



VIRTUAL/TELECONFERENCE
GENETIC COUNSELORS AFFILIATED CREDENTIALING BOARD
Virtual, 4822 Madison Yards Way, Madison
Contact: Tom Ryan (608) 266-2112
July 17, 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

12:00 P.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. Adoption of Agenda (1-2)**
- B. Approval of Minutes of June 5, 2023 (3)**
- C. Administrative Matters – Discussion and Consideration**
 - 1. Department, Staff and Board Updates
 - 2. 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. – 7/1/2027
 - e) Mullane, Michael P. – 7/1/2024
 - f) Muriello, Michael J. – 7/1/2027
 - g) Pabst, Rebecca L. – 7/1/2025
- D. Legislation and Policy Matters – Discussion and Consideration**
- E. Administrative Rule Matters – Discussion and Consideration (4)**
 - 1. Emergency Rule Draft: Gen Couns 1 to 5, Relating to Genetic Counselors **(5-25)**
 - 2. Pending and Possible Rulemaking Projects
- F) 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

G) Public Comments

ADJOURNMENT

NEXT MEETING: AUGUST 21, 2023

 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.

**VIRTUAL/TELECONFERENCE
GENETIC COUNSELORS AFFILIATED CREDENTIALING BOARD
JUNE 5, 2023**

PRESENT: Jennifer Geurts (*arrived at 12:03 p.m.*), Jessica Grzybowski, Stephanie Karwedsky, Peter Levonian, Michael Muriello (*arrived at 12:03 p.m.*), Rebecca Pabst

EXCUSED: Michael Mullane

STAFF: Tom Ryan, Executive Director; Jameson Whitney, Legal Counsel; Nilajah Hardin, Administrative Rules Coordinator; Dialah Azam, Bureau Assistant; and other Department Staff

CALL TO ORDER

Jessica Grzybowski, Chairperson, called the meeting to order at 12:01 p.m. A quorum was confirmed with four (4) members present.

ADOPTION OF AGENDA

MOTION: Jessica Grzybowski moved, seconded by Stephanie Karwedsky, to adopt the Agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF APRIL 14, 2023

MOTION: Peter Levonian moved, seconded by Rebecca Pabst, to adopt the Minutes of April 14, 2023 as published. Motion carried unanimously.

(Jennifer Geurts arrived at 12:03 p.m.)

(Michael Muriello arrived at 12:03 p.m.)

ADMINISTRATIVE RULE MATTERS

Drafting Proposals: Gen Couns 1 to 5, Relating to Genetic Counselors

MOTION: Jessica Grzybowski moved, seconded by Michael Muriello, to designate the Chairperson to serve as liaison to DSPS staff for drafting of Gen Couns 1 to 5, relating to Genetic Counselors. Motion carried unanimously.

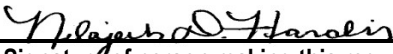
ADJOURNMENT

MOTION: Jennifer Geurts moved, seconded by Rebecca Pabst, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 2:56 p.m.

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Nilajah Hardin Administrative Rules Coordinator		2) Date when request submitted: 07/05/23 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Genetic Counselors Affiliated Credentialing Board			
4) Meeting Date: 07/17/23	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Rule Matters Discussion and Consideration 1. Emergency Rule Draft: Gen Couns 1 to 5, Relating to Genetic Counselors 2. Pending or Possible Rulemaking Projects	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <i>(If yes, please complete Appearance Request for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: Review Legislative Report and Final Rule Draft for PA 1 to 4 Attachments: 1. Emergency Rule Draft – Gen Couns 1 to 5 2. 2021 Wisconsin Act 251 3. Wis. Stat. ch. 448 subch. VIII			
11) Authorization			
 Signature of person making this request		07/05/23 Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

STATE OF WISCONSIN
GENETIC COUNSELORS AFFILIATED CREDENTIALING BOARD

IN THE MATTER OF RULEMAKING	:	ORDER OF THE GENETIC
PROCEEDINGS BEFORE THE GENETIC	:	COUNSELORS AFFILIATED
COUNSELORS AFFILIATED	:	CREDENTIALING BOARD
CREDENTIALING BOARD	:	ADOPTING EMERGENCY RULES

The statement of scope for this rule, SS 029-23, was approved by the Governor on May 4, 2023, published in Register 809A2 on May 8, 2023, and approved by the Genetic Counselors Affiliated Credentialing Board on May 24, 2023. This emergency rule was approved by the Governor on (date)

ORDER

An order of the Genetic Counselors Affiliated Credentialing Board to create Gen Couns 1 to 5 relating to Genetic Counselors.

