

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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July 3, 2019

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Re: Final Report: Proposed Rules; Genetic Counselors; General;
Licensure and Certification; Practice—(LAC 46:XLV Chapters 1, 38 and 60)

Dear Sirs:

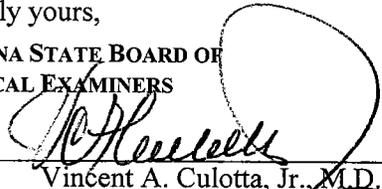
Pursuant to La. Rev. Stat. §49:968(D), the Louisiana State Board of Medical Examiners respectfully submits the enclosed report on the final adoption of the captioned rules. Notice was previously published in the December 2018 edition of the *Register*, Vol. 44, No. 12, pp. 2312-2323 and proposed substantive changes were noticed in the *Potpourri* section of the April 2019 *Register*, Vol. 45, No. 04, pp. 631-633. The Board plans to adopt the rules by and upon publication in the August 20, 2019 edition of the *Register*.

Finally, we have been previously advised by the Louisiana Occupational Licensing Review Commission, that rules noticed for intent in 2018 do not require Commission approval; therefore, we have not submitted a report to the OLRC.

Very truly yours,

LOUISIANA STATE BOARD OF
MEDICAL EXAMINERS

By: _____


Vincent A. Culotta, Jr., M.D.
Executive Director

Enclosure

In compliance with Act 2018-655, the Board gives notice to its licensees and applicants of their opportunity to file a complaint about board actions and board procedures. You may submit such complaints to one or more of the following organizations:

1. Louisiana State Board of Medical Examiners; 630 Camp Street, New Orleans, LA 70130; (504) 568-6820; lsbme@lsbme.la.gov.
2. Committee on House & Governmental Affairs; La. House of Representatives; PO Box 44486, Baton Rouge, LA 70804; (225) 342-2403; h&ga@legis.la.gov
3. Committee on Senate & Governmental Affairs; La Senate; PO Box 94183, Baton Rouge, LA 70804; (225) 342-9845; s&g@legis.la.gov

**FINAL REPORT RELATIVE TO PROPOSED ADOPTION
OF ADMINISTRATIVE RULES GOVERNING GENETIC COUNSELORS;
GENERAL, LICENSURE AND CERTIFICATION, PRACTICE**

(La. Rev. Stat. § 49:968(D))

By The

LOUISIANA STATE
BOARD OF MEDICAL EXAMINERS

Submitted To The

COMMITTEE ON HEALTH AND WELFARE,
LOUISIANA SENATE,

COMMITTEE ON HEALTH AND WELFARE,
LOUISIANA HOUSE OF REPRESENTATIVES,

PRESIDENT OF THE SENATE

And

SPEAKER OF THE HOUSE OF REPRESENTATIVES

July 3, 2019

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July 3, 2019

(La. Rev. Stat. § 49:968(D))

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This Report is respectfully submitted by the Louisiana State Board of Medical Examiners (the “Board”), within the Department of Health, pursuant to La. Rev. Stat. §49:968(D).

By Notice of Intent (NOI) published in the December 20, 2018 edition of the *Louisiana Register*, Vol. 44, No. 12, pp. 2312-2323, the Board proposed to adopt rules governing genetic counselors. The rulemaking effort was necessitated by Act 593 of the 2018 Regular Session of the Louisiana Legislature, enacting La. Rev. Stat. §37:1360.101-1360.111, which established genetic counselors as a new category of providers under the Board’s jurisdiction. Concurrently with submission of the NOI to the *Register*, in accordance with La. Rev. Stat. §40:968, the Board submitted a Report to the Senate and House Committees on Health and Welfare, the President of the Senate and the Speaker of the House of Representatives.¹ Following publication of NOI the Board did not receive a request for a public hearing but did receive written comments from one (1) commenter and subsequently elected to make substantive changes to the proposed rules. These changes were noticed in the *Potpourri* section of the April 2019 *Register*, Vol. 45, No. 04, pp. 631-633 and a hearing on the proposed substantive changes was held on May 30, 2019. Following publication of notice of the proposed substantive changes the Board did not receive any further written comments and no one appeared at the public hearing to present oral comments.

This Report, submitted by the Board pursuant to and as prescribed by La. Rev. Stat. §49:968(D), sets forth a summary of the comments received by the Board on the subject administrative rules, and a statement of the Board's response to such comments, including a concise statement of the principal reasons for and against adoption of any modifications

¹*Electronic Mail*, Vincent A. Culotta, Jr., M.D., Exec. Dir., La. State Bd. Med. Exam., RE: Report Relative to Adoption of Proposed Rules Governing Genetic Counselors (Dec. 7, 2018).

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or changes suggested. A copy of the NOI published in December 20, 2018 edition of the *Register*, as substantively amended by the Notice of proposed substantive changes that appeared in the *Potpourri* Section of the April 20, 2019 edition of the *Register*, accompany this Report as Appendix A. The Board intends to adopt and formally promulgate these new rules by and upon publication in the August 20, 2019 edition of the *Register*.

I. Background—By Notice of Intent (NOI) published in the December 20, 2018 edition of the *Louisiana Register*, Vol. 44, No. 12, pp. 2312-2323, the Board proposed to adopt rules governing general provisions, licensure and certification of genetic counselors. Following publication the Board received written comments from the members of its genetic counselor advisory committee, who participated in the legislative process enacting Act 593, and provided input to the Board during the rule making process. The Board subsequently elected to make substantive changes to the proposed rules consistent with the committee's suggestions. These were noticed in the *Potpourri* section of the April 2019 *Register*, Vol. 45, No. 04, pp. 631-633 and a hearing on the proposed substantive changes was held on May 30, 2019. Following publication of notice of the proposed substantive changes, the Board did not receive any additional written comments and no one appeared at the public hearing to present oral comments.

II. Summary of Proposed Rules—As noted in its initial Legislative Report, the Board proposes to adopt Rules providing for the general regulation, licensing and certification and practice of genetic counselors (LAC 46:XLV.261-265, 3801-3877, and 6009-6037). Among other matters, the proposed Rules: identify the fees and costs applicable for processing the issuance and renewal of licenses and permits (.261-265); establish definitions applicable to the practice of genetic counseling (.3803); set forth requirements and qualifications for licensure (.3809-3813); provide the procedure and effect of an application (.3819-3823); designate the qualifying examination, passing score,

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and limitations on the number of examination attempts (.3829-3835); provide for licensure and permit issuance, termination, renewal and reinstatement (.3841-3849); and identify the constitution, functions and responsibility of the Genetic Counselor Advisory Committee established by law to assist the Board on issues affecting the licensing and regulation of genetic counseling in this state and provide such assistance as may be requested by the Board (.3855). Such Rules also: identify continuing education requirements and the qualifying programs, sponsors, documentation procedure, penalties for failure to obtain continuing education, exemptions and a waiver of continuing education for extenuating circumstances (.3861-3877); identify the necessity for, designation of, and exemptions to licensure or permit (.6009-6013); specify the eligibility for and requirements of a collaborative practice agreement, and provide for the authority, limitations, obligations, required information and board access to documents and information (.6019-6029); and identify causes that provide grounds for administrative action (.6035-6037). The proposed rules, as substantively modified by the Notice that appeared in the *Potpourri* Section of the April 20, 2019 edition of the *Register*, only require a collaborating physician only for those genetic counselors who engage in the functions described in La. Rev. Stat. §37:1360.103B.

III. Summary of the Comments and Board Response—The Board received written comments jointly signed by the members of its genetic counselor advisory committee.² A summary of the comments, as well as the Board’s response, is set forth below.

Written Comments in Response to Notice of Intent (December 2018 *Register*)

Comment. The Board’s genetic counselor advisory committee commented that the intent of the Act 593 was not to require a collaborating physician for every licensee, as required

² Corr., Louisiana Genetic Counselor Advisory Committee to the LSBME (Jan. 17, 2019).

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by the proposed rules as originally noticed; rather, only for those who engage in the functions identified in La. Rev. Stat. §37:1360.103B (e.g., ordering diagnostic testing or selecting other methods of diagnosis). The comments read, in pertinent part: “It appears that section 1360.103A of Act 593 has been interpreted during the rule-making, and subsequent transposition into the genetic counselor licensure forms, to mean that a collaborative practice agreement (CPA) is required in order for a licensed genetic counselor to engage in the practice of genetic counseling. This was not the intent of section 1360.103A; rather, the intent of this section was that a CPA is required *only if* a genetic counselor engages in “ordering genetic tests or other tests for the purpose of diagnosing a medical condition or inherited disorder or determining the carrier status of one or more family members of the patient.”

