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Dear Mr. Nebel,

On behalf of Genetic Counselors in Iowa, we write to provide comments on the proposed rules that govern the licensure of genetic counselors in Iowa. While we understand the need to standardize processes, it is also important the licensure requirements account for the uniqueness of each profession. We believe it is possible for the rules that implement licensure of genetic counselors ensure public safety and the growth of this STEM profession in Iowa, while also keeping the administrative burdens and costs down.

The genetic counselor law enacted by the Iowa legislature set clear and distinct requirements for individuals that qualify for a genetic counselor license. In drafting the law, the legislature was thoughtful in reviewing the uniqueness of the profession – how genetic counselors are educated and trained, demonstrate competency, and practice. The legislature wrote the law, with feedback from the Board of Medicine, so that it would not create undue burdens that may turn qualified genetic counselors away from practicing in Iowa, while ensuring the public is protected.

We are concerned the draft rules do not reflect the explicit language of the law, and go beyond the intent of the legislature. The law authorizes the Board to adopt rules in Section 10 of the law:

> "148H.6 Rules——authority of board. The board shall adopt rules consistent <u>with this chapter</u> and chapters 147 and 148 which are necessary for the performance of its duties under this chapter. The board may consult with genetic counselors during an investigative or disciplinary proceeding as it deems necessary." (Emphasis added)

It is clear that first and foremost the rules should be consistent with the enacting law. Where the law prescribes specific requirements the rules should reflect the law.

As an example, the law, which can be found by its bill number Senate File 2228, sets very clear and distinct requirements for the individuals who qualify for genetic counselor licensure. The bill clearly lays out the following:

> "Sec. 7. NEW SECTION. 148H.3 Qualifications for licensure —— provisional licensure.
>
> 1. Each applicant for licensure under this chapter shall:
>
> a. Submit an application form as prescribed by the board.

> b. Provide satisfactory evidence of certification as a genetic counselor by the American board of genetic counseling or its equivalent or successor organization, the American board of medical genetics and genomics or its equivalent or successor organization, or as a medical geneticist by the American board of medical genetics and genomics or its equivalent or successor organization."

In terms of verifying whether an applicant is qualified, the board should verify American Board of Genetic Counseling (ABGC) certification. However, the draft rule goes well beyond that requirement, and requires an applicant to provide information that may not even exist for the profession. The following are areas on concern in priority order:

Concern #1. 653—20.8(5) Licensure application review process.

We are extremely concerned with the proposed rule 20.8(5) because the requirement for licensure in Senate File 2228 is ABGC certification. The decision point for licensure is straightforward – has the applicant demonstrated that they are ABGC certified? Section 20.8(5) takes straightforward decision-making and complicates it immensely adding both time and costs to the process and to the applicant. Again it is our understanding that the legislature's intent was to not overly complicate the process in order to keep administrative burdens and costs down, but ensure public safety.

The proposed rule section 20.8(5)g(3), below, is problematic.

> "If an applicant has not engaged in active practice in the past three years in any jurisdiction of the United States, require an applicant to:"

Importantly, per Senate File 2228, to obtain an initial license, the applicant must be ABGC certified. The law does not specify practicing status. It is not unusual for individuals in this profession to take time off to raise a family while actively maintaining their ABGC certification through continuing education requirements. In addition, the remedial provisions contained in section 20.8(5)g.(3)2-4 do not exist for the profession of genetic counseling. The more important issue is that genetic counselors are ABGC certified and have maintained this certification regardless of practicing status.

While we believe it fair to require 20.8(2)e, "full disclosure of the applicant's involvement in civil litigation related to the practice of genetic counseling," we do not believe negative reporting on this point would require such a complicated process set out in 20.8(5). We request these sections be removed to streamline the process for obtaining initial licensure.

Concern #2. 653—20.11(2) Reinstatement restrictions.

The same information as in Concern #3 above pertains to section 20.11(2).

Concern #3. 653—20.8(6) Grounds for denial of licensure.

Under Senate File 2228, if an applicant is ABGC certified, there are not grounds for denial of an initial license. While working with the Board of Medicine and the legislature to write Senate File 2228, it was determined the requirement for licensure should be ABGC certification as it is the "gold-standard" for determining competency in the practice of genetic counseling, as defined in 653—20.3(87GA, SF2228 To add additional measures to deny a license, outside of what is allowed under the law, is inconsistent with

the intent of the legislation. We ask that an applicant only be denied a license if they fail to be ABGC certified.

Concern #4. Licensee discipline.

> Finally, the law provides for specific discipline measures through Sec. 11. NEW SECTION. 148H.7. Licensee discipline. The proposed rule should reflect these requirements first and foremost, and not other sections of the proposed Rules.

We would also note that initial licensure requirements is ABGC certification under the enacting legislation, however once licensed the Board is then able to utilize discipline proceeding to remove those licensees deemed a risk to the public.

Concern #5. "653—20.8(147,148H) Application requirements.