Analysis prepared by the Department of Safety and Professional Services.

EXEMPTION FROM FINDING OF EMERGENCY

The Legislature by Section 24 subsection (3) of 2021 Wisconsin Act 251 provides an exemption from a finding of emergency for the adoption of this rule.

ANALYSIS

Statutes interpreted: subch. VIII ch. 448, Wis. Stats.

Statutory authority: ss. 15.085 (5) (b), 448.9703, and 448.9705 (1), Stats. and 2021 Wisconsin Act 251

Explanation of agency authority:

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.”

Related statute or rule: None.

Plain language analysis: The objective of this emergency rule is to implement the statutory changes from 2021 Wisconsin Act 251 by creating chapters Gen Couns 1 to 5 as a new part of the Wisconsin Administrative Code.

Summary of, and comparison with, existing or proposed federal regulation: None.

Comparison with rules in adjacent states:

Illinois: Genetic Counselors in Illinois are licensed through the Illinois Department of Financial and Professional Regulation. The Genetic Counselor Licensing Act governs the practice of genetic counselors in Illinois and includes statutory direction regarding genetic counselor examination, temporary licensure, endorsement, and grounds for disciplinary action [225 Illinois Compiled Statutes ch. 135].

Genetic Counselors in Illinois are required to complete 30 hours of continuing education per 2-year license renewal cycle [Illinois Administrative Code Title 68 Part 1251 s. 1251.100]. Part 1251 of the Illinois Administrative Code further details rules for genetic counselors in the areas of licensure, examination, and granting variances. [Illinois Administrative Code Title 68 Part 1251 s. 1251.10 to 1251.110].

Iowa: Genetic Counselors in Iowa are licensed through the Iowa Board of Medicine. Chapter 148H of the Iowa Code governs the practice of genetic counselors in Iowa and includes statutes on licensure and grants administrative rulemaking authority to their Board [Iowa Code ch. 148H].

Chapter 20 of the Medicine Board Section 653 of the Iowa Administrative Code further details rules for of genetic counselors in the areas of licensure, practice, continuing education, and discipline. Each licensee is required to complete at least 30 hours of continuing education approved by the board per biennium. [653 Iowa Administrative Code ch. 20].

Michigan: Genetic Counselors in Michigan are licensed through the Michigan Department of Licensing and Regulatory Affairs. Part 170 of The Public Health Code Act 368 governs the practice of genetic counselors in Michigan. This section of the Michigan Compiled Laws includes requirements for genetic counselors regarding licensure, practice, continuing education, and standards of practice. The Michigan Board of Medicine is also responsible for the regulation of Genetic Counselors in Michigan. The board may require each licensee to provide evidence of completion of at least 75 hours within the three years immediately preceding the application for license renewal [Michigan Compiled Laws ss. 333.17091 to 333.17097].

Minnesota: Genetic Counselors in Minnesota are licensed through the Minnesota Board of Medical Practice. Chapter 147F of the Minnesota Statutes includes requirements for scope of practice, licensure requirements, grounds for disciplinary action, and continuing education. Genetic Counselors in Minnesota must either meet the licensure standards or provide evidence of completion of at least 25 hours of National Society of Genetic Counselors (NSGC) or American Board of Medical Genetics (ABMG) approved continuing education within the two years preceding renewal [Minnesota Statutes ch. 147F].

Summary of factual data and analytical methodologies:

The Board reviewed the statutory changes from 2021 Wisconsin Act 251 and promulgated rules as needed for the profession. While promulgating these rules, the Board referenced Wisconsin Administrative Code chs. MPSW 20, OT 4 and 5, PA 3, and Pod 2 and 8, among other sources.