Response. During its February 2019 meeting, the Board considered such comments and elected to make substantive changes to the proposed rules previously noticed (e.g., to require a CP only for those licensees who engage in R.S. 37:1360.103B functions). Consistent with the committee’s suggestions, at its March 2019 meeting the Board approved of substantive changes in the following respects: (i) in 3803A. definition of Collaborative Practice Agreement, after the words *genetic counselor* to add the words, “who engages in any of the functions listed in §6021 of these rules,”; (ii) in 3821C.6. to delete the words ~~if currently known~~; (iii) in 3821C.7., after the words *he or she will not* to delete the words ~~practice genetic counseling~~ and add the words “order or select laboratory tests or other evaluations regarding hereditary or carrier conditions (or other testing related to the practice of genetic counseling)”; (iv) after 3841A. to add “B. A license issued under this Chapter shall designate whether an applicant's practice includes those functions listed in §6021B.1 of these rules and may be verified on the Board’s web page.”; (v) in 6021A. after the words *A genetic counselor* to add the words “who engages in any of the functions listed in §6021B.1 of this Section”; (vi) in 6021B.1 after the words *genetic counselor’s*

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performance of to add the words “each of the following functions”; (vii) after 6021D. to add “E. A collaborative practice agreement is not required for a genetic counselor who does not engage in any of the functions listed in §6021B.1 of this Section.”; (viii) in 6023A.1 to delete the word *practice* and in its place the words “engage in any of the functions listed in §6021B.1.,” and (ix) in 6025A. after the words *a genetic counselor* to add the words “, who has a CPA with a collaborating physician.”. These changes were noticed in the *Potpourri* Section of the April 2019 *Register*.

Comments in reply to Potpourri Notice in April 20, 2019 Register.

None. As noted above, following publication of proposed substantive changes, the Board did not receive any written comments and no one appeared at the hearing on May 30, 2019 to present oral comments.

* * *

The proposed rule changes will result in a one-time publication expense of \$2,888 in FY 19 for the LA State Board of Medical Examiners (LSBME). Otherwise, the proposed rule changes will not result in any additional costs for state or local governmental units.

The proposed rule changes amend rules governing the licensing, certification and practice of licensed acupuncturists (AcAs) to conform with Act 93 of the 2018 Regular Session. The proposed rule changes do the following: update the licensure qualifications for licensed acupuncturists; remove the requirement and associated references that licensed acupuncturists have a relationship with a referral physician who practices at a physical practice location in this state, for referrals and any follow-up care which may be necessary; and make associated technical changes consistent with Act 93. The proposed changes also contain a continuing professional education requirement of 15 hours annually for license renewal and add a section on reinstatement of licensure for consistency with current practices.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated effect on the revenue collections for state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Consistent with Act 93, the proposed rule changes remove the requirement for licensed acupuncturists to have a relationship with a referral physician, identifying such a physician in licensure applications to the Board or providing associated paperwork e.g., attestations, clinical practice guidelines, protocols or notices, etc. These changes will result in a reduction in workload and paperwork for applicants for AcA licensure.

The changes also include a continuing professional education requirement for annual license renewal. Due to the varying costs for obtaining continuing professional education, the LSBME cannot estimate the cost attributable to the proposed changes.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Removal of the requirement that a licensed acupuncturist have a relationship with a referral physician may enhance practice and employment opportunities for AcAs in Louisiana in the aggregate, as it may allow for more AcAs to practice. Otherwise, it is not anticipated that the proposed changes will have any impact on competition or employment.

Vincent A. Culotta, Jr., M.D.
Executive Director
1812#037

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health
Board of Medical Examiners**

Genetic Counselors, General,
Licensure, Certification and Practice
(LAC 46:XLV.Chapter 2, Chapter 38 and Chapter 60)

Notice is hereby given in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the authority vested in the Louisiana State Board of Medical Examiners (board) by the Louisiana Medical Practice Act, R.S. 37:1261-1292, and the laws governing genetic counseling in this state, as enacted by Act 593 of the 2018 Regular Session of the Louisiana Legislature, R.S.

37:1360.101-1360.111, the board intends to adopt administrative rules governing the general regulation, licensure, certification and practice of genetic counselors in this state, Title 46, (Professional And Occupational Standards), Part XLV (Medical Professions), Subpart 1 (General) Chapter 1 (Fees and Costs), Subchapter P, Sections 261-265, Subpart 2 (Licensure and Certification) Chapter 38, Sections 3801-3877 and Subpart 3 (Practice) Chapter 60, Sections 6001-6037. The proposed Rule are set forth below.

**Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part XLV. Medical Professions

Subpart 1. General

Chapter 1. Fees and Costs

Subchapter P. Genetic Counselors

§261. Scope of Subchapter

A. The rules of this Subchapter prescribe the fees and costs applicable to the licensing of genetic counselors.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360.101-1360.111, 37:1270 and 37:1281.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 45:

§263. Licenses and Permits

A. For processing an application for licensing a genetic counselor, a fee of \$125 shall be payable to the board.

B. For processing a genetic counselor temporary license (examination permit), a fee of \$100 shall be payable to the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360.101-1360.111, 37:1270 and 37:1281.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 45:

§265. Annual Renewal

A. For processing an application for annual renewal of a genetic counselor's license, a fee of \$75 shall be payable to the board

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360.101-1360.111, 37:1270 and 37:1281.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 45:

Subpart 2. Licensure and Certification

Chapter 38. Genetic Counselors

Subchapter A. General Provisions

§3801. Scope of Chapter

A. The rules of this Chapter govern the licensing of genetic counselors in Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360.101-1360.111 and 37:1270.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 45:

§3803. Definitions

A. As used in this Chapter, unless the context clearly states otherwise, the following terms and phrases shall have the meanings specified.

ABGC—American Board of Genetic Counseling, or its successor.

ABMGG—American Board of Medical Genetics and Genomics, or its successor.

Act—the Genetic Counselor Practice Act, R.S. 37:1360.101 et seq., as may be amended.

Active Candidate Status—an individual who has met the requirements established by the ABGC or the ABMGG to

take the certification examination in genetic counseling or medical genetics and has been granted this designation by the ABGC or the ABMGG.

Advisory Committee or Committee—the Louisiana Genetic Counselor Advisory Committee, as established, appointed and organized pursuant to R.S. 37:1360.102 of the Act.

Applicant—an individual who has applied to the board for a license or temporary license to practice genetic counseling in this state.

Board—the Louisiana State Board of Medical Examiners.

Collaborating Physician or CP—a physician who has entered into a collaborative practice agreement with a genetic counselor.

Collaborative Practice Agreement or CPA—a document established by a genetic counselor and a physician which governs the professional relationship between the genetic counselor and the physician.

Direct Supervision—supervision provided by a licensed genetic counselor or a physician who has the overall responsibility to assess the work of the holder of a temporary license, including regular meetings and chart review, provided pursuant to a supervision contract. The genetic supervisor shall not be required to be physically present where such licensee provides genetic counseling services; however, the supervisor shall be readily accessible during the performance of services by telephone or other means of telecommunication, to answer questions, provide oversight and furnish assistance and direction.

Genetic Counseling—means any of the following actions by a genetic counselor that occur through and as a result of communication between the genetic counselor and a patient:

- a. obtaining and evaluating individual, family, and medical histories to determine genetic risk for genetic or medical conditions and diseases in a patient, his offspring, and other family members;
- b. discussing the features, natural history, means of diagnosis, genetic and environmental factors, and management of risk for genetic and medical conditions and diseases;
- c. identifying and coordinating genetic laboratory tests and other diagnostic studies as appropriate for the genetic assessment;
- d. integrating genetic laboratory test results and other diagnostic studies with personal and family medical history to assess and communicate risk factors for genetic and medical conditions and diseases;
- e. explaining the clinical implications of genetic laboratory tests and other diagnostic studies and their results;
- f. evaluating the client's or family's responses to the condition or risk of recurrence and providing client-centered counseling and anticipatory guidance;
- g. identifying and utilizing community resources that provide medical, educational, financial, and psychosocial support and advocacy;
- h. providing written documentation of medical, genetic, and counseling information for families and healthcare professionals.

Genetic Counselor—an individual who is licensed pursuant to this Part to provide genetic counseling.

Genetic Supervision—the assessment of the holder of a temporary license by a genetic counselor or a physician based on direct supervision.

Good Moral Character—as applied to an applicant, means that an applicant has not, prior to or during the pendency of an application to the board, been guilty of any act, omission, condition or circumstance which would provide legal cause under R.S. 37:1360.108 for the denial, suspension or revocation of genetic counselor licensure; the applicant has not, prior to or in connection with his application, made any representation to the board, knowingly or unknowingly, which is in fact false or misleading as to material fact or omits to state any fact or matter that is material to the application; and the applicant has not made any representation or failed to make a representation or engaged in any act or omission which is false, deceptive, fraudulent or misleading in achieving or obtaining any of the qualifications for a license required by this Chapter.

License or Licensure—the lawful authority to engage in the practice of genetic counseling in the state of Louisiana, as evidenced by a certificate duly issued by and under the official seal of the board.

Licensed Genetic Counselor or LGC—an individual who is licensed by the board to practice genetic counseling in Louisiana.

NSGC—the National Society of Genetic Counselors, or its successor.

Physician—an individual lawfully entitled to engage in the practice of medicine in this state as evidenced by a license duly issued by the board.

