the surrender if the board has received allegations of unprofessional conduct against the genetic counselor. The board may negotiate stipulations in consideration for accepting the surrender of licenses.

(b) The board may restore a license that has been voluntarily surrendered under par. (a) on such terms and conditions as it considers appropriate.

(5) The board shall prepare and disseminate to the public an annual report that describes final disciplinary action taken against genetic counselors during the preceding year.

(6) The board may report final disciplinary action taken against a genetic counselor to any national database that includes information about disciplinary action taken against health care professionals.

(7) A genetic counselor may not encourage an expectant parent to obtain an elective abortion.

**448.978 Injunctive relief.** If the board has reason to believe that any person is violating this subchapter or any rule promulgated under this subchapter, the board, the department, the attorney general, or the district attorney of the proper county may investigate and may, in addition to any other remedies, bring an action in the name and on behalf of this state to enjoin the person from the violation.

**448.979 Penalties.** Any person who violates this subchapter or any rule promulgated under this subchapter may be fined not more than \$10,000 or imprisoned for not more than 9 months or both.

**SECTION 18.** 448.970 of the statutes is renumbered 448.9695.

**SECTION 19.** Subchapter VIII (title) of chapter 448 [precedes 448.980] of the statutes is renumbered subchapter IX (title) of chapter 448 [precedes 448.980].

**SECTION 20.** Subchapter IX (title) of chapter 448 [precedes 448.985] of the statutes is renumbered subchapter X (title) of chapter 448 [precedes 448.985].

**SECTION 21.** 450.10 (3) (a) 5. of the statutes, as affected by 2021 Wisconsin Act 123, is amended to read:

450.10 (3) (a) 5. A physician, physician assistant, podiatrist, physical therapist, physical therapist assistant, occupational therapist, ~~or~~ occupational therapy assistant, or genetic counselor licensed under ch. 448, a physical therapist or physical therapist assistant who holds a compact privilege under subch. ~~IX~~ X of ch. 448, or an occupational therapist or occupational therapy assistant who holds a compact privilege under subch. XI of ch. 448.

**SECTION 22.** 451.02 (1) of the statutes, as affected by 2021 Wisconsin Act 123, is amended to read:

451.02 (1) An individual holding a license, permit or certificate under ch. 441, 446, 447, 448, or 449 or a compact privilege under subch. ~~IX~~ X or XI of ch. 448 who

engages in a practice of acupuncture that is also included within the scope of his or her license, permit, certificate, or privilege.

**SECTION 23.** 462.04 of the statutes, as affected by 2021 Wisconsin Act 130, is amended to read:

**462.04 Prescription or order required.** A person who holds a license or limited X-ray machine operator permit under this chapter may not use diagnostic X-ray equipment on humans for diagnostic purposes unless authorized to do so by prescription or order of a physician licensed under s. 448.04 (1) (a), a naturopathic doctor licensed under s. 466.04 (1), a dentist licensed under s. 447.04 (1), a podiatrist licensed under s. 448.63, a chiropractor licensed under s. 446.02, an advanced practice nurse certified under s. 441.16 (2), a physician assistant licensed under s. 448.04 (1) (f), or, subject to s. 448.56 (7) (a), a physical therapist who is licensed under s. 448.53 or who holds a compact privilege under subch. ~~IX~~ X of ch. 448.

**SECTION 24. Nonstatutory provisions.**

(1) INITIAL APPOINTMENTS. Notwithstanding the lengths of the terms specified in s. 15.406 (8) (intro.), the initial members of the genetic counselors affiliated credentialing board shall be initially appointed for the following terms:

(a) One genetic counselor and one person licensed to practice medicine and surgery under subch. II of ch. 448 who is a clinical geneticist, for terms expiring on July 1, 2023.

(b) One genetic counselor and one person licensed to practice medicine and surgery under subch. II of ch. 448, for terms expiring on July 1, 2024.

(c) Two genetic counselors and one public member, for terms expiring on July 1, 2025.

(2) QUALIFICATIONS OF INITIAL MEMBERS OF THE GENETIC COUNSELORS AFFILIATED CREDENTIALING BOARD. Notwithstanding s. 15.406 (8), an initial member of the genetic counselors affiliated credentialing board appointed under s. 15.406 (8) is not required to be a licensed genetic counselor under s. 448.974, if the appointment occurs before the date specified in SECTION 25 (intro.) of this act and at the time of the appointment the individual holds a valid certification issued by the American Board of Genetic Counseling, as defined in s. 448.970 (1).