Fiscal Estimate: The Fiscal Estimate will be attached upon completion.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Jennifer.Garrett@wisconsin.gov, or by calling (608) 266-6795.

Agency contact person:

Nilajah Hardin, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-26-7139; email at DSPSAdminRules@wisconsin.gov.

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to Nilajah Hardin, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received on or before the public hearing, held on a date to be determined, to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. Chapters Gen Couns 1 to 5 are created to read:

Chapter Gen Couns 1
AUTHORITY, ADOPTION OF STANDARDS, AND DEFINITIONS

Gen Couns 1.01 Authority. The rules in chapters Gen Couns 1 to 5 are adopted by the genetic counselors affiliated credentialing board pursuant to the authority delegated by ss. 15.85 (5) (b) and 448.9703, Stats.

Gen Couns 1.02 Adoption of Standards. The National Society of Genetic Counselors (NSGC) code of ethics, issued in April 2017, is incorporated by reference into chs. Gen Couns 1 to 5.

Note: Copies of the above standards are on file in the office of the department and the legislative reference bureau. A copy of the NSGC code of ethics can be retrieved from: <https://nsgc.org>.

Gen Couns 1.03 Definitions. As used in chapters Gen Couns 1 to 5:

- (1) “Board” means the genetic counselors affiliated credentialing board.
- (2) “Genetic counseling” has the meaning given in s. 448.970 (3), Stats.
- (3) “Genetic counselor” means an individual who is licensed by the board to practice genetic counseling.
- (4) “Temporary basis” means three months from the date you submit notification to the board. After those three months, regular licensure is required. This definition does not apply to those individuals who hold a temporary license under s. 448.9705, Stats.

Chapter Gen Couns 2
LICENSE TO PRACTICE GENETIC COUNSELING

Gen Couns 2.01 Initial Licensure. 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:

- (1) Submits all of the following:
 - (a) A completed application form.

Note: Instructions for applications are available from the department of safety and professional services' website at <http://dsps.wi.gov>.

- (b) The fee determined by the Department under s. 440.05 (1), Stats.
 - (c) Subject to ss. 111.321, 111.322, and 111.335, Stats., evidence satisfactory to the board that the applicant does not have an arrest or conviction record.
 - (d) Evidence satisfactory to the board of one of the following:
 - 1. Successful completion of 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.
 - 2. Successful completion of a degree-granting program outside of the United States that the board determines is substantially equivalent to a program described in sub. (c) 1.
 - (e) Evidence satisfactory to the board of having successfully passed an examination administered by the American Board of Genetic Counseling or the genetic counseling examination administered by the American Board of Medical Genetics and Genomics.
 - (f) Evidence of current certification with the American Board of Genetic Counseling.
- (2) The board may waive the requirements of subs. (1) (d), (e), and (f) either of the following apply:
- (a) The applicant holds an unexpired genetic counselor license issued by another state, territory, foreign country, or province and the requirements for licensure and for renewal of a genetic counselor license of such other state, territory, 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 of this state.
 - (b) The applicant does all of the following:
 - 1. Applies for licensure under sub. (1) by September 1, 2023.
 - 2. Submits evidence satisfactory to the board of all of the following:
 - a. Has 10 years of documented work experience practicing genetic counseling.
 - b. Has 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.

Gen Couns 2.02 Temporary Licensure. (1) The board may issue a temporary license to an applicant who has completed all of the following:

- (a) Submits a completed application for licensure and a completed application for a temporary license.

Note: Instructions for applications are available from the department of safety and professional services' website at <http://dsps.wi.gov>.

- (b) Pays the fee determined by the Department under s. 440.05 (1), Stats.
 - (c) Submits evidence of completion of the education requirements from Gen Couns 2.01 (d).
 - (d) Submits evidence of current active candidate status with the American Board of Genetic Counseling.
- (2) A person granted a temporary license to practice genetic counseling under this section shall practice at all times under the supervision and direction of a licensed genetic counselor or physician.
 - (3) Except as provided in sub. (4), a temporary license issued under this section expires upon granting of a license under s. 448.9704 (1), Stats. or on whichever if the following dates occurs first:
 - (a) The date that is one year after the date on which the temporary license was granted.
 - (b) 30 days after the results of the examination under s. 448.9704 (1) (d) 2 Stats. taken by the applicant have been issued by the American Board of Genetic Counseling.
 - (4) The board may grant a one time renewal of a temporary license, for a period specified by the board, if the person maintains active candidate status with the American Board of Genetic Counseling.
 - (5) The board may require an applicant for the renewal of a temporary license to appear before a member of the board for an interview.