State—any state of the United States, the District of Columbia, or any of its territories.

Supervision Contract or Genetic Supervision Contract—a contract between the holder of a temporary license and a licensed genetic counselor or physician, that sets forth the manner in which the genetic supervisor will provide direct supervision. The supervision contract shall provide for:

- a. assessment and documentation of the professional competence, skill, and experience of the supervisee;
- b. the nature and level of the supervision required by the supervisee;
- c. regular meetings to review clinical services and administrative practices;
- d. monthly chart or case reviews;
- e. coverage during the absence, incapacity, infirmity, or emergency by the genetic supervisor; and
- f. such other items as may be deemed appropriate by the parties.

True Consultation—an informal consultation or second opinion, provided by an individual practicing genetic counseling in a state other than Louisiana, who is certified by the American Board of Genetic Counseling or the American Board of Medical Genetics; provided, however, that the Louisiana licensed physician or genetic counselor receiving the consultation or opinion is personally

responsible to the patient for any evaluation, testing or treatment provided.

United States Government—any department, agency or bureau of the United States Armed Forces or Veterans Administration.

B. Masculine terms wherever used in this Chapter shall also be deemed to include the feminine.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360.101-1360.111 and 37:1270.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 45:

Subchapter B. Requirements and Qualifications for Licensure

§3809. Scope of Subchapter

A. The rules of this Subchapter govern and prescribe the requirements, qualifications and conditions requisite to eligibility for licensure as a licensed genetic counselor in the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360.101-1360.111 and 37:1270.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 45:

§3811. Requirements and Qualifications for Licensure

A. To be eligible and qualified to obtain a genetic counselor license, an applicant shall:

1. possess one of the following degrees:
 - a. a master's degree from a genetic counseling training program accredited by the Accreditation Council for Genetic Counseling; or
 - b. a doctoral degree from a medical genetics training program accredited by the American Board of Medical Genetics and Genomics; and
2. possess current certification, based on examination:
 - a. as a genetic counselor by:
 - i. the American Board of Genetic Counseling; or
 - ii. the American Board of Medical Genetics; or
 - b. as a medical geneticist by the American Board of Medical Genetics;
3. be of good moral character;
4. be a citizen of the United States or possess valid and current legal authority to reside and work in the United States duly issued by the United States Citizenship and Immigration Services of the United States, Department of Homeland Security, under and pursuant to the Immigration and Nationality Act (66 Stat. 163) and the regulations thereunder (8 CFR);
5. satisfy the applicable fees as prescribed by Chapter 1 of these rules;
6. satisfy the procedures and requirements for application provided by Subchapters C and D of this Chapter; and
7. not be otherwise disqualified by virtue of the existence of any grounds for denial of licensure as provided by the Act or these rules.

B. The burden of satisfying the board as to the qualifications and eligibility of the applicant for licensure shall be upon the applicant. An applicant shall not be deemed to possess such qualifications unless the applicant demonstrates and evidences such qualification in the manner prescribed by and to the satisfaction of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360.101-1360.111, 37:1270 and 37:1281.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 45:

§3813. License by Reciprocity

A. An individual who possesses a current, unrestricted license, certificate or registration to practice genetic counseling, issued by the medical licensing authority of another state, shall be eligible for a license in this state if the applicant:

1. possesses the requirements and qualifications for licensure specified in this Subchapter;
2. satisfies the procedural and other requirements specified in Subchapters C and D of this Chapter; and
3. is in good standing in the state in which he or she is licensed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360.101-1360.111, 37:1270 and 37:1281.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 45:

Subchapter C. Application

§3819. Purpose and Scope

A. The rules of this Subchapter govern the procedures and requirements for application to the board for licensure as a genetic counselor in the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360.101-1360.111 and 37:1270.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 45:

§3821. Application Procedure

A. Application for licensure shall be made in a format approved by the board.

B. Applications and instructions may be obtained from the board's web page or by personal or written request to the board.

C. An application for licensure under this Chapter shall include:

1. proof, documented in a form satisfactory to the board, that the applicant possesses the qualifications for licensure set forth in this Chapter;
2. a recent photograph of the applicant;
3. certification of the truthfulness and authenticity of all information, representations and documents contained in or submitted with the completed application;
4. criminal history record information, pursuant to R.S. 37:1270B(7) and 1277;
5. payment of the applicable fee as provided in Chapter I of these rules;
6. the name, primary practice location and contact information of a collaborating physician, if currently known;
7. attestation by the applicant certifying that he or she will not practice genetic counseling in this state in the absence of a collaborative practice agreement conforming to the requirements of §6021 of these rules; and
8. such other information and documentation as the board may require to evidence qualification for licensure.

D. All documents required to be submitted to the board must be the originals. For good cause shown, the board may waive or modify this requirement.

E. The board may reject or refuse to consider any application which is not complete in every detail, including submission of every document or item required by the application. The board may, at its discretion, require a more detailed or complete response to any request for information

set forth in the application as a condition to consideration of an application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360.101-1360.111, 37:1270, 37:1277 and 37:1281.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 45:

§3823. Effect of Application

A. The submission of an application for licensure to the board shall constitute and operate as an authorization by the applicant to each educational institution at which the applicant has matriculated, each governmental agency to which the applicant has applied for any license, permit, certificate or registration, each person, firm, corporation, organization or association by whom or with whom the applicant has been employed as a genetic counselor, each physician whom the applicant has consulted or seen for diagnosis or treatment, and each professional or trade organization to which the applicant has applied for membership, to disclose and release to the board any and all information and documentation concerning the applicant which the board deems material to consideration of the application. With respect to any such information or documentation, the submission of an application for licensure to the board shall equally constitute and operate as a consent by the applicant to the disclosure and release of such information and documentation as a waiver by the applicant of any privileges or right of confidentiality which the applicant would otherwise possess with respect thereto.

B. By submission of an application for licensure to the board, an applicant shall be deemed to have given his consent to submit to physical or mental examinations if, when, and in the manner so directed by the board if the board has reasonable grounds to believe that the applicant's capacity to act as a genetic counselor with reasonable skill or safety may be compromised by physical or mental condition, disease or infirmity, and the applicant shall be deemed to have waived all objections as to the admissibility or disclosure of findings, reports or recommendations pertaining thereto on the grounds of privileges provided by law.

C. The submission of an application for licensure to the board shall constitute and operate as an authorization and consent by the applicant to the board to disclose any information or documentation set forth in or submitted with the applicant's application or obtained by the board from other persons, firms, corporations, associations or governmental entities pursuant to this Section, to any person, firm, corporation, association or governmental entity having a lawful, legitimate and reasonable need therefor, including, without limitation, the genetic counselor licensing authority of any state, the American Board of Genetic Counseling or the American Board of Medical Genetics, or their successors, the Louisiana Department of Health, federal, state, county or parish and municipal health and law enforcement agencies and the armed services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360.101-1360.111 and 37:1270.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 45:

Subchapter D. Examination

§3829. Purpose and Scope

A. The rules of this Subchapter govern the procedures and requirements applicable to the examination for licensure of genetic counselors.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360.101-1360.111 and 37:1270.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 45:

§3831. Designation of Examination

A. The examinations accepted by the board for licensure are the certification examinations for:

1. a genetic counselor offered by:
 - a. the American Board of Genetic Counseling; and
 - b. the American Board of Medical Genetics; or
2. a medical geneticist offered by the American Board of Medical Genetics.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360.101-1360.111 and 37:1270.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 45:

§3833. Restriction, Limitation on Examination

A. An applicant who fails an examination four times shall not thereafter be considered for licensure until successfully completing such continuing professional education or additional training as may be recommended by the advisory committee and approved by the board or as the board may otherwise determine appropriate. For multiple failures beyond four attempts such education or training may include, without limitation, repeating all or a portion of any didactic and clinical training required for licensure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360.101-1360.111 and 37:1270.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 45:

§3835. Passing Score

A. An applicant will be deemed to have successfully passed the examination if he or she attains a score equivalent to that required by the American Board of Genetic Counseling or the American Board of Medical Genetics and Genomics as a passing score for the examination taken by the applicant-examinee.

B. Each time an applicant-examinee attempts a certification examination the applicant shall inform the board of the examination results and shall authorize the ABGC or the ABMGG to release their test scores to the board according to the organization's procedures for such notification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360.101-1360.111 and 37:1270.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 45:

Subchapter E. Licensure Issuance, Termination, Renewal, and Reinstatement

§3841. Issuance of License

A. If the qualifications, requirements and procedures prescribed or incorporated in Subchapters B and C of this Chapter are met to the satisfaction of the board, the board shall issue a license to the applicant to practice genetic counseling in this state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360.101-1360.111 and 37:1270.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 45:

§3843. Expiration of License

A. Every license issued by the board under this Chapter shall expire, and thereby become null, void and to no effect the following year on the last day of the month in which the licensee was born.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360.101-1360.111 and 37:1270.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 45:

§3845. Renewal of License

A. Every license issued by the board under this Subchapter shall be renewed annually on or before the last day of the month in which the licensee was born by submitting to the board:

1. a renewal application in a format prescribed by the board;

2. the renewal fee prescribed in Chapter 1 of these rules; and

3. certification that the applicant has:

a. complied with the continuing professional education requirement as prescribed by Subchapter G of these rules; or

b. not complied with the continuing professional education requirement but is seeking a waiver of such requirement, as provided by Subchapter G of these rules.

