

**SUBSTITUTE FOR
SENATE BILL NO. 935**

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 17001 (MCL 333.17001), as amended by 2006 PA
161, and by adding sections 16326, 17091, 17092, 17093, 17094,
17095, and 17096.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **SEC. 16326. FEES FOR A PERSON LICENSED OR SEEKING LICENSURE**
2 **TO ENGAGE IN THE PRACTICE OF GENETIC COUNSELING UNDER PART 170**
3 **ARE AS FOLLOWS:**

4	(A) APPLICATION PROCESSING FEE.....	\$ 55.00
5	(B) LICENSE FEE, PER YEAR.....	95.00
6	(C) TEMPORARY LICENSE FEE, PER YEAR.....	50.00

7 Sec. 17001. (1) As used in this part:

8 (a) "Academic institution" means either of the following:

1 (i) A medical school approved by the board.

2 (ii) A hospital licensed under article 17 that meets all of
3 the following requirements:

4 (A) Was the sole sponsor or a co-sponsor, if each other co-
5 sponsor is either a medical school approved by the board or a
6 hospital owned by the federal government and directly operated by
7 the United States department of ~~veterans~~ **VETERANS** affairs, of
8 not less than 4 postgraduate education residency programs
9 approved by the board under section 17031(1) for not less than
10 the 3 years immediately preceding the date of an application for
11 a limited license under section 16182(2)(c) or an application for
12 a full license under section 17031(2), ~~provided that~~ **IF** at least
13 1 of the residency programs is in the specialty area of medical
14 practice, or in a specialty area that includes the subspecialty
15 of medical practice, in which the applicant for a limited license
16 proposes to practice or in which the applicant for a full license
17 has practiced for the hospital.

18 (B) Has spent not less than \$2,000,000.00 for medical
19 education during each of the 3 years immediately preceding the
20 date of an application for a limited license under section
21 16182(2)(c) or an application for a full license under section
22 17031(2). As used in this subparagraph, "medical education" means
23 the education of physicians and candidates for degrees or
24 licenses to become physicians, including, but not limited to,
25 physician staff, residents, interns, and medical students.

26 (b) "Electrodiagnostic studies" means the testing of
27 neuromuscular functions utilizing nerve conduction tests and

1 needle electromyography. It does not include the use of surface
2 electromyography.

3 (C) "GENETIC COUNSELOR" MEANS AN INDIVIDUAL LICENSED UNDER
4 THIS PART TO ENGAGE IN THE PRACTICE OF GENETIC COUNSELING.

5 (D) ~~(e)~~—"Medical care services" means those services within
6 the scope of practice of physicians licensed by the board, except
7 those services that the board determines shall not be delegated
8 by a physician ~~without endangering~~ **BECAUSE A DELEGATION WOULD**
9 **ENDANGER** the health and safety of patients, as provided for in
10 section 17048(3).

11 (E) ~~(d)~~—"Physician" means an individual licensed under this
12 article to engage in the practice of medicine.

13 (F) ~~(e)~~—"Podiatrist" means an individual licensed under this
14 article to engage in the practice of podiatric medicine and
15 surgery.

16 (G) "PRACTICE OF GENETIC COUNSELING" MEANS PROVISION OF ANY
17 OF THE FOLLOWING SERVICES:

18 (i) OBTAINING AND EVALUATING INDIVIDUAL, FAMILY, AND MEDICAL
19 HISTORIES TO DETERMINE THE GENETIC RISK FOR GENETIC OR MEDICAL
20 CONDITIONS OR DISEASES IN A CLIENT, THE CLIENT'S DESCENDANTS, OR
21 OTHER FAMILY MEMBERS OF THE CLIENT.

22 (ii) DISCUSSING WITH A CLIENT THE FEATURES, NATURAL HISTORY,
23 MEANS OF DIAGNOSIS, GENETIC AND ENVIRONMENTAL FACTORS, AND
24 MANAGEMENT OF THE GENETIC RISKS OF GENETIC OR MEDICAL CONDITIONS
25 OR DISEASES.

