



VIRTUAL/TELECONFERENCE
GENETIC COUNSELORS AFFILIATED CREDENTIALING BOARD
Virtual, 4822 Madison Yards Way, Madison
Contact: Tom Ryan (608) 266-2112
December 4, 2023

The following agenda describes the issues that the Council 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 Council.

AGENDA

12:00 P.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. Adoption of Agenda (1-2)**
- B. Approval of Minutes of October 2, 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. 12:00 P.M. Public Hearing – Clearinghouse Rule 26-061 on Gen Couns 1 to 5, Relating to Genetic Counselors (4-18)**
 - 1. Review Public Hearing Comments and Clearinghouse Report
- F. Administrative Rule Matters – Discussion and Consideration (19)**
 - 1. Update on Emergency Rule: Gen Couns 1 to 5, Relating to Genetic Counselors (20-32)
 - 2. Pending and Possible Rulemaking Projects
- G. Credentialing Liaison Report – Discussion and Consideration**
- 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: JANUARY 4, 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://dsps.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 reach the Meeting Staff by calling 608-267-7213.

**VIRTUAL/TELECONFERENCE
GENETIC COUNSELORS AFFILIATED CREDENTIALING BOARD
OCTOBER 2, 2023**

PRESENT: Jennifer Geurts, Jessica Grzybowski, Stephanie Karwedsky, Peter Levonian (*arrived at 12:02 p.m.*), Michael Mullane (*arrived at 12:01 p.m.*), Michael Muriello (*arrived at 12:01 p.m.*), Rebecca Pabst

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

CALL TO ORDER

Jessica Grzybowski, Chairperson, called the meeting to order at 12:00 p.m. A quorum was confirmed with four (4) members present.

(Michael Muriello arrived at 12:01 p.m.)

(Michael Mullane arrived at 12:01 p.m.)

ADOPTION OF AGENDA

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

(Peter Levonian arrived at 12:02 p.m.)

APPROVAL OF MINUTES OF SEPTEMBER 11, 2023

MOTION: Jessica Grzybowski moved, seconded by Jennifer Geurts, to adopt the Minutes of September 11, 2023 as published. Motion carried unanimously.

ADMINISTRATIVE RULE MATTERS

Emergency Rule Extension Request: Gen Couns 1 to 5, Relating to Genetic Counselors

MOTION: Jessica Grzybowski moved, seconded by Jennifer Geurts, to request an extension of sixty (60) days for EmR 2313 (Gen Couns 1 to 5) relating to Genetic Counselors. Motion carried unanimously.

ADJOURNMENT

MOTION: Jessica Grzybowski moved, seconded by Michael Mullane, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 12:31 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: 11/21/23 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: 12/04/23	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? 12:00 P.M. Public Hearing – Clearinghouse Rule 26-061 on Gen Couns 1 to 5, Relating to Genetic Counselors 1. Review Public Hearing Comments and Clearinghouse Report	
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: The Board will hold a Public Hearing on this rule as required by the rulemaking process.			
11) Authorization			
Signature of person making this request		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	:	PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE	:	GENETIC COUNSELORS
GENETIC COUNSELORS AFFILIATED	:	AFFILIATED CREDENTIALING
CREDENTIALING BOARD	:	BOARD
	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE)

PROPOSED 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.

ANALYSIS

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

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

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).”

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. These new chapters cover the licensure, renewal, practice, and conduct requirements for Genetic Counselors.

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

Summary of public comments received on statement of scope and a description of how and to what extent those comments and feedback were taken into account in drafting the proposed rule: N/A.

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 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.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

The proposed rule will be posted for a period of 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis is attached.

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, P.O. Box 8366, Madison, Wisconsin 53708-8366; telephone 608-267-7139; 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, P.O. Box 8366, Madison, Wisconsin 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received on or before the public hearing, held on December 4, 2023, 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. (d) 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) if 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.

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 are not required but may be accepted from licensed health care professionals. Patients may also self-refer for genetic counseling services.

(2) INFORMED CONSENT. (a) Any genetic counselor who provides services to a patient shall inform the patient about the availability of reasonable alternatives and about the benefits and risks of these options. 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 information would be more harmful to the patient than not giving information.
 5. Information in cases where the patient is incapable of consenting.
 6. Information about reasonable alternatives 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 reasonable alternatives 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 10 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. Recommendations 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 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 virtual supervision 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 virtual supervision 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.