B. Renewal applications and instructions may be obtained from the board's web page or upon personal or written request to the board.

C. If an individual fails to comply with the requirements of this Section on or before the expiration of a license, the license shall expire and become null and void without further action by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360.101-1360.111, 37:1270 and 37:1281.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 45:

§3847. Reinstatement of License

A. A license which has expired as a result of non-renewal, for less than two years from the date of expiration, may be reinstated by the board subject to the conditions and procedures hereinafter provided.

B. An application for reinstatement shall be submitted in a format approved by the board and be accompanied by:

1. a statistical affidavit in a form provided by the board;

2. a recent photograph of the applicant;

3. proof of satisfaction of the continuing professional education for each year that the license lapsed, as set forth in Subchapter G of this Chapter;

4. such other information and documentation as is referred to or specified in this Chapter or as the board may require to evidence qualification for licensure; and

5. the renewal fee set forth in Chapter 1 of these rules, plus a penalty computed as follows:

a. if the application is made less than one year from the date of expiration, the penalty shall be equal to the renewal fee of the license;

b. if the application is made more than one but less than two years from the date of expiration, the penalty shall be equal to twice the renewal fee of the license.

C. A genetic counselor whose license has lapsed and expired for a period in excess of two years shall not be eligible for reinstatement consideration but may apply to the board for an initial license pursuant to the applicable rules of this Chapter.

D. A temporary license is not subject to reinstatement.

E. A request for reinstatement may be denied by virtue of the existence of any grounds for denial of licensure as provided by the Act or these rules.

F. The burden of satisfying the board as to the qualifications and eligibility of the applicant for reinstatement of the license as a genetic counselor shall be on the applicant. An applicant shall not be deemed to possess such qualifications unless the applicant demonstrates and evidences such qualifications in a manner prescribed by and to the satisfaction of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360.101-1360.111, 37:1270 and 37:1281.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 45:

§3849. Temporary License

A. The board may issue a temporary license, also known and designated as an "examination permit," to an individual who meets and satisfies all of the requirements and qualifications for genetic counselor licensure set forth in this Chapter, except for having taken and passed the examination for certification offered for his or her associated masters or doctoral degree, as prescribed in Subchapter B of this Chapter.

B. Eligibility. To be eligible for an examination permit an applicant shall:

1. satisfy the procedures, qualifications and requirements for application specified in Subchapters B and C of this Chapter;

2. hold active candidate status for the certification;

3. not have failed the certification examination associated with his or her active candidate status more than one time;

4. certify to the board that he or she shall:

a. make application to take and take the certification examination associated with his or her active candidate status on the next available date the examination is offered;

b. only practice genetic counseling under direct supervision of a licensed genetic counselor or a physician, and only in accordance with a genetic supervision contract;

5. not otherwise be disqualified due to any ground for licensure denial provided by the Act or these rules.

C. Permit Term. An examination permit shall expire and become null and void upon the earlier of:

1. six months from the date of issuance;

2. the date on which the applicant successfully passes the examination for certification and is issued a genetic counselor license;

3. thirty days after the applicant fails the examination for certification;

4. thirty days after the date the permit holder fails to appear and take the certification examination for which he or

she was registered. An exception may be granted at the sole discretion of the board upon a request submitted in writing, which is deemed acceptable to the board, identifying a life-threatening or significant medical condition or other extenuating circumstance that prevented the applicant's appearance for the examination;

5. the expiration date printed on the examination permit.

D. Number of Permits. An individual who holds an examination permit but fails to pass or appear for the examination for certification may apply to the board for a second examination permit; provided, however, the board shall not issue an examination permit to an individual who has failed to pass, or failed to appear and take the examination for certification, more than one time.

E. An individual who holds an examination permit shall, without delay, inform the board in writing of the results of his or her certification examination or of the individual's failure to appear for the examination for which he or she was scheduled.

F. The burden of satisfying the board as to the qualifications and eligibility of the applicant for an examination permit shall be on the applicant. An applicant shall not be deemed to possess such qualifications unless the applicant demonstrates and evidences such qualifications in a manner prescribed by and to the satisfaction of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360.101-1360.111, 37:1270 and 37:1281.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 45:

Subchapter F. Genetic Counselor Advisory Committee §3855. Organization; Authority

A. The Louisiana Genetic Counselor Advisory Committee (the "advisory committee"), as established, appointed and organized pursuant to R.S. 37:1360.102 of the Act, is hereby recognized by the board.

B. The purpose of the committee is to advise and make recommendations to the board regarding the practice of genetic counseling, including collaborative agreements and genetic counselor licensure.

C. The committee shall:

1. have such authority as is accorded to it by the Act;
2. function and meet as prescribed by the Act;
3. advise the board on issues affecting the licensing of genetic counselors and regulation of genetic counseling in this state;
4. make recommendations to the board regarding model forms and examples of collaborative practice agreements;
5. evaluate continuing professional education programs for genetic counselors and provide recommendations to the board with respect to the board's recognition and approval of such organizations and entities as sponsors of qualifying continuing professional education programs and activities pursuant to Subchapter G of these rules;
6. serve as liaison between and among the board, licensed genetic counselors, and professional organizations;
7. perform such other functions and provide such additional advice as the board may request; and
8. receive reimbursement for actual and reasonable expenses incurred in the performance of their duties with

respect to attendance at committee meetings and for other expenses when specifically authorized by the board.

D. Committee Meetings, Officers. The advisory committee shall meet at least twice each calendar year, or more frequently as may be deemed necessary at the call of the chair, a quorum of the committee or the board. The presence of three of the five member committee shall constitute a quorum of the committee. At its initial meeting the committee shall elect from among its members a chair, a vice-chair and a secretary, who shall serve until their successors are elected and qualified. The chair, or in the chair's absence or unavailability, the vice-chair, shall designate the date, time and place and preside at all meetings of the committee and record, or cause to be recorded, accurate and complete minutes of all of meetings of the committee and shall cause copies of the same to be provided to the board.

E. Confidentiality. In discharging the functions authorized under this Section the committee and the individual members thereof shall, when acting within the scope of such authority, be deemed agents of the board. All information obtained by the committee members relative to individual applicants or licensees pursuant to this Section shall be considered confidential. Advisory committee members are prohibited from communicating, disclosing, or in any way releasing to anyone other than the board any confidential information or documents obtained when acting as agents of the board without first obtaining the written authorization of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360.101-1360.111 and 37:1270.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 45:

Subchapter G. Continuing Professional Education

§3861. Scope of Subchapter

A. The rules of this Subchapter provide standards for the continuing professional education requisite to the annual renewal of licensure as a licensed genetic counselor, and prescribe the procedures applicable to satisfaction and documentation of continuing professional education.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360.101-1360.111, 37:1270 and 37:1281.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 45:

§3863. Continuing Professional Educational Requirement

A. Subject to the waiver of requirements and exceptions specified in §3875 and §3877 of this Subchapter, to be eligible for renewal of licensure a genetic counselor shall evidence and document, in a format specified by the board, the successful completion of:

1. within each year during which he holds a license:
 - a. not less than twenty-five contact hours of continuing professional education sanctioned by the National Society of Genetic Counselors or its successor; or
 - b. a reading assignment and proctored examination in medical genetics provided by the American Board of Genetics and Genomics or its successor; or
2. the completion of such other qualifying continuing professional education as may be offered by an approved sponsor, recommended by the advisory committee and approved by the board, that satisfies the requirements specified by §3865 and §3867 of this Subchapter.

B. For purposes of this Section, one contact hour of continuing professional education credit is equivalent to 50 minutes of qualifying lecture, clinical practice, on-line course or workshop instruction on topics pertaining to the genetic counseling profession.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360.101-1360.111 and 37:1270.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 45:

§3865. Qualifying Continuing Professional Education Programs

A. To be acceptable as qualifying continuing professional education under these rules, a program shall:

1. have significant and substantial intellectual or practical content dealing principally with matters germane and relevant to the practice of genetic counseling;
2. have pre-established written goals and objectives, with its primary objective being to maintain or increase the participant's competence in the practice of genetic counseling;
3. be presented by individuals whose knowledge and/or professional experience is appropriate and sufficient to the subject matter of the presentation and is up to date;
4. provide a system or method for verification of attendance or course completion;
5. be a minimum of 50 continuous minutes in length for each contact hour of credit; and
6. allow participants an opportunity to ask questions on the content presented.