Gen Couns 2.03 Reciprocal Credentials for Service Members, Former Service Members, and their Spouses. A reciprocal license shall be granted to a service member, former service member, or the spouse of a service member or former service member who the board determines meets all of the requirements under s. 440.09 (2), Stats. subject to s. 440.09 (2m), Stats. The board may request verification necessary to make a determination under this section.

Gen Couns 2.04 Title Protection. No person may designate themselves 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 by the board.

Gen Couns 2.05 Exceptions. A license to practice genetic counseling is not required for any of the following if the person does not claim to be a genetic counselor:

- (1) Any person who is lawfully practicing within the scope of a license, permit, registration, or certification granted by this state or the federal government.
- (2) Any person assisting a genetic counselor in practice under the direct, on-premises supervision of the genetic counselor.
- (3) 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 and training.
- (4) Pursuant to s. 448.9701 (2) (d), Stats., 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. The person must notify the board that they will be providing consulting services and the nature and date of those services. The person must receive authorization from the board to provide consulting services on a temporary basis prior to the beginning of the time period they are providing those consulting services.
- (5) Pursuant to s. 448.9701 (2) (e), Stats., 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, if the person satisfies all of the following:
 - (a) Current certification by the American Board of Genetic Counseling or the American Board of Medical Genetics and Genomics.
 - (b) Submits notification to the board that they will be providing consulting services and the nature and date of those services.
 - (c) Receives authorization from the board to provide consulting services on a temporary basis prior to the beginning of the time period they are providing those consulting services.

Chapter Gen Couns 3 LICENSE RENEWAL AND REINSTATEMENT

Gen Couns 3.01 License Renewal and Continuing Education. (1) A licensee shall renew their license as specified by ss. 440.03 (9) (a) and 440.08 (2) (a), Stats.

- (2) A licensee shall complete a renewal application approved by the board and return it with the required fee prior to the date specified by ss. 440.03 (9) (a) and 440.08 (2) (a), Stats.

Note: Instructions for renewal applications can be found on the department of safety and professional services' website at <http://dsps.wi.gov>.

- (3) Except as provided under subsection (4) and specified by s. 440.08 (2) (a), Stats., a licensee shall attest to the completion of the following:
 - (a) At least 30 hours of continuing education approved by the National Society of Genetic Counselors.
 - (b) Current certification with the American Board of Genetic Counseling.
- (4) Section (3) does not apply to the first scheduled renewal date under s. 440.08 (2) (a) 37m., Stats. following the date a license is issued.
- (5) Licensees shall retain certificates of continuing education attendance for a minimum of four years to be provided to the board upon request.

Gen Couns 3.02 Reinstatement. (1) A licensee who fails for any reason to be licensed as required under this chapter may not exercise the rights or privileges conferred by any license granted by the board.

(2) Failure to renew a license as specified in s. Gen Couns 3.01. shall cause the license to lapse. A licensee who allows the license to lapse may apply for reinstatement of the license by the board, subject to s. 440.08 (4), Stats., as follows:

- (a) If the licensee applies for renewal of the license less than five years after its expiration, the license shall be renewed upon payment of the renewal fee.
- (b) If the licensee applies for renewal of the license more than five years after its expiration, the board shall make an inquiry to determine whether the applicant is competent to practice under the license in this state and shall impose any reasonable conditions on the renewal of the license. This paragraph does not apply to licensees who have unmet disciplinary requirements or whose licenses have been surrendered or revoked.

(3) A licensee who has unmet disciplinary requirements and failed to renew a license within five years of the renewal date or whose license has been surrendered or revoked may apply to have a license reinstated if the applicant provides all of the following:

- (a) Evidence of completion of requirements under s. Gen Couns 3.02 (2) (b) if the licensee has not held an active Wisconsin license in the last five years.
- (b) Evidence of completion of disciplinary requirements, if applicable.
- (c) Evidence of rehabilitation or a change in circumstances, warranting reinstatement of the license.

