

OFFICE OF THE SECRETARY OF STATE
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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 331
OREGON HEALTH AUTHORITY
HEALTH LICENSING OFFICE

FILED
08/17/2021 8:20 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Rules are for the genetic counselor licensing program created by 2021 House Bill 2619.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 09/29/2021 10:00 AM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

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1430 Tandem Ave. NE Suite 180
Salem, OR 97301

Filed By:
Anne Thompson
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 09/29/2021

TIME: 9:00 AM - 10:00 AM

OFFICER: Anne Thompson

ADDRESS: Health Licensing Office

1430 Tandem Ave. NE

Salem, OR 97301

SPECIAL INSTRUCTIONS:

Because of the ongoing COVID-19 pandemic, this hearing will be held by teleconference. To participate, please call (503) 934-3605, and enter conference PIN 400670, followed by the pound (#) key.

NEED FOR THE RULE(S):

House Bill 2619 (2021) created the Genetic Counseling Program within the Health Licensing Office. Rules are required to make the program operational.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

House Bill 2619 (2021) and the 2019 Oregon Revised Statutes; the bill and statutes are available through the Oregon Legislature and the Health Licensing Office.

FISCAL AND ECONOMIC IMPACT:

Genetic counselors with licenses may have access to insurance reimbursement or jobs that require licensing. But they also must pay application, license and renewal fees.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

The Health Licensing Office was given the program through House Bill 2619 (2021). Licensing fees are expected to cover the cost of the program. If members of the public are genetic counselors, having licenses may have access to insurance reimbursement or jobs that require licensing. If a genetic counselor owns their own practice or business, while there may be a positive impact from reimbursement or job opportunities, they also must pay application, licensing and renewal fees. While the Health Licensing Office has no way of knowing how many potential licensees have their own business, the legislature was told there would be about 50 potential licensees in Oregon. There are no expected costs associated with reporting, record keeping, administrative activities or professional services, equipment supplies, labor or increased administration in order to comply with the rules.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

We had genetic counseling professionals on the rules advisory committee. They had ample opportunity to describe any impacts on small business.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

RULES PROPOSED:

331-250-0010, 331-250-0020, 331-255-0010, 331-255-0020, 331-255-0030, 331-255-0040, 331-260-0010

ADOPT: 331-250-0010

RULE SUMMARY: Definitions used in the Genetic Counseling Program

CHANGES TO RULE:

331-250-0010

Definitions

The following definitions apply to OAR 331-200-0010 to OAR 331-210-0010:¶

(1) "ACGC" Means the Accreditation Council for Genetic Counseling.¶

(2) "ABGC" means the American Board of Genetic Counseling.¶

(3) "ABMGG" means the American Board of Medical Genetics and Genomics. ¶

(4) "Licensed genetic counselor" means a licensed genetic counselor as defined in House Bill 2619 (2021). ¶

(5) "Genetic counseling" has the meaning set forth in House Bill 2619 (2021).¶

(6) "Good standing" means no unresolved or outstanding disciplinary actions.¶

(7) "Office" means the Health Licensing Office.

Statutory/Other Authority: 2021 House Bill 2619

Statutes/Other Implemented: 2021 House Bill 2619

ADOPT: 331-250-0020

RULE SUMMARY: Fees for the Genetic Counseling Program licenses and renewals

CHANGES TO RULE:

331-250-0020

Fees

(1) An applicant or license holder is subject to the provisions of OAR 331-010-0010 and OAR 331-010-0020 regarding the payment of fees, penalties, and charges.¶¶

(2) Fees established by the Office pursuant to ORS 676.576 are:¶¶

(a) Application: ¶¶

(A) License: \$150. ¶¶

(B) Temporary license: \$150¶¶

(b) Original issuance:¶¶

(A) License: \$50 - valid for one year. ¶¶

(B) Temporary license: \$50 - valid for one year.¶¶

(c) Renewal of license:¶¶

(A) License: \$50 - valid for one year. ¶¶

(B) Temporary license: \$50 - valid for one year¶¶

(d) Replacement: \$25. ¶¶

(e) Late renewal of authorization fee: \$40 for each year of inactive status up to three years.¶¶

(f) Administrative fee: \$25. ¶¶

(g) Affidavit of licensure, as defined in OAR 331-030-0040: \$50.