B. Other approved continuing professional education activities include:

1. earning a grade of "C" or better in a college or university course required to earn a degree in genetic counseling or medical genetics, or a grade of "pass" in a pass/fail course. One credited semester hour will be deemed to equal 25 contact hours;
2. a genetic counseling seminar, workshop, home study, on-line, or correspondence course approved by the advisory committee or the board, pursuant to the criteria set forth in §3869 of these rules.

C. None of the following programs, seminars or activities shall be deemed to qualify as acceptable continuing professional education programs under these rules:

1. any program not meeting the standards prescribed by this Section;
2. any independent, home study, correspondence course, on-line lecture, workshop, program or seminar that is not approved or sponsored by the National Society of Genetic Counselors, the American Board of Medical Genetics and Genomics, or the advisory committee pursuant to the criteria set forth in §3869 of these rules;
3. in-service education provided by a sales representative unless approved by NSGC or the ABMGG;
4. teaching, training or supervisory activities not specifically included in §3865.B;
5. holding office in professional or governmental organizations, agencies or committees;
6. participation in case conferences, informal presentations, or in service activities;
7. giving or authoring verbal or written presentations, seminars or articles or grant applications; and

8. any program, presentation, seminar, or course not providing the participant an opportunity to ask questions or seek clarification of matters pertaining to the content presented.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360.101-1360.111 and 37:1270.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 45:

§3867. Approval of Program Sponsors

A. Any program, course, seminar, workshop or other activity meeting the standards prescribed by §3865 shall be deemed approved for purposes of satisfying continuing professional education requirement under this Subchapter, if sponsored or offered by one of the following organizations: the NSGC, the ABMGG, the Louisiana Department of Health (LDH), the Louisiana Hospital Association (LHA), or the Joint Commission on Accreditation of Healthcare Organizations (JCAHO).

B. Upon the recommendation of the advisory committee, or on its own motion, the board may designate additional organizations and entities whose programs, courses, seminars, workshops, or other activities shall be deemed approved by the board for purposes of qualifying as an approved continuing professional education program under §3865 or §3867.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360.101-1360.111 and 37:1270.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 45:

§3869. Approval of Program

A. A continuing professional education program or activity sponsored by an organization or entity that is not approved by the board pursuant to §3865 or §3867 must be evaluated and approved by the advisory committee in order to be accepted for purposes of meeting the continuing professional education requirement for annual renewal of licensure. To be considered for approval the sponsoring organization or entity shall submit a written request to the board. For each continuing professional educational program presented for consideration the following shall be provided:

1. a list of course goals and objectives for each topic;
2. a course agenda displaying the lecture time for each topic;
3. a curriculum vitae for each speaker;
4. information on the location, date(s), and target audience;
5. a copy of the evaluation form used for the overall program topics and speakers; and
6. such other information as the advisory committee may request to establish the compliance of such program with the standards prescribed by §3865 or §3867.

B. A request for pre-approval of a continuing professional education program shall be submitted in a format approved by the board not less than 120 days in advance of the event.

C. Any such written request shall be referred by the board to the advisory committee for evaluation and approval.

D. If the recommendation is against the approval, the board or the advisory committee shall give notice of such recommendation to the person or organization requesting approval. An appeal may be submitted to the board by written request, accompanied by all information required by

Subsection A of this Section within 10 days of such notice. The board's decision with respect to approval of any such activity shall be final.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360.101-1360.111 and 37:1270.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 45:

§3871. Documentation Procedure

A. Annual documentation and certification of satisfaction of the continuing professional education requirements prescribed by these rules shall accompany a licensed genetic counselor's application for renewal of licensure pursuant to §3845 of these rules.

B. A licensed genetic counselor shall maintain a record or certificate of attendance for at least four years from the date of completion of the continuing professional education program.

C. The board or advisory committee shall randomly select for audit no fewer than 3 percent of the licensees each year for an audit of continuing professional education activities. In addition, the board or advisory committee has the right to audit any questionable documentation of activities. Verification shall be submitted within 30 days of the notification of audit. A licensee's failure to notify the board of a change of mailing address will not absolve the licensee from the audit requirement.

D. Any certification of continuing professional education not presumptively approved in writing by the board, pursuant to §3865 or §3867 of these rules, or pre-approved by the advisory committee, pursuant to §3869, shall be referred to the advisory committee for its evaluation and recommendations prior to licensure denial or renewal.

E. If the advisory committee determines that a continuing professional education program or activity listed by an applicant for renewal does not qualify for recognition by the board or does not qualify for the number of contact hours claimed by the applicant, the board shall give notice of such determination to the applicant. An applicant may appeal the advisory committee's recommendation to the board by written request delivered to the board within 10 days of such notice. The board's decision with respect to approval and recognition of such program or activity shall be final.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360.101-1360.111 and 37:1270.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 45:

§3873. Failure to Satisfy Continuing Professional Education Requirements

A. An applicant for renewal of licensure who fails to satisfy the continuing professional education requirement prescribed by these rules shall be given written notice of such failure by the board. The license of the applicant shall remain in full force and effect for a period of 90 days following the mailing of such notice, following which it shall be deemed expired, unrenewed and subject to suspension or revocation without further notice, unless the applicant shall have, within such 90 days, furnished the board satisfactory evidence by affidavit that:

1. the applicant has satisfied the applicable continuing professional education requirement;

2. the applicant is exempt from such requirement pursuant to these rules; or

3. the applicant's failure to satisfy the continuing professional education requirement was occasioned by disability, illness or other good cause as may be determined by the board pursuant to §3875.

B. The license of a genetic counselor whose license has expired by nonrenewal or has been suspended or revoked for failure to satisfy the continuing professional education requirement of this Subchapter may be reinstated by the board upon application to the board pursuant to §3847 of this Chapter, accompanied by payment of a reinstatement fee, together with documentation and certification that the applicant has, for each calendar year since the date on which the applicant's license lapsed, expired, or was suspended or revoked, satisfied the continuing professional education requirement prescribed by this Subchapter.

C. Any licensee who falsely certifies attendance and/or completion of the required continuing professional education requirement will be subject to disciplinary action by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360.101-1360.111, 37:1270 and 37:1281.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 45:

§3875. Waiver of Requirements

A. The board may, in its discretion and upon the recommendation of the advisory committee, waive all or part of the continuing professional education required by these rules in favor of a genetic counselor who makes a written request for such waiver to the board and evidences to its satisfaction:

1. services in the armed forces of the United States during a substantial part of the renewal period;

2. an incapacitating illness or injury;

3. a permanent financial hardship or other extenuating circumstances precluding the individual's satisfaction of the continuing professional education requirement. Any licensed genetic counselor submitting a continuing professional education waiver request is required to do so on or before the date specified for the renewal of the licensee's license by §3845. Any request received by the board past the date for licensure renewal will not be considered for waiver but, rather, in accordance with the provisions of §3847.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360.101-1360.111 and 37:1270.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 45:

§3877. Exceptions to the Continuing Professional Education Requirements

A. The continuing professional education requirement prescribed by this Subchapter for renewal of licensure shall not be applicable to a genetic counselor employed exclusively by, or at an institution operated by the United States government.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360.101-1360.111 and 37:1270.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 45:

Subpart 3. Practice

Chapter 60. Genetic Counselors

Subchapter A. General Provisions

§6001. Scope of Chapter

A. The rules of this Chapter govern the practice of genetic counseling in the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360.101-1360.111 and 37:1270.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 45:

§6003. General Definitions

A. The definitions set forth in Chapter 38 of these rules shall equally apply to this Chapter, unless the context clearly states otherwise.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360.101-1360.111 and 37:1270.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 45:

Subchapter B. Unauthorized Practice, Designation of License or Permit and Exemptions

§6009. Unauthorized Practice

A. No individual shall engage in the practice of genetic counseling in this state unless he or she possesses a current license or a temporary license (examination permit), duly issued by the board under Subpart 2 of this Part.

B. An individual who does not possess a current license or a temporary license (examination permit), duly issued by the board shall not, directly or indirectly, identify or designate himself or herself as a *genetic counselor*, *licensed genetic counselor*, nor use in connection with his or her name the letters "GC," "LGC," or any other words, letters, abbreviations, insignia, or signs tending to indicate or imply that the person is licensed to practice genetic counseling in this state, or that the services provided by such person constitute genetic counseling.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360.101-1360.111 and 37:1270.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 45:

§6011. Designation of License or Permit

A. Every genetic counselor shall wear an identification badge when engaged in the practice of genetic counseling. The identification badge shall be clearly visible at all times and shall bear the first name or initial, the full surname and the term reflecting the individual's licensure as a *genetic counselor*, *licensed genetic counselor*, or the letters "GC" or "LGC."

