

Second Regular Session of the 121st General Assembly (2020)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2019 Regular Session of the General Assembly.

## HOUSE ENROLLED ACT No. 1243

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AN ACT to amend the Indiana Code concerning professions and occupations.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 25-17.3-2-4, AS ADDED BY P.L.177-2009, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. "Genetic counseling" means the communication by an individual ~~of any of the following:~~ to

(1) ~~Estimating, estimate,~~ through the following methods, the likelihood of the occurrence or recurrence of a birth defect or a potentially inherited or genetically influenced condition:

(A) ~~Obtaining and analyzing the health history of an individual and the individual's family.~~

(B) ~~Reviewing medical records.~~

(C) ~~Evaluating the risks of exposure to possible mutagens or teratogens.~~

(D) ~~Recommending genetic testing or other evaluation to detect fetal abnormalities or determine the carrier status of a family member.~~

(2) Explaining to an individual or a family the following:

(A) ~~The medical, psychological, and social implications of a disorder and the usual course of evaluation, treatment, or management.~~

(B) ~~The genetic factors that contribute to the disorder and how the genetic factors affect the chance for recurrence of the~~

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condition in other family members:

(C) The available options for coping with, preventing, or reducing the chance of occurrence or recurrence of the disorder.

(D) The genetic or other tests available for inherited disorders.

(E) How to interpret complex genetic test results:

**(1) Obtain and evaluate individual, family, and medical histories to determine genetic risk for genetic and medical conditions and diseases in a patient, the patient's children, and other family members.**

**(2) Discuss the features, natural history, means of diagnosis, genetic and environmental factors, and management of risk for genetic and medical conditions and diseases.**

**(3) Identify, order, and coordinate genetic laboratory tests and other diagnostic studies as appropriate for the genetic assessment.**

**(4) Integrate genetic laboratory test results and other diagnostic studies with personal and family medical history to assess and communicate genetic risk factors.**

**(5) Explain the clinical implications of genetic laboratory tests, other diagnostic studies, and the results.**

**(6) Evaluate the client's or family's responses to the condition or risk of recurrence and provide client centered counseling and anticipatory guidance.**

**(7) Identify and use community resources that provide medical, educational, financial, and psychosocial support and advocacy.**

**(8) Provide written documentation of medical, genetic, and counseling information for families and health care professionals.**

SECTION 2. IC 25-17.3-4-1, AS ADDED BY P.L.177-2009, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. To qualify for licensure as a genetic counselor, an applicant must:

(1) submit an application on a form developed by the board;

(2) pay the licensure fee determined by the board;

(3) provide written evidence that the applicant has earned:

(A) a master's degree from a genetic counseling training program accredited by the ~~American Board of Accreditation Council for Genetic Counseling Counselors~~ or its successor;

or

(B) a doctoral degree from a medical genetics training



program that is accredited by the American Board of Medical Genetics **and Genomics** or its successor; and

- (4) meet the examination requirement for certification as:
- (A) a genetic counselor by the American Board of Genetic Counseling or the American Board of Medical Genetics **and Genomics** or the successor of these entities; or
  - (B) a medical geneticist by the American Board of Medical Genetics **and Genomics** or its successor.

SECTION 3. IC 25-17.3-4-2, AS AMENDED BY P.L.1-2010, SECTION 107, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. (a) The board may issue a temporary license to an applicant who:

- (1) meets all the requirements for licensure under section 1 of this chapter except the examination for certification requirement set forth in section 1(4) of this chapter; and
- (2) has an active candidate status for the certification.

(b) An individual who is issued a temporary license under this section

- (1) ~~must apply for and take the next available examination for certification; and~~
- (2) may practice under the temporary license only if directly supervised by a licensed genetic counselor or a physician licensed under IC 25-22.5 under a genetic supervision contract.

