

AMENDED IN SENATE JULY 15, 2010

AMENDED IN SENATE JUNE 17, 2010

AMENDED IN ASSEMBLY MAY 3, 2010

AMENDED IN ASSEMBLY APRIL 5, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 2300

Introduced by Assembly Member Emmerson

February 18, 2010

An act to amend, *repeal, and add* Section 124981 of, and to add Section 124982 to, the Health and Safety Code, relating to genetic counselors.

LEGISLATIVE COUNSEL'S DIGEST

AB 2300, as amended, Emmerson. Genetic counselors.

Existing law, the Hereditary Disorders Act, requires the State Department of Public Health to establish hereditary disorder programs, 100 specified, and to license master level genetic counselors and doctoral level geneticists. One of the requirements for licensure is that an individual demonstrate competence by a examination administered or approved by the department. Existing law prohibits an unlicensed person from using the title of genetic counselor.

This bill, until regulations are finalized by the department, would require the department to license genetic counselors who meet specified requirements and would allow the department to revoke licenses issued pursuant to these requirements upon the person losing certification by the American Board of Genetic Counseling or upon conviction of certain

felonies, as defined. *This bill would repeal these provisions as of January 1, 2014.*

This bill would also require, on and after July 1, 2011, the department to issue a temporary genetic counselor license, valid for 24 months, to a person who meets all of the requirements for licensure except passing the above-described examination and who ~~has applied for the first available certification examination or has certified that he or she will apply to take the examination within one year~~ *meets the requirements to apply for the examination and has applied, or plans to apply, for the examination, as specified.* The bill would require a person working under a temporary genetic counselor license to work under the general supervision of a licensed genetic counselor or a licensed physician and surgeon. The bill would allow the department to revoke a temporary genetic counselor license upon the conviction of certain felonies, as defined.

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 124981 of the Health and Safety Code
- 2 is amended to read:
- 3 124981. (a) No person shall use the title of genetic counselor
- 4 unless the person has applied for and obtained a license from the
- 5 department.
- 6 (b) The applicant for a genetic counselor license shall meet
- 7 minimum qualifications that include, but are not limited to, both
- 8 of the following:
- 9 (1) Has earned a master’s degree or above from a program
- 10 specializing in or having substantial course content in genetics.
- 11 (2) Has demonstrated competence by an examination
- 12 administered or approved by the department.
- 13 (c) The license shall be valid for three years unless at any time
- 14 during that period it is revoked or suspended. The license may be
- 15 renewed prior to the expiration of the three-year period.
- 16 (d) To qualify to renew the license, a licenseholder shall have
- 17 completed 45 hours of continuing education units during the
- 18 three-year license renewal period. At least 30 hours of the
- 19 continuing education units shall be in genetics.

1 (e) The license fee for an original license and license renewal
2 shall not exceed two hundred dollars (\$200).

3 (f) Until the department has finalized regulations that are needed
4 to implement subdivision (b), the department shall license, upon
5 application and payment of the application fee specified in
6 subdivision (e), a genetic counselor applicant who meets the
7 requirements of subdivision (b), is currently credentialed and in
8 good standing with the American Board of Genetic Counseling,
9 and has no history of disciplinary action by the board. When the
10 department has finalized the regulations needed to implement
11 subdivision (b), genetic counselors who have received a license
12 pursuant to this subdivision shall be subject to the regulations
13 implementing this section and Sections 124980 and 124982, and
14 this subdivision shall become inoperative.

15 (g) The department may revoke the license of a genetic
16 counselor who is licensed pursuant to subdivision (f) if either of
17 the following occur:

18 (1) The counselor loses his or her credential granted by the
19 American Board of Genetic Counseling or is placed on
20 probationary status.

21 (2) The counselor has been convicted of a felony charge that is
22 substantially related to the qualifications, functions, or duties of a
23 genetic counselor. A plea of guilty or nolo contendere to a felony
24 charge shall be deemed a conviction for the purposes of this
25 paragraph.

26 (h) *This section shall remain in effect only until January 1, 2014,*
27 *and as of that date is repealed, unless a later enacted statute, that*
28 *is enacted before January 1, 2014, deletes or extends that date.*

29 *SEC. 2. Section 124981 is added to the Health and Safety Code,*
30 *to read:*

31 *124981. (a) No person shall use the title of genetic counselor*
32 *unless the person has applied for and obtained a license from the*
33 *department.*

34 (b) *The applicant for a genetic counselor license shall meet*
35 *minimum qualifications that include, but are not limited to, both*
36 *of the following:*

37 (1) *Has earned a master's degree or above from a program*
38 *specializing in or having substantial course content in genetics.*

39 (2) *Has demonstrated competence by an examination*
40 *administered or approved by the department.*

1 (c) *The license shall be valid for three years unless at any time*
 2 *during that period it is revoked or suspended. The license may be*
 3 *renewed prior to the expiration of the three-year period.*

4 (d) *To qualify to renew the license, a licenseholder shall have*
 5 *completed 45 hours of continuing education units during the*
 6 *three-year license renewal period. At least 30 hours of the*
 7 *continuing education units shall be in genetics.*

8 (e) *The license fee for an original license and license renewal*
 9 *shall not exceed two hundred dollars (\$200).*

10 (f) *This section shall become operative on January 1, 2014.*

11 ~~SEC. 2.~~

12 SEC. 3. Section 124982 is added to the Health and Safety Code,
 13 to read:

14 124982. (a) On and after July 1, 2011, the department shall
 15 issue a temporary genetic counselor license to a person to practice
 16 as a licensed genetic counselor who meets both of the following:

17 (1) The requirements for licensure set forth in subdivision (b)
 18 of Section 124981, except passing the certification examination
 19 as required by paragraph (2) of subdivision (b) of Section 124981.

20 (2) Either of the following requirements:

21 (A) The person *meets the requirements to apply for and* has
 22 *applied for the first available certification examination offered.*
 23 *The department may require an applicant for a temporary genetic*
 24 *counselor license to provide documentation of acceptance for the*
 25 *examination.*

26 (B) The person meets the requirements to apply for the
 27 examination and certifies that he or she plans to apply to sit for
 28 the examination in the coming year. ~~The department may require~~
 29 ~~an applicant to provide documentation showing registration for~~
 30 ~~the examination when it is received by the applicant.~~ *year following*
 31 *the year of the first available examination. The department shall*
 32 *require the applicant to provide documentation showing that the*
 33 *applicant took the examination.*

34 (b) A temporary genetic counselor license shall be valid for 24
 35 months and shall not be extended or renewed.

36 (c) Notwithstanding subdivision (a), a temporary license issued
 37 pursuant to this section shall expire upon any of the following
 38 events, whichever occurs earlier:

39 (1) The issuance of a license pursuant to Section 124981.

1 (2) Thirty days after notification of the department that an
2 applicant has failed the certification examination, ~~or on the date~~
3 ~~that the applicant applies and is granted an additional temporary~~
4 ~~license pursuant to subdivision (b).~~

5 (3) The expiration date on the temporary license.

6 (d) A person holding a temporary genetic counselor license
7 issued pursuant to this section, shall be required to work under the
8 general supervision of a licensed genetic counselor or a licensed
9 physician and surgeon.

10 (e) The department may revoke the temporary license of a
11 genetic counselor licensed pursuant to this section if the person
12 has been convicted of a felony charge that is substantially related
13 to the qualifications, functions, or duties of a genetic counselor.
14 A plea of guilty or nolo contendere to a felony charge shall be
15 deemed a conviction for the purposes of this subdivision.