



VIRTUAL/TELECONFERENCE
GENETIC COUNSELORS AFFILIATED CREDENTIALING BOARD
Virtual, 4822 Madison Yards Way, Madison
Contact: Tom Ryan (608) 266-2112
June 5, 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 April 14, 2023 (3-8)

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. – 7/1/2023
 - e) Mullane, Michael P. – 7/1/2024
 - f) Muriello, Michael J. – 7/1/2023
 - g) Pabst, Rebecca L. – 7/1/2025

D. Legislation and Policy Matters – Discussion and Consideration

E. Administrative Rule Matters – Discussion and Consideration (9)

1. Drafting Proposals: Gen Couns 1 to 5, Relating to Genetic Counselors **(10-25)**
2. Pending and Possible Rulemaking Projects

F. Credentialing Liaison Discussion – Acceptance of Education when ACGC or ABMGG Accreditation not Confirmed (26)

G) 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

H) Public Comments

ADJOURNMENT

NEXT MEETING: JULY 17, 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
APRIL 14, 2023**

PRESENT: Jennifer Geurts, Jessica Grzybowski, Stephanie Karwedsky, Peter Levonian, Michael Mullane, Michael Muriello, Rebecca Pabst

STAFF: Tom Ryan, Executive Director; Jameson Whitney, Legal Counsel; Nilajah Hardin, Administrative Rules Coordinator; Katlin Schwartz, Bureau Assistant; Brenda Taylor, Board Services Supervisor; and other Department Staff

CALL TO ORDER

Tom Ryan, Executive Director, called the meeting to order at 1:36 p.m. A quorum was confirmed with seven (7) members present.

ADOPTION OF AGENDA

Amendments to the Agenda

- C.1 Department, Staff and Council Updates **CHANGE** Council to Board

MOTION: Jessica Grzybowski moved, seconded by Peter Levonian, to adopt the Agenda as amended. Motion carried unanimously.

ADMINISTRATIVE MATTERS

Election of Officers

Chairperson

NOMINATION: Rebecca Pabst nominated Jessica Grzybowski for the Office of Chairperson. Jessica Grzybowski accepted the nomination.

Tom Ryan, Executive Director, called for nominations three (3) times.

Jessica Grzybowski was elected as Chairperson by unanimous voice vote.

Vice Chairperson

NOMINATION: Jessica Grzybowski nominated Rebecca Pabst for the Office of Vice Chairperson. Rebecca Pabst accepted the nomination.

Tom Ryan, Executive Director, called for nominations three (3) times.

Rebecca Pabst was elected as Vice Chairperson by unanimous voice vote.

Secretary

NOMINATION: Rebecca Pabst nominated Jennifer Geurts for the Office of Secretary. Jennifer Geurts accepted the nomination.

Tom Ryan, Executive Director, called for nominations three (3) times.

Jennifer Geurts was elected as Secretary by unanimous voice vote.

ELECTION RESULTS	
Chairperson	Jessica Grzybowski
Vice Chairperson	Rebecca Pabst
Secretary	Jennifer Geurts

Appointment of Liaisons and Alternates

LIAISON APPOINTMENTS	
Credentialing Liaison(s)	Rebecca Pabst <i>Alternate: Jessica Grzybowski</i>
Monitoring Liaison(s)	Michael Muriello <i>Alternate: Michael Mullane</i>
Education and Examination Liaison(s)	Jennifer Geurts <i>Alternate: Michael Muriello</i>
Legislative Liaison(s)	Jessica Grzybowski <i>Alternate: Peter Levonian</i>
Travel Authorization Liaison(s)	Stephanie Karwedsky <i>Alternate: Michael Mullane</i>
Website Liaison(s)	Michael Mullane <i>Alternate: Michael Muriello</i>
Screening Panel	Jessica Grzybowski, Peter Levonian, Stephanie Karwedsky <i>Alternate: Rebecca Pabst</i>

Delegation of Authorities

Document Signature Delegations

MOTION: Jessica Grzybowski moved, seconded by Michael Muriello, to delegate authority to the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to sign documents on behalf of the Board in order to carry out its duties. Motion carried unanimously.