Chapter Gen Couns 4 PRACTICE AND SUPERVISION

Gen Couns 4.01 Scope of Practice. (1) “Genetic counseling,” as defined in s. 448.970 (3), Stats., 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 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 response 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.

Gen Couns 4.02 Standards of Practice. Genetic counselors shall adhere to the minimum standards of practice of genetic counseling that have become established in the profession, including but not limited to the following areas:

(1) REFERRALS. Referrals may be accepted from physicians, physician assistants, advanced practice nurse prescribers, podiatrists, psychologists, or other licensed health care professionals.

(2) INFORMED CONSENT. (a) Any genetic counselor who provides treatment to a patient shall inform the patient about the availability of reasonable alternate modes of treatment and about the benefits and risks of these treatments. The reasonable genetic counselor standard is the standard for informing a patient under this section. The reasonable genetic counselor standard requires disclosure only of information that a reasonable genetic counselor would know and disclose under the circumstances.

(b) The genetic counselor's duty to inform the patient under sub. (a) does not require disclosure of any of the following:

1. Detailed technical information that in all probability the patient would not understand.
2. Risks apparent or known to the patient.
3. Extremely remote possibilities that might falsely or detrimentally alarm the patient.
4. Information in emergencies where failure to provide treatment would be more harmful to the patient than treatment.
5. Information in cases where the patient is incapable of consenting.
6. Information about alternate modes of treatment for any condition the genetic counselor has not included in their diagnosis at the time the genetic counselor informs the patient.

(c) A genetic counselor's patient record shall include documentation that alternate modes of treatment have been communicated to the patient and informed consent has been obtained from the patient as required under sub. Gen Couns 4.02 (2) (a).

(3) RECORDKEEPING. (a) When patient healthcare records are not maintained by a separate entity, a genetic counselor shall ensure patient health care records are maintained on every patient for a period of not less than 5 years after the date of the last entry, or for a longer period as may be otherwise required by law.

(b) A patient health care record shall contain all of the following clinical health care information which applies to the patient's medical condition:

1. Pertinent patient history.
2. Pertinent objective findings related to examination and test results.
3. Assessment or diagnosis.
4. Plan of treatment for the patient.

(c) Each patient health care record entry shall be dated, shall identify the genetic counselor, and shall be sufficiently legible to allow interpretation by other healthcare practitioners.

Gen Couns 4.03 Supervision. (1) TEMPORARY LICENSEES. A person with a temporary license authorized in s. Gen Couns 2.02 shall practice under the supervision of a licensed genetic counselor or physician. The supervising licensed genetic counselor or physician shall be available to the temporary licensee either in-person or via immediate electronic contact methods at all times while performing genetic counseling services.

(2) UNLICENSED ASSISTANTS. An unlicensed person assisting in the practice of a licensed genetic counselor shall practice under the supervision of that licensed genetic counselor. The supervising licensed genetic counselor or physician shall be available to the unlicensed assistant either in-person or via immediate electronic contact methods at all times while assisting in the practice of genetic counseling. Supervisory duties for unlicensed assistants may not be delegated to other staff unless they are also licensed as a genetic counselor or a physician.

(3) GENETIC COUNSELING STUDENTS. A genetic counseling student may practice under the supervision of a licensed genetic counselor or physician as long as that practice is within the scope that student's genetic counseling education and training. The supervising licensed genetic counselor or physician shall be available to the genetic counseling student either in-person or via immediate electronic contact methods. Genetic counseling students shall be supervised at all times while present in the facility they are practicing in.