SECTION 2. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected	2. Date September 26, 2023
3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) Gen Couns 1 to 5 (Permanent Rule)	
4. Subject Genetic Counselors	
5. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input checked="" type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	6. Chapter 20, Stats. Appropriations Affected s. 20.165 (1) (hg)
7. Fiscal Effect of Implementing the Rule <input type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input checked="" type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs <input checked="" type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Could Absorb Within Agency's Budget	
8. The Rule Will Impact the Following (Check All That Apply) <input type="checkbox"/> State's Economy <input checked="" type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Local Government Units <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses (if checked, complete Attachment A)	
9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$0	
10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
11. Policy Problem Addressed by the Rule These rules implement the statute changes from 2021 Wisconsin Act 25. This was achieved through the creation of a new part of the Wisconsin administrative code, chapters Gen Couns 1 through 5.	
12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments. The rule will be posted on the Department's website for 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals.	
13. Identify the Local Governmental Units that Participated in the Development of this EIA. None.	
14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred) DSPS estimates a total of \$8,800 in one-time costs and \$5,600 in annual costs for staffing and an indeterminate IT impact to implement the rule. This rule implements the statute changes from 2021 Wisconsin Act 251. The estimated one-time staffing need for .3 limited term employee (LTE) is for form and site updates, staff training, and resource development. The estimated annual staffing need for .1 full time employee (FTE) is for legal investigations, processing of records requests, license monitoring, and board meetings. The one-time and annual estimated costs cannot be absorbed in the currently appropriated agency budget.	
15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule The benefits of implementing this rule are the creation of the Genetic Counselors Affiliated Credentialing Board's section of the Administrative Code that aligns with Wisconsin State Statutes.	
16. Long Range Implications of Implementing the Rule	

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

The long range implications of implementing this rule is clear requirements for the regulation and licensure of Genetic Counselors in Wisconsin.

17. Compare With Approaches Being Used by Federal Government
None.

18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

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].

19. Contact Name

Nilajah Hardin, Administrative Rules Coordinator

20. Contact Phone Number

(608) 267-7139

This document can be made available in alternate formats to individuals with disabilities upon request.

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
 - Less Stringent Schedules or Deadlines for Compliance or Reporting
 - Consolidation or Simplification of Reporting Requirements
 - Establishment of performance standards in lieu of Design or Operational Standards
 - Exemption of Small Businesses from some or all requirements
 - Other, describe:
-

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

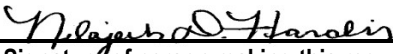
5. Describe the Rule's Enforcement Provisions

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes No
-

**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: 11/21/23 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: 12/04/23	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Rule Matters Discussion and Consideration 1. Update on Emergency Rule: 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: Attachments: 1. Extension Request Letter 2. EmR 2313 – Gen Couns 1 to 5, Relating to Genetic Counselors Copies of current Board Rule Projects Can be Viewed Here: https://dsps.wi.gov/Pages/RulesStatutes/PendingRules.aspx			
11) Authorization			
 Signature of person making this request		11/21/23 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.			

Genetic Counselors Affiliated Credentialing Board

Department of Safety and Professional Services
4822 Madison Yards Way
PO Box 8366
Madison WI 53708-8366



October 18, 2023

Senator Stephen Nass, Senate Co-Chairperson
Joint Committee for Review of Administrative Rules
Room 10 South, State Capitol
Madison, WI 53702

Representative Adam Neylon, Assembly Co-Chairperson
Joint Committee for Review of Administrative Rules
Room 204 North, State Capitol
Madison, WI 53702

RE: Request for Extension of Emergency Rule, Genetic Counselors Affiliated Credentialing Board

Dear Senator Nass and Representative Neylon:

Pursuant to Wis. Stat. s. 227.24 (2), I am writing to request an extension of EmR2313, an emergency rule creating Gen Couns 1 to 5 relating to Genetic Counselors. A copy of the emergency rule is attached.

This rule implements the statutory changes from 2021 Wisconsin Act 251 that include the regulation and licensure of Genetic Counselors. The Board has been working diligently on drafting the permanent rule associated with this project. However, the emergency rule is set to expire on February 11, 2024. Pursuant to Wis. Stat. s. 15.085 (5) (b) 1., the permanent rule has been reviewed by the Medical Examining Board and cannot be submitted to the Legislative Rules Clearinghouse until at least November 11, 2023. After the Clearinghouse has completed their 30 calendar day review, a public hearing will need to be held at the next available Board meeting. Additionally, the permanent rule will also need to be submitted to the Attorney General for approval of Incorporation of Standards, as well as to the Governor's Office for approval and for review by the Legislature. Given these remaining steps, a publication and effective date have not been determined yet.

Therefore, the Genetic Counselors Affiliated Credentialing Board is requesting an extension of the emergency rule to cover the anticipated gap between February 11, 2024 and when the permanent rule will be effective in order to avoid confusion to stakeholders and licensees.

Sincerely,

Jessica Grzybowski

Jessica Grzybowski
Chairperson
Genetic Counselors Affiliated Credentialing Board

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 August 31, 2023.

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].

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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 608-267-7139; 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 are not required but may be accepted from licensed health care professionals. Patients may also self-refer for genetic counseling services.

(2) INFORMED CONSENT. (a) Any genetic counselor who provides services to a patient shall inform the patient about the availability of reasonable alternatives and about the benefits and risks of these options. 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 information would be more harmful to the patient than not giving information.
5. Information in cases where the patient is incapable of consenting.
6. Information about reasonable alternatives 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 reasonable alternatives 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 10 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. Recommendations 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 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 virtual supervision 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 virtual supervision 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.

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

(END OF TEXT OF RULE)

Dated 8/4/2023

Agency *Jessica Grzybowski*
Chairperson
Genetic Counselors Affiliated
Credentialing Board