

TITLE 172 PROFESSIONAL AND OCCUPATIONAL LICENSURE

CHAPTER 92 LICENSURE OF GENETIC COUNSELORS

92-001 SCOPE AND AUTHORITY: These regulations govern the licensure of genetic counselors under the Genetic Counseling Practice Act and the Uniform Credentialing Act. Persons providing genetic counseling services to patients located in Nebraska must be licensed as a genetic counselor in Nebraska unless they are exempt under the Act(s).

92-002 DEFINITIONS: For purposes of these regulations, definitions in the Uniform Credentialing Act and the Genetic Counseling Practice Act and the following definitions are hereby adopted.

Attest or attestation means that the individual declares that all statements on the application are true and complete.

Complete application means an application that contains all of the information requested on the application, with attestation to its truth and completeness, and that is submitted with the required fees and all required documentation.

Licensure in another jurisdiction means holding a credential that authorizes the individual to engage in the profession of genetic counseling which would otherwise be unlawful, from the District of Columbia or any state, territory, or possession of the United States of America, or any province of Canada.

Military service means full-time duty in the active military service of the United States, a National Guard call to active service for more than 30 consecutive days, or active service as a commissioned officer of the Public Health Service or the National Oceanic and Atmospheric Administration. Military service may also include any period during which a servicemember is absent from duty on account of sickness, wounds, leave, or other lawful cause. (From the Servicemembers Civil Relief Act, 50 U.S.C. App. 501 et seq., as it existed on January 1, 2007.)

Served in the regular armed forces has the same meaning as “military service” in these regulations.

92-003 INITIAL LICENSE: To receive a license, an individual must submit a complete application, pay the appropriate fee, and meet the following:

92-003.01 Age and Good Character: Be at least 19 years old and of good character;

92-003.02 Citizenship/Lawful Presence: Be a citizen of the United States, an alien lawfully admitted into the United States who is eligible for a credential under the Uniform Credentialing Act, or a nonimmigrant lawfully present in the United States who is eligible for a credential under the Uniform Credentialing Act; and

92-003.03 Experience: Be certified as a genetic counselor by either the national genetic counseling board or the national medical genetics board.

92-003.03A To receive a license to practice as a genetic counselor, an individual must be certified as a genetic counselor by either the national genetic counseling board or the national medical genetics board.

92-003.03B To receive a license to practice as a genetic counselor on the basis of licensure in another jurisdiction under substantially equivalent requirements as determined by the Department, with the recommendation of the Board.

92-003.03C To receive a provisional license to practice as a genetic counselor, an individual must have been granted active candidate status by the national genetic counseling board.

92-003.04 Denied or Withdrawn Applications

92-003.04A Denied Applications: An applicant for a genetic counseling license or a provisional genetic counseling license whose application is denied by the Department will be allowed the return of his/her fee, except for a \$25 administrative fee to be retained by the Department.

92-003.04B Withdrawn Applications: An applicant for a genetic counseling license or a provisional genetic counseling license may request to withdraw the application. A request to withdraw an application will be granted:

1. When the application is incomplete; or
2. When the request for withdrawal is received within five business days of the receipt of a complete application.

If a request to withdraw an application is granted, the applicant will be allowed the return of his/her fee, except for a \$25 administrative fee to be retained by the Department.

92-004 RENEWAL

92-004.01 Genetic Counselors: An individual who wants to renew his/her license to practice as a genetic counselor must, prior to the expiration date, file an application for renewal, pay the fee, and demonstrate compliance with continuing competency requirements.

92-004.01A Continuing Competency: The continuing competency requirement for genetic counselors is either:

1. Recertification with the American Board of Genetic Counseling by examination or by continuing education; or

2. Recertification with the American Board of Medical Genetics by participating in Maintenance of Certification.

92-004.01B Waivers for Military Service

1. Licensees actively engaged in military service are not required to pay the renewal fee.
2. The Department may waive continuing competency requirements if a licensee has served in the regular armed forces of the U.S. during part of the credentialing period immediately preceding the renewal date.

92-004.02 Provisional License: A provisional license is valid for no more than one year from the date of issuance but may be renewed for one additional year if the applicant fails the certification examination one time.

An application for renewal of the provisional license must:

1. Be signed by both the provisional license holder and a qualified supervisor;
2. Be filed within thirty days of when the applicant fails to pass the complete certification examination; and
3. Provide documentation of maintaining active candidate status with the national genetic counseling board or the national medical genetics board.

92-005 DISCIPLINARY ACTION

92-005.01 Grounds for Discipline: A genetic counseling license may be denied, refused renewal, or have other disciplinary measures taken against it for grounds specified in Neb. Rev. Stat. § 38-178 or for unprofessional conduct.

92-005.02 Unprofessional Conduct: Unprofessional conduct means any departure from or failure to conform to the standards of acceptable and prevailing practice of genetic counseling or the ethics of the profession, regardless of whether a person, patient, or entity is injured, but does not include a single act of ordinary negligence. Unprofessional conduct also means conduct that is likely to deceive or defraud the public or is detrimental to the public interest. Unprofessional conduct includes but is not limited to the acts set out in Neb. Rev. Stat. §§ 38-179 and the following:

1. Refusal to cooperate or failure to furnish requested information during a licensing or discipline investigation by the Department;
2. A departure from or failure to conform to the ethics of the genetic counseling profession, which ethics are found in the National Society of Genetic Counselors Code of Ethics;
3. Misrepresenting one's credentials in an application submitted to a healthcare facility, insurance company, or prospective employer;
4. Refusing to provide professional service to a person because of such person's race, creed, color, or national origin; and

5. Refusal to undergo an examination defining competency as required by the Board.

92-006 REINSTATEMENT: This section applies to individuals previously credentialed in Nebraska who seek the authority to return to practice in Nebraska with a valid Nebraska credential. Individuals may apply for reinstatement as follows:

1. An individual whose credential has expired, been placed on inactive status, voluntarily surrendered for an indefinite period of time, or suspended or limited for disciplinary reasons, may apply for reinstatement at any time.
2. An individual whose credential has been voluntarily surrendered for a definite period of time may apply for reinstatement after that period of time has elapsed.
3. An individual whose credential has been revoked may apply for reinstatement only after a period of two years has elapsed from the date of revocation.
4. An individual whose credential has been permanently voluntarily surrendered may not apply for reinstatement.

The voluntary surrender of a credential may be unrelated to disciplinary matters, or may be done to resolve a pending disciplinary matter, in lieu of disciplinary action, or in response to a notice of disciplinary action.

92-007 FEES

92-007.01 For initial licensure as a genetic counselor, the fee of \$150.

92-007.02 For a provisional license to practice as a genetic counselor, the fee of \$150.

92-007.03 For the biennial renewal of licensure as a genetic counselor, the fee of \$110.

92-007.04 For the renewal of a provisional license to practice as a genetic counselor, the fee of \$55.