Chapter Gen Couns 5 UNPROFESSIONAL CONDUCT

Gen Couns 5.01 Unprofessional Conduct. "unprofessional conduct" includes the following, or aiding or abetting the same:

- (1)** Violating or attempting to violate subch. VIII of ch. 448, Stats., or any provision of a rule or order of the board.
- (2)** Knowingly making or presenting or causing to be made or presented any false, fraudulent, or forged statement, writing, certificate, diploma, or other item in connection with any application for licensure.
- (3)** Practicing fraud, forgery, deception, collusion, or conspiracy in connection with any examination for licensure.
- (4)** Engaging in false, fraudulent, deceptive or misleading billing practices.
- (5)** Giving, selling, buying, bartering, or attempting to give, sell, buy, or barter any license.
- (6)** Engaging or attempting to engage in practice under any license under any given name or surname other than that under which originally licensed to practice in this or any other state. This subsection does not apply to change of name resulting from marriage, divorce, or order by a court of record.
- (7)** Any practice or conduct which may constitute a danger to the health, welfare, or safety of a patient or public.
- (8)** Practicing or attempting to practice under any license when unable to do so with reasonable skill and safety to patients.
- (9)** Practicing or attempting to practice under any license beyond the scope of that license.
- (10)** Offering, undertaking, or agreeing to treat or cure a disease or condition by a secret means, method, device, or instrumentality or refusing to divulge to the board upon

demand the means, method, device, or instrumentality used in the treatment of a disease or condition.

(11) Representing that a manifestly incurable disease or condition may be or will be permanently cured; or that a curable disease or condition can be cured within a stated time, if this is not the case.

(12) Knowingly making any false statement, written or oral, in practicing under any license, with fraudulent intent; or obtaining or attempting to obtain any professional fee or compensation by any form of fraud or deceit.

(13) Willfully divulging a privileged communication or confidence entrusted by a patient or deficiencies in the character of the patient observed in the course of professional attendance, unless lawfully required to do so.

(14) Engaging in uninvited, in-person solicitation of actual or potential patients who, because of their particular circumstances, are vulnerable to undue influence; or engaging in false, misleading or deceptive advertising.

(15) Having a license or other credential granted by another state or any agency of the federal government which becomes limited, restricted, suspended, or revoked, or having been subject to other adverse action by a state licensing authority or any agency of the federal government including the denial or limitation of an original credential, or the surrender of a credential, whether or not accompanied by findings of negligence or unprofessional conduct.

(16) Conviction of any crime the circumstances of which substantially relate to the practice of genetic counseling. A certified copy of judgement of a court record showing such conviction, within this state or without, shall be presumptive evidence.

(17) Aiding or abetting the unlicensed practice of genetic counseling.

(18) Violating or aiding and abetting the violation of any law or administrative rule or regulation the circumstances of which substantially relate to the practice of genetic counseling.

(19) Failing to report to the board or to institutional supervisory personnel any violation of the rules of this chapter by a licensee.

(20) Engaging in inappropriate sexual contact, exposure, gratification, or other sexual behavior with or in the presence of a patient. For purposes of this subsection, an adult receiving genetic counseling services shall continue to be a patient for 2 years after the termination of professional services. If the person receiving genetic counseling services is a minor, the person shall continue to be a patient for the purposes for this subsection for 2 years after the termination of services, or for 2 years after the client reaches 18 years of age, whichever is longer.

(21) Discriminating on the basis of age, race, color, biological sex, gender, gender identity, religion, creed, national origin, ancestry, ethnicity, disability or sexual orientation by means of service provided or denied.

(22) Failing to obtain the informed consent of the patient or patient's authorized representative prior to providing genetic counseling services.

SECTION 2. EFFECTIVE DATE. This emergency rule shall take effect upon publication in the official state newspaper.

(END OF TEXT OF RULE)

Dated _____

Agency _____

Chairperson
Genetic Counselors Affiliated
Credentialing Board

DRAFT

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.

(b) 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 occupational therapy or assisting in the practice of occupational therapy.

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

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

(e) Subject to ss. 111.321, 111.322 and 111.34, practiced occupational therapy or assisted in the practice of occupational therapy while his or her ability to practice was impaired by alcohol or other drugs.

(f) Engaged in unprofessional or unethical conduct in violation of the code of ethics established in the rules promulgated under s. 448.965 (1) (c).

(g) Engaged in conduct while practicing occupational therapy or assisting in the practice of occupational therapy that evidences a lack of knowledge or ability to apply professional principles or skills.

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

History: 1999 a. 180; 2021 a. 123.

Cross-reference: See also ch. OT 5, Wis. adm. code.