> c. A chronology accounting for all time periods from the date the applicant entered an genetic counseling training program or college to the date of the application;
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> f. A statement disclosing and explaining any informal or nonpublic actions, warnings issued, investigations conducted, or disciplinary actions taken, whether by voluntary agreement or formal action, by a medical, genetic counseling or professional regulatory authority, an educational institution, a training or research program, or a health facility in any jurisdiction;
>
> g. A statement disclosing and explaining any charge of a misdemeanor or felony involving the applicant filed in any jurisdiction, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside;
>
> j. A copy of the applicant's genetic counseling degree issued by an educational institution. If a copy of the genetic counseling degree cannot be provided because of extraordinary circumstances, the board may accept other reliable evidence that the applicant obtained a genetic counseling degree from a specific educational institution;
>
> k. A complete translation of any diploma not written in English. An official transcript, written in English and received directly from the educational institution, showing graduation from a genetic counseling training program or an educational institution is a suitable alternative;
>
> l. A sworn statement from an official of the educational institution certifying the date the applicant received the genetic counseling degree and acknowledging what, if any, derogatory comments exist in the institution's record about the applicant. If a sworn statement from an official of the educational institution cannot be provided because of extraordinary circumstances, the board may accept other reliable evidence that the applicant obtained an genetic counseling degree from a specific educational institution;
>
> m. An official transcript sent directly from an genetic counseling training program or an educational institution attended by the applicant and, if requested by the board, an English translation of the official transcript;
>
> n. Verification of an applicant's hospital and clinical staff privileges or employers and other professional experience for the past five years, if requested by the board;"

All of the aforementioned requirements in the draft rule are not required by law. In fact the legislature chose ABGC certification as the requirement for licensees because ABGC is the only organization that certifies genetic counselors and is known as the "gold standard" for genetic counselor competence. It is a rigorous certification compared to other professionals. In fact there isn't any other standard.

In order to become certified, a genetic counselor must go to an accredited program, of which there are thirty-nine in the U.S. and four in Canada at this time. Once a trainee matriculates from the Master's level program, they can apply to be granted Active Candidate Status by ABGC and once they pass the board certification exam they receive the Certified Genetic Counselor (CGC®) credential, a time-limited certification. The ABGC certification is valid for five years. Continuing education is required to recertify and maintain the CGC® credential. ABGC works with patent and trademark attorneys to ensure only those who have passed the ABGC board certification exam use the CGC® designation. There are no other pathways which is why the legislature was clear in the body chose ABGC certification as the sole requirement – it guarantees that a licensure applicant has the minimum competencies to practice as a genetic counselor and encompasses education, training, and exam requirements.

Adding the requirements under 653—20.8 c, f, g, and j-n; do not provide any value in terms of patient safety and some of these requirements may not actually exist for the profession. We are happy to provide additional details of how these requirements may not work for genetic counselors. Briefly,

- 653—20.8(2)c. This item is required for credentialing of medical staff by a hospital, but it is not a requirement for licensure as per Senate File 2228.
- 653—20.8(2)f. We are unclear of how informal or nonpublic actions can be utilized to deny a license. This is not a requirement for licensure as per Senate File 2228.
- 653—20.8(2)g. We are unclear of how a misdemeanor can be utilized to deny a license. This is not a requirement for licensure as per Senate File 2228.
- 653—20.8(2)j. The official transcript from an accredited genetic counseling training program must state the <u>degree and date degree was conferred</u> in order to apply for Active Candidate Status by ABGC. The requirement for a copy of an applicant's genetic counseling degree is duplicative to the official transcript required in 653—20.8(2)m, as well as to ABGC certification which is why it was not listed in Senate File 2228 as a requirement for licensure of genetic counselors. In addition, this requirement adds undue burden on genetic counselors wishing to practice in Iowa. If this requirement is kept, is it possible to combine this with item 653—20.8(2)m to remove some of the burden and make the licensure application process more efficient?
- 653—20.8(2)l. A sworn statement from an officiation of the educational institution certifying the date the applicant received the genetic counseling degree is not necessary as the degree and transcript are verified by ABGC before granting Active Candidate Status. Thereby, this requirement is duplicative to ABGC certification which is why it was not listed in Senate File 2228 as a requirement for licensure of genetic counselors. In addition, this requirement adds undue burden on genetic counselors wishing to practice in Iowa.
- 653—20.8(2)m. An official transcript sent directly from an genetic counseling training program was not deemed necessary as an official transcript is verified by ABGC before granting Active Candidate Status. Thereby, this requirement is duplicative to ABGC certification which is why it

was not listed in Senate File 2228 as a requirement for licensure of genetic counselors. In addition, this requirement adds undue burden on genetic counselors wishing to practice in Iowa.

- 653—20.8(2)n. Verification of an applicant's hospital and clinical staff privileges or employers and other professional experience is a requirement for credentialing of medical staff at a hospital and is not relevant to licensure. This requirement may not exist for genetic counselors, as none of the hospitals in Iowa that employ genetic counselors credential or privilege genetic counselors at this time. For both of these reasons, verification of privileges was not included as a requirement for licensure in Senate File 2228. We suggest removing this requirement altogether, but at a minimum the edits outlined below.

  "n. Verification of ~~an applicant's~~ <u>any</u> hospital and clinical staff privileges or employers and other professional experience for the past five years <u>if applicable</u>, if requested by the board;"

It is unclear how the board would be able to deny an <u>initial</u> license to an ABGC certified genetic counselor based on any of the items under 653—20.8 c, f, g, j, l-n. In addition, there is no value in terms of additional public safety for the Board of Medicine to spend time and money to vet information that has already been verified by the gold standard in genetic counseling certification, ABGC.

Concern #6. 653—20.11(147,272C) Reinstatement of an inactive license.

We have the same concerns for reinstatement of an inactive license under the draft rule 653—20.11(2) as outlined above in Concern #1 for application requirements.

In conclusion, there are portions of the proposal that seem to go beyond the clear directive of the law. The law provides for specific rule-making authority, and we are concerned the proposed rules go beyond the intent of the legislature. We respectfully request the proposed rules be reworked to address our concerns presented above, so the provisions are consistent with the law and are workable for the profession of genetic counseling.

Respectfully,

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