Statutory/Other Authority: 2021 House Bill 2619

Statutes/Other Implemented: 2021 House Bill 2619

ADOPT: 331-255-0010

RULE SUMMARY: Requirements for licensure as a licensed genetic counselor

CHANGES TO RULE:

331-255-0010

Application Requirements for Initial Licensure as a Licensed Genetic Counselor

An individual applying for initial licensure as a licensed genetic counselor must:

(1) Meet the requirements of OAR 331 Division 30; and

(2) Submit a completed application form prescribed by the Office, which must contain the information listed in OAR 331-030-0000; and

(3) Be at least 18 years old; and

(4) Arrange for official documentation to be mailed to the Office from the certifying organization proving that the applicant has an active credential specific to genetic counseling from the ABGC or the ABMGG; and

(5) Pay all licensing fees.

Statutory/Other Authority: 2021 House Bill 2619

Statutes/Other Implemented: 2021 House Bill 2619

ADOPT: 331-255-0020

RULE SUMMARY: Licensed genetic counselor temporary license description

CHANGES TO RULE:

331-255-0020

Temporary License - Licensed Genetic Counselor Temporary License

(1) A licensed genetic counselor temporary license authorizes a holder to practice genetic counseling.¶

(2) A licensed genetic counselor temporary license is valid for one year and may be renewed once, resulting in the temporary license being valid for a two-year maximum duration, in any of the following circumstances: ¶

(a) The temporary license holder submits to HLO satisfactory proof that the holder has not yet passed the certification examination and that there is no available certification examination before the temporary license becomes inactive.¶

(b) The temporary license holder submits to HLO satisfactory proof of extenuating circumstances that impact the holder's ability to take the certification examination, including, but not limited to a medical condition, automobile accident, catastrophe, natural disaster, or epidemic

Statutory/Other Authority: 2021 House Bill 2619

Statutes/Other Implemented: 2021 House Bill 2619

ADOPT: 331-255-0030

RULE SUMMARY: Requirements to get a temporary licensed genetic counselor license

CHANGES TO RULE:

331-255-0030

Application Requirements for a Temporary Licensed Genetic Counselor License

To qualify for a temporary license, the applicant must:

(1) Meet the requirements of OAR 331 Division 30; and

(2) Submit a completed application form prescribed by the Office, which must contain the information listed in OAR 331-030-0000; and

(3) Submit official transcripts from an ACGC-accredited program; and

(4) Have the ABGC send verification that the applicant is in active candidate status; and

(5) Be at least 18 years old; and

(6) Pay all license fees.

Statutory/Other Authority: 2021 House Bill 2619

Statutes/Other Implemented: 2021 House Bill 2619

ADOPT: 331-255-0040

RULE SUMMARY: Initial licensure and renewal requirements for the Genetic Counseling Program

CHANGES TO RULE:

331-255-0040

Licensure Issuance and Renewal

(1) Licensure and renewal: A license is subject to the provisions of OAR Chapter 331, Division 30 regarding the issuance and renewal of a license, authorization to practice, identification, and duplicate licenses. ¶

(2) License renewal: To avoid late penalties, a license must be renewed before the license becomes inactive as described in section (3) of this rule. The licensee must: ¶

(a) Submit a renewal application form; and ¶

(b) Pay the renewal fee pursuant to OAR 331-200-0020. ¶

(3) Inactive license renewal: A license becomes inactive if it is not renewed before its "active through" date. A license may be inactive for up to three years, but an inactive license does not authorize its holder to practice genetic counseling or use the title or designation of "Licensed Genetic Counselor." To renew an inactive license, the licensee must: ¶

(a) Submit a renewal application form; and ¶

(b) Pay the delinquency and renewal fees pursuant to 331-200-0020. ¶

(4) Expired license: A license that has been inactive for more than three years is expired, and the licensee must reapply for licensure and meet the requirements listed in OAR 331-205-0000.

Statutory/Other Authority: 2021 House Bill 2619

Statutes/Other Implemented: 2021 House Bill 2619

ADOPT: 331-260-0010

RULE SUMMARY: Practice guidelines for licensed genetic counselors

CHANGES TO RULE:

331-260-0010

Guidelines for Licensed Genetic Counselors

(1) When appropriate and in the manner consistent with the practice of patient-and family-centered care, a licensed genetic counselor shall provide to a patient, or a patient's family, contact information for support programs and services related to the patient's genetic or medical condition or disease, including information for hotlines, resource centers, local and national organizations, and other educational programs. ¶

(2) A licensed genetic counselor must not diagnose, test for, or treat a genetic or medical condition or disease.

Statutory/Other Authority: 2021 House Bill 2619

Statutes/Other Implemented: 2021 House Bill 2619