448.969 Injunctive relief. If the affiliated credentialing board has reason to believe that any person is violating this subchapter or any rule promulgated under this subchapter, the affiliated credentialing 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.

History: 1999 a. 180.

448.9695 Penalties; appeal. (1) A person who violates any provision of this subchapter may be fined not more than \$10,000 or imprisoned for not more than 9 months or both.

(2) Any person aggrieved by any action taken under this subchapter by the affiliated credentialing board, its officers or its agents may apply for judicial review as provided in ch. 227, and shall file notice of such appeal with the secretary of the affiliated credentialing board within 30 days. No court of this state may enter an ex parte stay of any action taken by the affiliated credentialing board under this subchapter.

History: 1999 a. 180; 2017 a. 364 s. 49; 2021 a. 23 s. 51; Stats. 2021 s. 448.9695; 2021 a. 251 s. 18.

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.

History: 2021 a. 251.

448.9701 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.

NOTE: This section was created as s. 448.971 by 2021 Wis. Act 251 and renumbered to s. 448.9701 by the legislative reference bureau under s. 13.92 (1) (bm) 2.

History: 2021 a. 251; s. 13.92 (1) (bm) 2.

448.9703 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. 448.9701 (2) (d) and (e).

NOTE: This section was created as s. 448.973 by 2021 Wis. Act 251 and renumbered to s. 448.9703 by the legislative reference bureau under s. 13.92 (1) (bm) 2. In sub. (4), the cross-reference to s. 448.9701 (2) (d) and (e) was changed from s. 448.971 (2) (d) and (e) by the legislative reference bureau under s. 13.92 (1) (bm) 2. to reflect the renumbering under s. 13.92 (1) (bm) 2. of s. 448.971, as created by 2021 Wis. Act 251.

History: 2021 a. 251; s. 13.92 (1) (bm) 2.

448.9704 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 counseling 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 September 1, 2023.

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.

NOTE: This section was created as s. 448.974 by 2021 Wis. Act 251 and renumbered to s. 448.9704 by the legislative reference bureau under s. 13.92 (1) (bm) 2.

History: 2021 a. 251; s. 13.92 (1) (bm) 2.

448.9705 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. 448.9704 (1) other than the examination requirement under s. 448.9704 (1) (d) 2.

NOTE: The cross-reference to s. 448.9704 (1) was changed from s. 448.974 (1) and the cross-reference to s. 448.9704 (1) (d) 2. was changed from s. 448.974 (1) (d) 2. by the legislative reference bureau under s. 13.92 (1) (bm) 2. to reflect the renumbering under s. 13.92 (1) (bm) 2. of s. 448.974, as created by 2021 Wis. Act 251.

(2) Except as provided in sub. (3), a temporary license issued under this section expires upon granting of a license under s. 448.9704 (1) or on whichever of the following dates occurs first:

NOTE: The cross-reference to s. 448.9704 (1) was changed from s. 448.974 (1) by the legislative reference bureau under s. 13.92 (1) (bm) 2. to reflect the renumbering under s. 13.92 (1) (bm) 2. of s. 448.974, as created by 2021 Wis. Act 251.

(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. 448.9704 (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.

NOTE: The cross-reference to s. 448.9704 (1) (d) 2. was changed from s. 448.974 (1) (d) 2. by the legislative reference bureau under s. 13.92 (1) (bm) 2. to reflect the renumbering under s. 13.92 (1) (bm) 2. of s. 448.974, as created by 2021 Wis. Act 251.

(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.

NOTE: This section was created as s. 448.975 by 2021 Wis. Act 251 and renumbered to s. 448.9705 by the legislative reference bureau under s. 13.92 (1) (bm) 2.

History: 2021 a. 251; s. 13.92 (1) (bm) 2; s. 35.17 correction in (2) (intro.).

448.9706 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. 448.9705, 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. 448.9703 (3).