B. A genetic counselor who currently holds a temporary license (examination permit) issued by the board may use the words "genetic counselor-temp license" or "genetic counselor-exam permit" or the letters "GC-TL" or "GC-EP" in connection with his or her name to denote his or her license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360.101-1360.111 and 37:1270.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 45:

§6013. Exemptions

A. The prohibitions of §6009 of this Chapter shall not apply to:

1. a physician; provided, however, that while a physician may practice genetic counseling, serve as a collaborating physician or provide genetic supervision to a genetic counselor holding a temporary license, only a

physician licensed by the board under this Part may hold himself or herself out as a *genetic counselor* or any other title that indicates that he or she is a genetic counselor unless licensed as such in accordance with the provisions of this Part;

2. a student or intern enrolled and participating in a supervised genetic counseling training program, accredited by the American Board of Medical Genetics and Genomics or the American Board for Genetic Counseling, and who is designated by a title which clearly indicates his or her status as a student or intern;

3. an individual from another state who is certified by the American Board of Medical Genetics and Genomics or the American Board of Genetic Counseling, when providing a true consultation as defined in Part 2 of this Part;

4. an individual acting under and within the scope of a license issued by another licensing agency of the state of Louisiana; or

5. any individual employed by, and acting under the supervision and direction of, any commissioned physician of any of the United States Armed Services, Public Health Service or Veterans' Administration, practicing in the discharge of his or her official duties.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360.101-1360.111 and 37:1270.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 45:

Subchapter C. Eligibility; Requirements of Collaborative Practice Agreement, Authority and Limitations, Obligations and Responsibility and Required Information

§6019. Physician Eligibility to Engage in Collaborative Practice with a Genetic Counselor

A. To be eligible to engage in collaborative practice with a genetic counselor a physician shall:

1. shall hold a current medical license issued by the board, or be otherwise authorized by federal law or regulation to practice medicine in this state;

2. be actively engaged in the provision of direct patient care in this state;

3. practice in an area comparable in scope, specialty, or expertise to that of a genetic counselor;

4. have signed a collaborative practice agreement with a genetic counselor that complies with the standards of practice prescribed by §§6019-6021 of this Subchapter;

5. have no pending disciplinary proceedings before the board and practice in accordance with rules of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360.101-1360.111 and 37:1270.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 45:

§6021. Collaborative Practice Agreement;

Requirements; Annual Review and Signature

A. A genetic counselor shall enter into a collaborative practice agreement with a physician who agrees to work with and provide medical support to the genetic counselor.

B. The CPA shall be set forth in a formal document that memorializes the relationship between the genetic counselor and CP and, at a minimum:

1. establish the criteria governing the genetic counselor's performance of:

a. ordering genetic tests or other tests for the purpose of diagnosing a genetic medical condition, inherited

disorder, or determining the carrier status of one or more family members of the patient; and

b. selecting the most appropriate, accurate, and cost-effective methods of diagnosis.

2. include a plan of accountability among the parties that addresses:

a. arrangements for diagnostic and laboratory testing; and

b. a plan for documentation of medical records;

c. a list of conditions and events upon which the genetic counselor is required to notify the CP;

d. a predetermined plan to address medical emergencies, e.g., calling 911, referral to a hospital emergency room or a primary care provider, if needed;

e. referral of patients to the CP or another physician;

f. documentation that patients are informed about how to access care when both the genetic counselor and/or the CP are unavailable;

g. informed consent by the patient;

h. authorization for the CP to review the patient's medical record; and

i. an acknowledgment that the CP and genetic counselor shall comply with all requirements of §6025 of this Chapter.

C. The genetic counselor and CP shall have the capability to be in contact with each other by either telephone or other telecommunications device on a regular basis to address any questions or concerns that may arise.

D. Collaborative practice agreements shall be annually reviewed, updated as appropriate, and signed and dated by the genetic counselor and collaborating physician. The signature of the genetic counselor and CP and date of review shall be noted on the CPA.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360.101-1360.111 and 37:1270.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 45:

§6023. Authority and Limitations of Genetic Counselors

A. A genetic counselor shall not:

1. practice without a current collaborative practice agreement with a collaborating physician, as defined or provided in this Chapter;

2. perform, provide, attempt to perform or provide, or hold himself or herself out to the public as being capable of performing or providing any procedure, service or function other than as a genetic counselor as defined in this Part; or

3. identify himself or herself, or permit any other person to identify him or her, as "physician."

B. A genetic counselor holding a temporary license (examination permit) shall not:

1. practice without direct supervision of a licensed genetic counselor or a physician, and only in accordance with a current genetic supervision contract, as defined in this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360.101-1360.111 and 37:1270.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 45:

§6025. Obligations and Responsibilities

A. It shall be the mutual obligation of a genetic counselor and collaborating physician to:

1. within 5 days, report directly to the board, in writing, of:

a. the termination of the collaborative practice agreement between a collaborating physician and genetic counselor; and

b. the retirement or withdrawal from active practice by the collaborating physician or genetic counselor;

2. comply with reasonable requests by the board for personal appearances, information and documentation required by this Part relative to the functions, activities, and performance of the genetic counselor;

3. insure that each individual to whom the genetic counselor provides patient services is expressly advised and understands that the genetic counselor is not a physician; and

4. insure that, with respect to each patient, all activities, functions and services of the genetic counselor are immediately and properly documented in written or electronic form.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360.101-1360.111 and 37:1270.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 45:

§6027. Required Information

A. Each physician shall report to the board annually, as a condition to the issuance or renewal of medical licensure, whether or not he or she is engaged in collaborative practice with a genetic counselor and, if so, such information as may be requested by the board.

B. The information required by this Section shall be reported in a format prepared by the board, which shall be made part of or accompany each physician's renewal application for licensure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360.101-1360.111 and 37:1270.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 45:

§6029. Board Access to Documents

A. Collaborative practice agreements shall be made available by a genetic counselor and collaborating physician for review, examination, inspection and copying upon request by the board or its designated employees or agents.

B. A genetic counselor and collaborating physician shall comply with and respond to requests by the board for personal appearances and information relative to his or her collaborative practice.

C. Employees or agents of the board may perform an on-site review of a genetic counselor and collaborating physician practice at any reasonable time, without the necessity of prior notice, to determine compliance with the requirements of these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360.101-1360.111 and 37:1270.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 45:

Subchapter D. Grounds for Administrative Action

§6035. Causes for Administrative Action

A. The board may deny, refuse to issue, revoke, suspend, cancel, place on probation, reprimand, censure, or otherwise

impose terms, conditions and restrictions on a license or temporary license (examination permit) of any licensee or applicant for licensure, upon proof satisfactory to the board that the individual has been guilty of unprofessional conduct which has endangered or is likely to endanger the health, welfare, or safety of the public.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360.101-1360.111 and 37:1270.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 45:

§6037. Causes for Action; Definitions; Unprofessional Conduct

A. As used herein, the term *unprofessional conduct* by a licensed genetic counselor or an applicant for licensure shall mean any of the causes set forth in R.S. 37:1360.108 of the Act.

B. As used in R.S. 37:1360.108 of the Act, an individual who has "obtained or attempted to obtain a license by fraud or deceit" means and includes an individual who:

1. makes any representation to the board, knowingly or unknowingly, which is in fact false or misleading as to a material fact or omits to state any fact or matter that is material to an application for licensure under Chapter 38 of these rules; or

2. makes any representation, or fails to make a representation, or engages in any act or omission which is false, deceptive, fraudulent, or misleading in achieving or obtaining any of the requirements for licensure required by Chapter 38 of these rules.

C. As used in R.S. 37:1360.108 of the Act, the term *convicted*, as applied to a licensed genetic counselor or applicant for licensure as a genetic counselor, means that a judgment has been entered against such individual by a court of competent jurisdiction, whether upon verdict, judgment, or plea of guilty or nolo contendere, or who has entered into a diversion program, a deferred prosecution or other agreement in lieu of the institution of criminal charges or prosecution for such crime. Such a judgment provides cause for administrative action by the board so long as it has not been reversed by an appellate court of competent jurisdiction and notwithstanding the fact that an appeal or other application for relief from such judgment is pending.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360.101-1360.111 and 37:1270.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 45:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of the proposed Rule on the family has been considered. It is not anticipated that the proposed Rule will have any impact on family, formation, stability or autonomy, as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the impact of the proposed Rule on those that may be living at or below one hundred percent of the federal poverty line has been considered. It is not anticipated that the proposed Rule will have any impact on child, individual or family poverty in relation to

individual or community asset development, as described in R.S. 49:973.

Provider Impact Statement

In compliance with HCR 170 of the 2014 Regular Session of the Louisiana Legislature, the impact of the proposed Rule on organizations that provide services for individuals with developmental disabilities has been considered. It is not anticipated that the proposed rules will have any impact on the staffing, costs or overall ability of such organizations to provide the same level of services, as described in HCR 170

Small Business Analysis

It is not anticipated that the proposed Rule will have any adverse impact on small businesses as defined in the Regulatory Flexibility Act, R.S. 49:965.2 et. seq.

Public Comments

Interested persons may submit written data, views, arguments, information or comments on the proposed amendments to Rita Arceneaux, Confidential Executive Assistant, Louisiana State Board of Medical Examiners, 630 Camp Street, New Orleans, Louisiana, 70130, (504) 568-6820, Ex. 242. She is responsible for responding to inquiries. Written comments will be accepted until 4 p.m., January 21, 2019.