MOTION: Michael Mullane moved, seconded by Michael Muriello, in order to carry out duties of the Board, the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) has the ability to delegate signature authority for purposes of facilitating the completion of assignments during or between meetings. The members of the Board hereby delegate to the Executive Director or DPD Division Administrator,

the authority to sign on behalf of a board member as necessary. Motion carried unanimously.

Delegated Authority for Urgent Matters

MOTION: Rebecca Pabst moved, seconded by Peter Levonian, that in order to facilitate the completion of urgent matters between meetings, the Board delegates its authority to the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession), to appoint liaisons to the Department to act in urgent matters. Motion carried unanimously.

Credentialing Authority Delegations

Delegation of Authority to Credentialing Liaison

MOTION: Jessica Grzybowski moved, seconded by Michael Mullane, delegate authority to the Credentialing Liaison(s) to serve as a liaison between the Department and the Board and to act on behalf of the Board in regard to credentialing applications or questions presented to them, including the signing of documents related to applications, except that potential denial decisions shall be referred to the full Board for final determination. Motion carried unanimously.

Delegation of Authority to DSPS When Credentialing Criteria is Met

MOTION: Jessica Grzybowski moved, seconded by Michael Muriello, delegate credentialing authority to the Department to act upon applications that meet all credentialing statutory and regulatory requirements without Board or Board liaison review. Motion carried unanimously.

Delegation of Authority for Predetermination Reviews

MOTION: Jessica Grzybowski moved, seconded by Michael Muriello, delegate authority to the Department Attorneys to make decisions regarding predetermination applications pursuant to Wis. Stat. § 111.335(4)(f). Motion carried unanimously.

Delegation of Authority for Conviction Reviews

MOTION: Jessica Grzybowski moved, seconded by Michael Mullane, delegate authority to the Department Attorneys to review and approve applications with convictions which are not substantially related to the practice of genetic counseling. Motion carried unanimously.

Delegation of Authority for Reciprocity

MOTION: Rebecca Pabst moved, seconded by Jessica Grzybowski, delegate authority to the Department Attorneys to review and approve reciprocity/endorsement applications in which the out of state requirements for licensure and for renewal are substantially equivalent to the Board's requirements. Motion carried unanimously.

Delegation of Authority for Military Reciprocity Reviews

MOTION: Jessica Grzybowski moved, seconded by Michael Muriello, delegate authority to the Department Attorneys to review and approve military reciprocity applications in which the individual meets the requirements of Wis. Stat. § 440.09. Motion carried unanimously.

Delegated Authority for Application Denial Reviews

MOTION: Jessica Grzybowski moved, seconded by Michael Mullane, delegate authority to the Department's Attorney Supervisors to serve as the Board's designee for purposes of reviewing and acting on requests for hearing as a result of a denial of a credential. Motion carried unanimously.

Authorization for DSPS to Provide Board Member Contact Information to National Regulatory Related Bodies

MOTION: Jessica Grzybowski moved, seconded by Rebecca Pabst, to authorize the Department staff to provide national regulatory related bodies with all board member e-mail address information that the Department retains on file. Motion carried unanimously.

Legislative Liaison Delegation

MOTION: Michael Mullane moved, seconded by Jessica Grzybowski, to delegate authority to the Legislative Liaisons to speak on behalf of the Board regarding legislative matters. Motion carried unanimously.

Travel Authorization Liaison Delegation

MOTION: Jessica Grzybowski moved, seconded by Michael Muriello, to delegate authority to the Travel Authorization Liaison to approve any board member travel to and/or participation in events germane to the board, and to designate representatives from the Board to speak and/or act on the Board's behalf at such events. Motion carried unanimously.

Website Liaison(s) Delegation

MOTION: Jessica Grzybowski moved, seconded by Michael Muriello, to authorize the Website Liaison(s) to act on behalf of the Board in working with Department staff to identify and execute website updates. Motion carried unanimously.

Delegation to Chief Legal Counsel Due to Loss of Quorum

MOTION: Jessica Grzybowski moved, seconded by Rebecca Pabst, to delegate the review and authority to act on disciplinary cases to the Department's Chief Legal Counsel due to lack of/loss of quorum after two consecutive meetings. Motion carried unanimously.