(c) An individual who holds a temporary license issued under this section and fails the examination for certification described in section 1(4) of this chapter for the first time may reapply for a second temporary license. The board may not issue a temporary license to an individual who has failed the examination for certification more than one (1) time.

(d) A temporary license issued under this section expires upon the earliest of the following:

- (1) The date on which the individual meets the requirements of this chapter and is issued a license.
- (2) The date that is thirty (30) days after the individual ~~fails the examination for certification described in section 1(4) of this chapter.~~ **loses active candidate status through the American Board of Genetic Counseling.**
- (3) The date printed on the temporary license.

(e) An individual who is issued a temporary license under this section shall inform the board of the results of the individual's examination for certification described in section 1(4) of this chapter.

SECTION 4. IC 25-17.3-4-4, AS ADDED BY P.L.177-2009,



SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. The following individuals are not required to be licensed under this article:

- (1) An individual who is licensed as a physician under IC 25-22.5 or a nurse under IC 25-23. However, the individual may not use the title "genetic counselor" or any other title that indicates that the individual is a genetic counselor unless the individual is licensed under this article.
- (2) A student or an intern from an accredited school who is participating in a supervised training program.
- (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 **or the successor of these entities** and acting in Indiana on a consultant basis.

SECTION 5. IC 25-17.3-4-6, AS ADDED BY P.L.177-2009, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. (a) To renew a license under this article, an applicant must complete continuing education ~~The continuing education must meet the requirements of IC 25-1-4 and consist of:~~

- ~~(1) the completion in each two (2) year license cycle of fifty (50) contact hours that have been approved by the National Society of Genetic Counselors; or~~
- ~~(2) the successful completion in each two (2) year license cycle of a reading assignment and proctored examination in medical genetics provided by the American Board of Medical Genetics; and maintain the certification status as follows:~~

- ~~(1) For a genetic counselor, certification from the American Board of Genetic Counseling or its successor.~~
- ~~(2) For a medical geneticist, certification by the American Board of Medical Genetics and Genomics or its successor.~~

(b) An applicant seeking renewal of a license shall certify that the applicant

- ~~(1) has complied with the continuing education requirements or~~
- ~~(2) has not complied with the continuing education requirements but is seeking a waiver from the board under section 7 of this chapter; required by the certifying organization in subsection (a).~~

SECTION 6. IC 25-17.3-4-7 IS REPEALED [EFFECTIVE JULY 1, 2020]. Sec. 7. The board may grant an applicant seeking renewal of a license a waiver from all or part of the continuing education requirement for the renewal period if the applicant was not able to fulfill the requirement due to a hardship that resulted from any of the



following conditions:

- (1) Service in the armed forces of the United States during a substantial part of the renewal period;
- (2) An incapacitating illness or injury;
- (3) Other circumstances determined by the board.

SECTION 7. IC 25-17.3-5-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 2.5. (a) Section 3 of this chapter does not apply to this section.**

**(b) A genetic counselor may not be required to:**

- (1) perform;**
- (2) participate in; or**
- (3) provide;**

**a service that violates any sincerely held ethical, moral, or religious belief held by the genetic counselor. An employer may not discriminate against or discipline a genetic counselor because of any sincerely held ethical, moral, or religious belief of the genetic counselor in the performance of the genetic counselor's employment.**

**(c) A civil action for damages or reinstatement of employment, or both, may be brought for any violation of this section.**

SECTION 8. IC 25-17.3-5-3, AS ADDED BY P.L.177-2009, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: **Sec. 3. (a) This section does not apply to section 2.5 of this chapter.**

**(b) A person who violates this chapter commits a Class A misdemeanor. In addition to any other penalty imposed for a violation of this chapter, the board may, in the name of the state of Indiana through the attorney general, petition a circuit or superior court to enjoin the person who is violating this chapter from practicing genetic counseling in violation of this chapter.**



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Speaker of the House of Representatives

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President of the Senate

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President Pro Tempore

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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