Public Hearing

A request pursuant to R.S. 49:953(A)(2) for a public hearing must be made in writing and received by the Board within 20 days of the date of this notice. If a public hearing is requested to provide data, views, arguments, information or comments orally in accordance with the Louisiana Administrative Procedure Act, the hearing will be held on January 28, 2019 at 10 a.m. at the office of the Louisiana State Board of Medical Examiners, 630 Camp Street, New Orleans, LA 70130. Any person wishing to attend should call to confirm that a hearing is being held.

Vincent A. Culotta, Jr., M.D.,
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Genetic Counselors, General, Licensure, Certification and Practice

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rules will result in a one-time publication expense of \$4,620 for the LA State Board of Medical Examiners in FY 19. Furthermore, the LSBME anticipates devoting nominal administrative resources and time to processing license applications for genetic counselors (GCs), a new category of licensed allied healthcare providers created by Act 593 of the 2018 Regular Session. While the number of applicants who may seek GC licensure is unknown, the number of applicants is anticipated to be few in number. Furthermore, the proposed rules establish the LA Genetic Counselor Advisory Committee, which will be comprised of 5 members. Members will not be compensated, but may be reimbursed for necessary expenses incurred during the course of their official duties pursuant to PPM 49. Therefore, the LSBME will absorb any increase in administrative workload associated with the proposed rules utilizing existing resources and personnel.

Furthermore, any fees derived from licensure of GCs (See Part II) will be utilized to defray any associated expenses.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rules will increase SGR collections for the LSBME by an indeterminable amount beginning in FY 19 and in subsequent fiscal years. The proposed rules will generate agency fees for the issuance and annual renewal of genetic counselor licensure of \$125 and \$100, respectively. The number of persons who make seek GC licensure is presently unknown. However, the LSBME anticipates no more than 15 applicants will seek initial licensure in FY 19, with no more than 5 additional applicants in each of the following two years. To the extent this occurs, total revenues associated with licensure of GCs will be \$1,875 in FY 19 (15 initial applicants, 15 x \$125 = \$1,875), \$2,125 in FY 20 (5 initial applicants, 5 x \$125 = \$625 plus 15 renewals, 15 x \$100 = \$1,500, = \$625 + \$1,500 = \$2,125), and \$3,625 in FY 21 (5 initial applicants, 5 x \$125 = \$625 plus 30 renewals, 30 x \$100 = \$3,000 = \$625 + \$3,000 = \$3,625).

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rules will result in a workload and cost increase for GCs, as they must utilize an online application form supplied by the Board for initial issuance and renewal of a license or permit, payment of the applicable initial licensure (\$125) and license renewal (\$100) fees, and costs to partake in necessary annual continuing education courses. The proposed rules outline the licensing regulations and professional standards for GCs to practice in Louisiana.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is not anticipated that the proposed rules will affect competition or employment.

Vincent A. Culotta, Jr., M.D.
Executive Director
1812#038

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health
Board of Medical Examiners**

Physician Assistants, Licensure and Certification; Practice (LAC 46:XLV.Chapter 15, 4506 and 4507)

Notice is hereby given that in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the authority vested in the Louisiana State Board of Medical Examiners (board) by the Louisiana Medical Practice Act, R.S. 37:1270 and Louisiana law governing Physician Assistants (PAs), R.S. 37:1360.21-1360.38, the board intends to amend its rules governing PAs, LAC 46:XLV Chapters 15 and 45, to conform them to Act 475 of the 2018 Regular Session of the Louisiana Legislature and to update the rules generally as made necessary by the passage of time and for consistency with current practices. Among other items, the proposed amendments: increase from four to eight the number of PAs for whom a physician may serve as primary supervising physician (PSP) (4507D.); restate and clarify the PA qualifications for prescriptive authority for consistency with current law (1521A.); limit qualifications for PA prescriptive authority to those set forth in the law (1521); update associated references to rule citations from 1521 to 1527

where indicated (e.g., 1503A, 1523A.3, 1525A.2, 1527A.4 and 4506C.2.d.); and relocate existing requirements for continuing medical education from 1529C.-D. to 1517B.3. Further, because PAs are the only category of healthcare providers licensed by the Board whose rules do not contain a delinquent fee for late renewal/reinstatement, the proposed changes include such a provision in a new section on reinstatement (1519). The proposed amendments are set forth below.

Title 46

PROFESSIONAL AND OCCUPATIONAL

Part XLV. Medical Professions

Subpart 2. Licensure and Certification

Chapter 15. Physician Assistants

§1503. Definitions

A. As used in this Chapter, the following terms shall have the meanings specified.

Protocol or Clinical Practice Guidelines or Clinical Practice Guidelines or Protocols—a written set of directives or instructions regarding routine medical conditions, to be followed by a physician assistant in patient care activities. If prescriptive authority has been delegated to the physician assistant by the supervising physician the clinical practice guidelines or protocols shall contain each of the components specified by §1527. The Advisory Committee shall periodically publish and disseminate to supervising physicians and all physician assistants, model forms and examples of clinical practice guidelines and protocols. The supervising physician and physician assistant shall maintain a written copy of such clinical practice guidelines and protocols, which shall be made immediately available for inspection by authorized representatives of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6), 37:1360.23(D) and (F).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 4:109 (April 1978), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:1102 (November 1991), LR 22:201 (March 1996), LR 25:27 (January 1999), LR 31:73 (January 2005), LR 34:244 (February 2008), amended by the Department of Health, Board of Medical Examiners, LR 43:1174 (June 2017), LR 45:

§1517. Expiration of Licensure; Renewals; Continuing Education; Modification; Notification of Intent to Practice

A. ...

B. Every license issued by the board under this Chapter shall be renewed annually on or before the last day of the month in which the licensee was born, by submitting to the board an application for renewal in a format approved by the board, together with:

1. - 2. ...

3. confirmation of the completion of such continuing education as is required to maintain current NCCPA certification. A physician assistant shall maintain a record of certification of attendance for at least four years from the date of completion of the continuing education activity. Such record shall be made available to the board within thirty days of its request.

C. - F. ...

Addresses:

Obtaining Documents: You may download the Draft Supplemental RP/EA at any of the following sites:

- <http://www.gulfspillrestoration.noaa.gov>
- <http://www.la-dwh.com>

Alternatively, you may request a CD of the Draft Supplemental RP/EA (see For Further Information Contact). You may also view the document at any of the public facilities listed at <http://www.gulfspillrestoration.noaa.gov>.

Submitting Comments: You may submit comments on the Draft Supplemental RP/EA by one of the following methods:

- Via the Web: <http://www.gulfspillrestoration.noaa.gov/restoration-areas/louisiana>
- Via U.S. Mail: U.S. Fish and Wildlife Service, P.O. Box 29649, Atlanta, GA 30345
- In Person: Verbal comments may be provided at the public meeting on May 8, 2019

Once submitted, comments cannot be edited or withdrawn. The Louisiana TIG may publish any comment received on the document. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information for which disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The Louisiana TIG will generally not consider comments or comment contents located outside of the primary submission (i.e. on the web, cloud, or other file sharing system). Please be aware that your entire comment, including your personally identifiable information, will become part of the public record. Please note that mailed comments must be postmarked on or before the comment deadline of 30 days following publication of this notice to be considered.

For Further Information Contact:

- Louisiana – Joann Hicks, 225-342-5477
- EPA – Tim Landers, 202-566-2231

Next Steps

The public is encouraged to review and comment on the Draft Supplemental RP/EA. A public meeting is scheduled to also help facilitate the public review and comment process. A summary of comments received on the Draft Supplemental RP/EA and the Louisiana TIG's responses, where applicable, will be included in the Final Supplemental RP/EA. Public comments on the Draft Supplemental RP/EA will inform the Louisiana TIG's decision on whether to select the Lake Charles SCEC project, as modified, in the Final Supplemental RP/EA.

Administrative Record

The documents comprising the Administrative Record for the Draft Supplemental RP/EA can be viewed electronically at <https://www.doi.gov/deepwaterhorizon/adminrecord>.

Authority

The authority for this action is the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), its implementing NRDA regulations found at 15 CFR Part 990, the Louisiana Oil Spill Prevention and Response Act (La. R.S. 30:2451 et

seq.), the implementing Natural Resource Damage Assessment Regulations found at La. Admin. Code 43:101 et seq., and NEPA (42 U.S.C. 4321 et seq.).