NOTE: This section was created as s. 448.976 by 2021 Wis. Act 251 and renumbered to s. 448.9706 by the legislative reference bureau under s. 13.92 (1) (bm) 2. In sub. (2), the cross-reference to s. 448.9705 was changed from s. 448.975 and the cross-reference to s. 448.9703 (3) was changed from s. 448.973 (3) by the legislative reference bureau under s. 13.92 (1) (bm) 2. to reflect the renumbering under s. 13.92 (1) (bm) 2. of ss. 448.973 and 448.975, as created by 2021 Wis. Act 251.

History: 2021 a. 251; s. 13.92 (1) (bm) 2.

448.9707 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. 448.9703 (1).

NOTE: The cross-reference to s. 448.9703 (1) was changed from s. 448.973 (1) by the legislative reference bureau under s. 13.92 (1) (bm) 2. to reflect the renumbering under s. 13.92 (1) (bm) 2. of s. 448.973, as created by 2021 Wis. Act 251.

- (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.

NOTE: This section was created as s. 448.977 by 2021 Wis. Act 251 and renumbered to s. 448.9707 by the legislative reference bureau under s. 13.92 (1) (bm) 2.

History: 2021 a. 251; s. 13.92 (1) (bm) 2.

448.9708 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.

NOTE: This section was created as s. 448.978 by 2021 Wis. Act 251 and renumbered to s. 448.9708 by the legislative reference bureau under s. 13.92 (1) (bm) 2.

History: 2021 a. 251; s. 13.92 (1) (bm) 2.

448.9709 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.

NOTE: This section was created as s. 448.979 by 2021 Wis. Act 251 and renumbered to s. 448.9709 by the legislative reference bureau under s. 13.92 (1) (bm) 2.

History: 2021 a. 251; s. 13.92 (1) (bm) 2.

SUBCHAPTER IX

PHYSICIAN ASSISTANT AFFILIATED CREDENTIALING BOARD

NOTE: Subch. IX (title) was renumbered from subch. VIII (title) by the legislative reference bureau under s. 13.92 (1) (bm) 2.

448.971 Definitions. In this subchapter, unless the context requires otherwise:

- (1) "Board" means the physician assistant affiliated credentialing board.
- (2) "Physician assistant" means a person licensed under this subchapter.
- (3) "Podiatrist" has the meaning given in s. 448.60 (3).
- (4) "Podiatry" has the meaning given in s. 448.60 (4).

History: 2021 a. 23.

448.972 License required; exceptions. (1) Except as provided in subs. (2) and (3), no person may represent himself or herself as a "PA" or "physician assistant," use or assume the title "PA" or "physician assistant," or append to the person's name the words or letters "physician assistant," "PA," "PA-C," or any other titles, letters, or designation that represents or may tend to represent the person as a physician assistant, unless he or she is licensed by the board under this subchapter.

(2) Subsection (1) does not apply with respect to any of the following:

- (a) An individual employed and duly credentialed as a physician assistant or physician associate by the federal government while performing duties incident to that employment, unless a license under this subchapter is required by the federal government.
- (b) A person who satisfies the requirement under s. 448.974 (1) (a) 3, but who is not licensed under this subchapter. This paragraph does not allow such a person to practice medicine and surgery in violation of s. 448.03 (1) (a) or to practice podiatry in violation of s. 448.61.
- (3) A student who is enrolled in an accredited physician assistant educational program may use the title "physician assistant student," "PA student," or "PA-S."

History: 2021 a. 23.

448.9725 Expedited partner therapy. (1) In this section:

- (b) "Antimicrobial drug" has the meaning given in s. 448.035 (1) (b).
- (c) "Expedited partner therapy" has the meaning given in s. 448.035 (1) (c).

(2) Notwithstanding the requirements of s. 448.9785, a physician assistant may provide expedited partner therapy if a patient is diagnosed as infected with a chlamydial infection, gonorrhea, or trichomoniasis and the patient has had sexual contact with a sexual partner during which the chlamydial infection, gonorrhea, or trichomoniasis may have been transmitted to or from the sexual partner. The physician assistant shall attempt to obtain the name of the patient's sexual partner. A prescription order for an antimicrobial drug prepared under this subsection shall include the name and address of the patient's sexual partner, if known. If the physician assistant is unable to obtain the name of the patient's sexual partner, the prescription order shall include, in ordinary, bold-faced capital letters, the words, "expedited partner therapy" or the letters "EPT."