(3) RULE MAKING. Using the procedure under s. 227.24, the genetic counselors affiliated credentialing board may promulgate rules required under s. 448.973, for the period before permanent rules take effect, but not to exceed the period authorized under s. 227.24 (1) (c) and (2). Notwithstanding s. 227.24 (1) (a), (2) (b), and (3), the genetic counselors affiliated credentialing board is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding

of emergency for a rule promulgated under this subsection.

**SECTION 25. Effective dates.** This act takes effect on the first day of the 13th month beginning after publica-

tion except as follows:

(1) The treatment of ss. 15.085 (1m) (b) and 15.406 (8) and SECTION 24 of this act take effect on the day after publication.

# STATEMENT OF SCOPE

## GENETIC COUNSELORS AFFILIATED CREDENTIALING BOARD

**Rule No.:** Gen Couns 1 to 5

**Relating to:** Genetic Counselors

**Rule Type:** Both Permanent and Emergency

### **1. Finding/nature of emergency (Emergency Rule only):**

Pursuant to 2021 Wisconsin Act 253 Section 24 Subsection 3, the Genetic Counselors Affiliated Credentialing Board may promulgate emergency rules to allow for the licensure, discipline, and practice of Genetic Counselors. The Board is not required to provide a finding of an emergency or provide evidence that an emergency rule is necessary for the preservation of the public health, peace, safety, or welfare.

### **2. Detailed description of the objective of the proposed rule:**

The objective of the proposed rules is to implement the statutory changes from 2021 Wisconsin Act 251.

### **3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:**

Prior to 2021 Wisconsin Act 251, Genetic Counselors were not credentialed in the state of Wisconsin. If these new rules are not implemented, then the practice of Genetic Counseling will be solely governed by subchapter VIII of section 448, stats. This may adversely affect the ability of Genetic Counselors to fully practice in Wisconsin.

### **4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):**

Section 15.085 (5) (b) states that “[each affiliated credentialing board] shall promulgate rules for its own guidance and for the guidance of the trader or profession to which it pertains, and define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession.”

Section 448.9703 states that: “the board shall promulgate rules to do all of the following:

- (1) Adopt the National Society of Genetic Counselors code of ethics governing the professional conduct of genetic counselors.
- (2) Establish criteria for the approval of continuing education program and courses required for renewal of a genetic counselor license.
- (3) Establish requirements for an applicant seeking renewal of a genetic counselor license, including that an applicant has satisfied all of the following:
  - (a) Successfully completed at least 30 hours of continuing education in the prior 2-year period.
  - (b) Maintained certification from and, if applicable, achieved recertification through the American Board of Genetic Counseling.
- (4) Adopt a definition of “temporary basis” for purposes of s. 448.9701 (2) (d) and (e).”

Section 448.9705 (1) states that: “the board may, by rule, provide for a temporary license to practice genetic counseling for an applicant who satisfies the requirements of s. 448.9704 (1) other than the examination requirements under s. 448.9704 (1) (d) (2).”

2021 WI Act 251, Section 24 (3) states that “Using the procedure under s. 227.24, the genetic counselor affiliated credentialing board may promulgate rules under s. 448.9703 for the period before permanent rules take effect, but not to exceed the period authorized under s. 227.24 (1) (c) and (2). Notwithstanding s. 227.24 (1) (a), (2) (b)m and (3) the genetic counselors affiliated credentialing Board is not required to provide a finding of emergency for a rule promulgated under this subsection as an emergency rule is necessary for the preservation of public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.

**5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:**

120 hours

**6. List with description of all entities that may be affected by the proposed rule:**

Genetic Counselor credential holders and those looking to enter the profession in Wisconsin.

**7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:**

None.

**8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):**

The proposed rule is likely to have minimal or no economic impact on small businesses and the state's economy as a whole.

**Contact Person:** Nilajah Hardin, (608) 267-7139, [DSPSAdminRules@wisconsin.gov](mailto:DSPSAdminRules@wisconsin.gov)

Approved for publication:

Approved for implementation:

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Authorized Signature

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EMERGENCY RULE PROMULGATION