Pre-Screening Delegation to Open Cases

MOTION: Michael Mullane moved, seconded by Jessica Grzybowski, to delegate pre-screening decision making authority to the Department screening attorney for opening cases as outlined below:

1. OWIs of 3 or more that occurred in the last 5 years.
2. Reciprocal discipline cases.
3. Impairment and/or diversion at work that includes a positive drug/alcohol test or admission by respondent.
4. Conviction of a misdemeanor or felony that the attorney believes is substantially related and is not otherwise excluded from consideration via Wis. Stat. ch. 111.
5. No response from the respondent after intake requested a response (case would be opened for the failure to respond issue as well as the merits).

Motion carried unanimously.

Pre-Screening Delegation to Close Cases

MOTION: Jessica Grzybowski moved, seconded by Michael Mullane, to delegate pre-screening decision making authority to the Department screening attorney for closing cases as outlined below:

1. One OWI that is non-work related and if AODA assessment completed, assessment does not indicate dependency.
2. Complaints that even if allegations are true, do not amount to a violation of law or rules.

Motion carried unanimously.

Voluntary Surrenders

MOTION: Jessica Grzybowski moved, seconded by Michael Mullane, to delegate authority to the assigned case advisor to accept or refuse a request for voluntary surrender pursuant to Wis. Stat. § 440.19 for a credential holder who has a pending complaint or disciplinary matter. Motion carried unanimously.

MOTION: Jessica Grzybowski moved, seconded by Michael Muriello, to delegate authority to the Department to accept the voluntary surrender of a credential when there is no pending complaint or disciplinary matter with the Department. Motion carried unanimously.

Education and Examination Liaison(s) Delegation

MOTION: Jessica Grzybowski moved, seconded by Michael Mullane, to delegate authority to the Education, and Examination Liaison(s) to address all issues related to education, continuing education, and examinations. Motion carried unanimously.

Optional Renewal Notice Insert Delegation

MOTION: Jessica Grzybowski moved, seconded by Michael Mullane, to designate the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to provide a brief statement or

link relating to board-related business within the license renewal notice at the Board's or Board designee's request. Motion carried unanimously.

ADMINISTRATIVE RULE MATTERS

Implementation of 2021 Wisconsin Act 251

MOTION: Jessica Grzybowski moved, seconded by Rebecca Pabst, to approve the Scope Statement creating Gen Couns 1 to 5, relating to Genetic Counselors for submission to the Department of Administration and Governor's Office and for publication. Additionally, the Board authorizes the Chairperson to approve the Scope Statement for implementation no less than 10 days after publication. If the Board is directed to hold a preliminary public hearing on the Scope Statement, the Chairperson is authorized to approve the required notice of hearing. Motion carried unanimously.

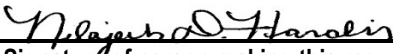
ADJOURNMENT

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

The meeting adjourned at 3:56 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: 05/26/23 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: 06/05/23	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. Drafting Proposals: 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. Draft Text of Rule – Gen Couns 1 to 5 2. 2021 Wisconsin Act 251 3. Wis. Stat. ch. 448 subch. VIII 4. Scope Statement – Gen Couns 1 to 5			
11) Authorization			
Signature of person making this request 		Date 05/26/23	
Supervisor (if required) Tom Ryan (Approved via Email)		Date 05/26/23	
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.			

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 s. 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 [REDACTED].

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 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 certification 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 .
 - (b) Current certification with the American Board of Genetic Counseling.
- (4) Section (3) does not apply to the first renewal 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

Chapter Gen Couns 5

UNPROFESSIONAL CONDUCT

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."

STATEMENT OF SCOPE

GENETIC COUNSELORS AFFILIATED CREDENTIALING BOARD

Rule No.: Gen Couns 1 to 5

Relating to: Genetic Counselors

Rule Type: Both Permanent and Emergency

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

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

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

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

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

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

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

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

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

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

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

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

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

120 hours

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

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

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

None.

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

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

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

Approved for publication:


Authorized Signature

4/26/2023

Date Submitted

Approved for implementation:


Authorized Signature

5/24/2023

Date Submitted