26 (iii) IDENTIFYING AND COORDINATING APPROPRIATE GENETIC
27 LABORATORY TESTS AND OTHER DIAGNOSTIC STUDIES FOR GENETIC

1 ASSESSMENT OF A CLIENT.

2 (iv) INTEGRATING GENETIC LABORATORY TEST RESULTS AND OTHER
3 DIAGNOSTIC STUDIES WITH PERSONAL AND FAMILY MEDICAL HISTORY TO
4 ASSESS AND COMMUNICATE A CLIENT'S RISK FACTORS FOR GENETIC OR
5 MEDICAL CONDITIONS OR DISEASES.

6 (v) EXPLAINING TO A CLIENT THE CLINICAL IMPLICATIONS OF
7 GENETIC LABORATORY TESTS AND OTHER DIAGNOSTIC STUDIES AND THEIR
8 RESULTS.

9 (vi) EVALUATING THE RESPONSES OF A CLIENT AND THE CLIENT'S
10 FAMILY TO A GENETIC OR MEDICAL CONDITION OR DISEASE OR TO THE
11 RISK OF RECURRENCE OF THAT CONDITION OR DISEASE AND PROVIDING
12 CLIENT-CENTERED COUNSELING AND ANTICIPATORY GUIDANCE.

13 (vii) IDENTIFYING AND UTILIZING COMMUNITY RESOURCES THAT
14 PROVIDE MEDICAL, EDUCATIONAL, FINANCIAL, AND PSYCHOSOCIAL SUPPORT
15 AND ADVOCACY TO A CLIENT.

16 (viii) PROVIDING WRITTEN DOCUMENTATION OF MEDICAL, GENETIC,
17 AND COUNSELING INFORMATION FOR FAMILIES OF AND HEALTH CARE
18 PROFESSIONALS OF A CLIENT.

19 (H) ~~(f)~~—"Practice of medicine" means the diagnosis,
20 treatment, prevention, cure, or relieving of a human disease,
21 ailment, defect, complaint, or other physical or mental
22 condition, by attendance, advice, device, diagnostic test, or
23 other means, or offering, undertaking, attempting to do, or
24 holding oneself out as able to do, any of these acts.

25 (I) ~~(g)~~—"Practice as a physician's assistant" means the
26 practice of medicine, **PRACTICE OF** osteopathic medicine and
27 surgery, or **PRACTICE OF** podiatric medicine and surgery performed

1 under the supervision of a physician, ~~or a~~ podiatrist, OR AN
2 OSTEOPATHIC PHYSICIAN licensed under this article.

3 (J) "QUALIFIED SUPERVISOR" MEANS AN INDIVIDUAL WHO IS A
4 GENETIC COUNSELOR OR A PHYSICIAN.

5 (K) ~~(h)~~—"Supervision" means that term as defined in section
6 16109, except that it also includes the existence of a
7 predetermined plan for emergency situations, including, but not
8 limited to, the designation of a physician to supervise a
9 physician's assistant in the absence of the primary supervising
10 physician.

11 (I) ~~(i)~~—"Task force" means the joint task force created in
12 section 17025.

13 (M) "TEMPORARY LICENSED GENETIC COUNSELOR" MEANS A GENETIC
14 COUNSELOR WHO HAS BEEN ISSUED A TEMPORARY LICENSE UNDER THIS
15 ARTICLE.

16 (2) In addition to the definitions in this part, article 1
17 contains definitions and principles of construction applicable to
18 all articles in this code and part 161 contains definitions
19 applicable to this part.