Lawrence B. Haase
Executive Director

1904#031

POTPOURRI

Department of Health Board of Medical Examiners

Public Hearing—Substantive Changes to Proposed Rules
Genetic Counselors, Licensure, Certification and Practice
(LAC 46:XLV, Chapters 38 and 60)

The Louisiana State Board of Medical Examiners (the “board”) published a Notice of Intent to adopt rules for genetic counselors in the December 20, 2018, edition of the *Louisiana Register* (LR 43:2312-2323). The notice solicited comments. Comments were received in writing. As a result of its consideration of the comments received during its meeting on February 11, 2019, the board elected to make substantive changes to the proposed rules in the following respects:

(i) in 3803A. definition of Collaborative Practice Agreement, after the words genetic counselor to add the words, “who engages in any of the functions listed in §6021 of these rules,”;

(ii) in 3821C.6. to delete the words if currently known;

(iii) in 3821C.7., after the words he or she will not to delete the words practice genetic counseling and add the words “order or select laboratory tests or other evaluations regarding hereditary or carrier conditions (or other testing related to the practice of genetic counseling)”;

(iv) after 3841A. to add “B. A license issued under this Chapter shall designate whether an applicant's practice includes those functions listed in §6021B.1 of these rules and may be verified on the Board's web page.”;

(v) in 6021A. after the words *A genetic counselor* to add the words “who engages in any of the functions listed in §6021B.1 of this Section”;

(vi) in 6021B.1 after the words genetic counselor's performance of to add the words “each of the following functions”;

(vii) after 6021D. to add “E. A collaborative practice agreement is not required for a genetic counselor who does not engage in any of the functions listed in §6021B.1 of this Section.”;

(viii) in 6023A.1 delete the word practice and in its place the words “engage in any of the functions listed in §6021B.1.”; and

(ix) in 6025A. after the words a genetic counselor add the words “, who has a CPA with a collaborating physician.”. As substantively amended, these provisions will read as set forth below.

Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS

Part XLV. Medical Professions

Subpart 2. Licensure and Certification

Chapter 38. Genetic Counselors

Subchapter A. General Provisions

§3803. Definitions

A. As used in this Chapter, unless the context clearly states otherwise, the following terms and phrases shall have the meanings specified.

* * *

Collaborative practice agreement or *CPA*—a document established by a genetic counselor, who engages in any of the functions listed in §6021 of these rules, and a physician which governs the professional relationship between the genetic counselor and the physician.

* * *

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360.101-1360.111 and 37:1270.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 45:

Subchapter C. Application

§3821. Application Procedure

A. - B. ...

C. An application for licensure under this Chapter shall include:

1. - 5. ...

6. the name, primary practice location and contact information of a collaborating physician;

7. attestation by the applicant certifying that he or she will not order or select laboratory tests or other evaluations regarding hereditary or carrier conditions (or other testing related to the practice of genetic counseling) in this state in the absence of a collaborative practice agreement conforming to the requirements of §6021 of these rules; and

C.8. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360.101-1360.111, 37:1270, 37:1277 and 37:1281.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 45:

Subchapter E. Licensure Issuance, Termination,
Renewal, and Reinstatement

§3841. Issuance of License

A. ...

B. A license issued under this Chapter shall designate whether an applicant's practice includes those functions listed in §6021B.1 of these rules and may be verified on the Board's web page.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360.101-1360.111 and 37:1270.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR

Part XLV. Medical Professions

Subpart 3. Practice

Chapter 60. Genetic Counselors

Subchapter C. Eligibility; Requirements of Collaborative
Practice Agreement, Authority and
Limitations, Obligations and
Responsibility and Required Information

§6021. Collaborative Practice Agreement;
Requirements; Annual Review and Signature

A. A genetic counselor who engages in any of the functions listed in §6021B.1 of this Section shall enter into a collaborative practice agreement with a physician who agrees to work with and provide medical support to the genetic counselor.

B. The CPA shall be set forth in a formal document that memorializes the relationship between the genetic counselor and CP and, at a minimum:

1. establish the criteria governing the genetic counselor's performance of any of the following functions:

B.1.a. - D. ...

E. A collaborative practice agreement is not required for a genetic counselor who does not engage in any of the functions listed in §6021B.1 of this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360.101-1360.111 and 37:1270.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 45:

§6023. Authority and Limitations of Genetic
Counselors

A. A genetic counselor shall not:

1. engage in any of the functions listed in §6021B.1. without a current collaborative practice agreement with a collaborating physician, as defined or provided in this Chapter;

A.2. - B.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360.101-1360.111 and 37:1270.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 45:

§6025. Obligations and Responsibilities

A. It shall be the mutual obligation of a genetic counselor, who has a CPA with a collaborating physician, and collaborating physician to:

1. - 4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360.101-1360.111 and 37:1270.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Medical Examiners, LR 45:

No fiscal or economic impact will result from the amendments proposed in this notice.

Public Hearing

In accordance with R.S. 49:968(H)(2), the board gives notice that a public hearing to receive comments and testimony on these substantive changes to the rule amendments originally proposed will be held on Thursday,

May 30, 2019, at 9 a.m., in the office of the Louisiana State Board of Medical Examiners, 630 Camp Street, New Orleans, Louisiana 70130. Interested persons may submit written comments on these proposed substantive changes to Rita Arceneaux, Confidential Executive Assistant, Louisiana State Board of Medical Examiners, 630 Camp Street, New Orleans, Louisiana, 70130, (504) 568-6820, Ex. 242. She is responsible for responding to inquiries. Written comments will be accepted until 4 p.m., May 21, 2019.

Vincent A. Culotta, Jr., M.D.,
Executive Director

1904#056

POTPOURRI

Department of Health Licensed Professional Counselors Board of Examiners

Licensure Revisions (LAC 46:LX.503)

In accordance with the applicable provisions of the Louisiana Administrative Procedures Act (R.S.49:950 et seq.) and through the authority of the Mental Health Counselor Licensing Act (R.S. 37:1101 et seq.), the Louisiana Licensed Professional Counselors published a Notice of Intent in the November 20, 2018 edition of the Louisiana Register to amend several sections of Chapter 5. After further review the original proposal is resubmitted, as revised, for publication in the Potpourri sections of the Louisiana Register.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS REVISED

Part LX. Licensed Professional Counselors Board of Examiners

Subpart 1. Licensed Professional Counselors

Chapter 5. License and Practice of Counseling

§503. Definitions for Licensed Professional Counselors and Provisional Licensed Professional Counselors

A. For purposes of this Part, the following definitions will apply.

Active Supervision—the process by which a supervisee receives one hour of face-to-face supervision with his/her board-approved supervisor for every 20 hours of direct client contact. Active Supervision is based on direct client contact hours. Supervision hours shall be adjusted if the provisional licensed professional counselor has less than or more than 20 hours of direct contact. The supervisor and supervisee must meet at least one hour within a three-month period.

Administrative Supervisor—person responsible for the overall administrative functions of their agency/organization. The Administrative Supervisor is responsible for the control, oversight and responsibility of PLPC in the setting in which the PLPC is employed, contracted or volunteering.

Applicant—an individual who has submitted an application to the board for the initial review, renewal, reinstatement of a license or certification.

* * *

Bureau—the Louisiana State Police Bureau of Criminal Identification and Information.

Clinical Supervision—a distinct professional practice employing a collaborative relationship between a supervisor and a supervisee. At a minimum, this relationship has facilitative, evaluative, and supervisory components. The goal of Clinical Supervision is to enhance the professional competence, monitor the quality of services provided, maintain the ethical standards of practice, protect the welfare of the public, and serve as a gatekeeper for entry into the mental health counseling profession. All licensees who serve in a supervisory capacity are governed by the current ACA code of ethics for supervision. All licensees that supervise another person are governed by the code of conduct and regulatory standards regarding supervisor and supervision set forth by the Licensed Professional Counselors Board of Examiners. A supervisor may not be a relative of the PLPC. Relative of the PLPC is defined as spouse, parent, child, sibling of the whole-or half-blood, grandparent, grandchild, aunt, uncle, one who is or has been related by marriage or has any other dual relationship. Caution must be exercised in dual relationships when serving as both the Administrative Supervisor and the LPC Supervisor.

Contract Employee/Private Contractor—an employee who works under contract for an employer. Hired for a specific job at a specific rate of pay; is not considered a permanent employee. A PLPC may be a contracted employee.

Criminal History Record Information—information collected by state and federal criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, bills of information, or any formal criminal charges, and any disposition arising from, including sentencing, criminal correctional supervision and release. It shall not include intelligence information gathered for investigatory purposes or any identification information that does not indicate involvement of the individual in the criminal justice system.

* * *

Licensure—any license, certification, or registration for the practice of mental health counseling approved by the board.

LPC Supervisor—provides clinical supervision to the PLPC, which must be approved by the board. The LPC Supervisor has the responsibility of assisting PLPCs in increasing their competences as a mental health professional. The LPC Supervisor has no control, oversight, or responsibility for the services of a PLPC whom they are supervising within the agency/organization they are employed, contracted or volunteering, unless the LPC supervisor also serves as the administrative supervisor of the PLPC. To be designated as a LPC Supervisor, one must be approved by the board and fulfill the requirements outlined in Chapter 8.

Practice of Mental Health Counseling/Psychotherapy—rendering or offering prevention, assessment, diagnosis, and treatment, which includes psychotherapy of mental, emotional, behavioral, and addiction disorders to individuals, groups, organizations, or the general public by a licensed or provisional licensed professional counselor, which is consistent with his/her professional training as prescribed by R.S. 37:1107(A)(8), and *Code of Ethics*/behavior involving the application of principles,