20 SEC. 17091. (1) THE DEPARTMENT, IN CONSULTATION WITH THE
21 BOARD, SHALL PROMULGATE RULES THAT SPECIFY THE MINIMUM STANDARDS
22 FOR LICENSURE, TEMPORARY LICENSURE, AND LICENSE RENEWAL OF
23 GENETIC COUNSELORS. THE DEPARTMENT, IN CONSULTATION WITH THE
24 BOARD, SHALL ADOPT BY REFERENCE THE PROFESSIONAL STANDARDS AND
25 CONTINUOUS PROFESSIONAL EDUCATION STANDARDS ISSUED BY A
26 NATIONALLY RECOGNIZED CERTIFYING AGENCY FOR GENETIC COUNSELORS OR
27 MEDICAL GENETICISTS.

(2) IN ADDITION TO ANY OTHER REQUIREMENTS OF THIS ARTICLE,
THE BOARD SHALL PERFORM OTHER FUNCTIONS AND DUTIES AS NECESSARY
TO CARRY OUT THE REGULATION OF GENETIC COUNSELORS UNDER THIS
PART.

SEC. 17092. TO BE LICENSED AS A GENETIC COUNSELOR UNDER THIS
PART, AN INDIVIDUAL SHALL DO ALL OF THE FOLLOWING:

(A) SUBMIT AN APPLICATION PRESCRIBED BY THE BOARD.

(B) PAY THE FEE PRESCRIBED IN SECTION 16326.

(C) PROVIDE SATISFACTORY EVIDENCE OF HAVING CURRENT
CERTIFICATION THROUGH A NATIONALLY RECOGNIZED CERTIFYING AGENCY
FOR GENETIC COUNSELORS OR MEDICAL GENETICISTS APPROVED BY THE
BOARD.

SEC. 17093. BEGINNING JANUARY 1, 2016, AN INDIVIDUAL SHALL
NOT ENGAGE IN THE PRACTICE OF GENETIC COUNSELING UNLESS HE OR SHE
IS LICENSED AS A GENETIC COUNSELOR UNDER THIS PART.

SEC. 17094. A TEMPORARY LICENSED GENETIC COUNSELOR SHALL
WORK UNDER THE SUPERVISION OF A QUALIFIED SUPERVISOR AT ALL TIMES
DURING WHICH THE TEMPORARY LICENSED GENETIC COUNSELOR ENGAGES IN
THE PRACTICE OF GENETIC COUNSELING.

SEC. 17095. (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION
(2), AN INDIVIDUAL WHO IS NOT LICENSED AS A GENETIC COUNSELOR
UNDER THIS PART SHALL NOT USE IN CONNECTION WITH HIS OR HER NAME
OR PLACE OF BUSINESS, THE TITLE "GENETIC COUNSELOR", "LICENSED
GENETIC COUNSELOR", "GENE COUNSELOR", "GENETIC CONSULTANT",
"GENETIC ASSOCIATE" OR ANY WORDS, LETTERS, ABBREVIATIONS, OR
INSIGNIA INDICATING OR IMPLYING A PERSON HOLDS A LICENSE TO
ENGAGE IN THE PRACTICE OF GENETIC COUNSELING UNDER THIS PART.

1 (2) SECTIONS 17091 TO 17096 DO NOT APPLY TO AN INDIVIDUAL
2 LICENSED BY THIS STATE TO ENGAGE IN THE PRACTICE OF A HEALTH
3 PROFESSION OTHER THAN THE PRACTICE OF GENETIC COUNSELING WHEN
4 ACTING WITHIN THE SCOPE OF THE INDIVIDUAL'S HEALTH PROFESSION AND
5 DOING WORK OF A NATURE CONSISTENT WITH THE PERSON'S EDUCATION AND
6 TRAINING.

7 SEC. 17096. TO OBTAIN A LICENSE RENEWAL AS A GENETIC
8 COUNSELOR UNDER THIS PART, A LICENSEE SHALL PRESENT SATISFACTORY
9 EVIDENCE TO THE BOARD THAT IN THE PERIOD SINCE THE LICENSE WAS
10 ISSUED OR LAST RENEWED THE LICENSEE HAS MAINTAINED CERTIFICATION
11 THROUGH A NATIONALLY RECOGNIZED CERTIFYING AGENCY APPROVED BY THE
12 BOARD.