

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 10 MEDICINE AND SURGERY PRACTITIONERS
PART 21 GENETIC COUNSELORS: LICENSURE AND PRACTICE REQUIREMENTS

16.10.21.1 ISSUING AGENCY: New Mexico Medical Board, hereafter called the board.
[16.10.21.1 NMAC - N, 1/1/09]

16.10.21.2 SCOPE: This part applies to genetic counselors.
[16.10.21.2 NMAC - N, 1/1/09]

16.10.21.3 STATUTORY AUTHORITY: This part governs the licensing and practice of genetic counselors in New Mexico and is promulgated pursuant to and in accordance with the Genetic Counseling Act, Sections 61-6A-1 through 61-6A-10 and the Medical Practice Act, Sections 61-6-1 through 61-6-35 NMSA 1978.
[16.10.21.3 NMAC - N, 1/1/09]

16.10.21.4 DURATION: Permanent.
[16.10.21.4 NMAC - N, 1/1/09]

16.10.21.5 EFFECTIVE DATE: January 1, 2009, unless a different date is cited at the end of a section.
[16.10.21.5 NMAC - N, 1/1/09]

16.10.21.6 OBJECTIVE: This part regulates the licensing and practice of genetic counselors.
[16.10.21.6 NMAC - N, 1/1/09]

16.10.21.7 DEFINITIONS:

A. “ABGC” means the American board of genetic counseling, a national agency for certification and recertification of genetic counselors, or its successor agency.

B. “ABMG” means the American board of medical genetics, a national agency for certification and recertification of genetic counselors and geneticists with medical or other doctoral degrees, or its successor agency.

C. “Accreditation” means any of the following definitions.

(1) **Full accreditation** indicates that the program meets the minimum standards established by ABGC to provide a well-rounded and adequate educational and clinical program for students. ABGC full accreditation is typically conferred for a period of six (6) years and reaccreditation is typically conferred for a period of up to eight (8) years, although ABGC reserves the right to provide probationary or shorter-term accreditation.

(2) **Probationary accreditation** indicates that, while the program continues to have accredited status, it does not meet the minimum standards for providing educational and clinical training for students and has generalized problems that appear to interfere with optimal education of the candidates. This program must make public its probationary status.

(3) **Provisional accreditation** applies to a new program that has completed and submitted an application for becoming an accredited program. Such a program must meet the minimum criteria for providing the master’s degree in genetic counseling, as established by ABGC. Provisionally accredited programs must apply for full accreditation within three years of matriculating their first class. If the program does not attain full accreditation (or accreditation with restrictions), provisional accreditation will be revoked. Probationary accreditation is not an option for a provisionally accredited program.

D. “Active candidate status” means a graduate who has applied to sit for the ABGC certification examination according to published eligibility requirements in effect for that examination cycle, and who has been approved as a candidate for that examination cycle based on review and approval of his/her credentials by the ABGC credentials committee.

E. “Active status” means a license that is current and authorizes the licensee to engage in the practice of genetic counseling.

F. “Alternate supervising genetic counselor or physician” means a genetic counselor or physician who holds a current unrestricted New Mexico license, is a cosignatory on the notification of supervision, and agrees to act as the supervising genetic counselor or physician in the absence of the designated genetic counselor or physician.

G. “Board” means the New Mexico medical board.

H. “Certification” means successful completion of a comprehensive general genetics examination and genetic counseling specialty examination administered by ABGC or ABMG, or after 2009, successful completion of the ABGC certification examination.

I. “Contact hour” means sixty (60) minutes of actual instructional time. Breaks, meals, evaluations, wrap-up or registration are not included when calculating hours.

J. “Effective supervision” means the oversight, control, and direction of services rendered by a genetic counselor practicing on a temporary license. Supervision shall be provided by a licensed genetic counselor or physician. Elements of effective supervision include:

- (1) on-going availability of direct communication, either face-to-face or by electronic means;
- (2) active, ongoing review of the genetic counselor’s services, as appropriate, for quality assurance and professional support;
- (3) delineation of a predetermined plan for emergency situations, including unplanned absence of the primary supervising genetic counselor or physician; and
- (4) identification and registration of an alternate supervising genetic counselor or physician, as appropriate to the practice setting.

K. “Expired” means a license was not renewed by the biennial renewal date of March 1 or at the end of the grace period of May 1, and the licensee is not eligible to practice within the state of New Mexico.

L. “Genetic counseling” means a communication process that may include:

- (1) estimating the likelihood of occurrence or recurrence of any potentially inherited or genetically influenced condition or congenital abnormality. Genetic counseling may involve:
 - (a) obtaining and analyzing the complete health history of an individual and family members;
 - (b) reviewing pertinent medical records;
 - (c) evaluating the risks from exposure to possible mutagens or teratogens; and
 - (d) determining appropriate genetic testing or other evaluations to diagnose a condition or determine the carrier status of one or more family members;
- (2) helping an individual, family or health care provider to:
 - (a) appreciate the medical, psychological and social implications of a disorder, including its features, variability, usual course and management options;
 - (b) learn how genetic factors contribute to a disorder and affect the chance for occurrence of the disorder in other family members;
 - (c) understand available options for coping with, preventing or reducing the chance of occurrence or recurrence of a disorder;
 - (d) select the most appropriate, accurate and cost-effective methods of diagnosis; and
 - (e) understand genetic or prenatal tests, coordinate testing for inherited disorders and interpret complex genetic test results; and
- (3) facilitating an individual’s or family’s:
 - (a) exploration of the perception of risk and burden associated with a genetic disorder; and
 - (b) adjustment and adaptation to a disorder or the individual’s or family’s genetic risk by addressing needs for psychological, social and medical support.

M. “Genetic counselor” means a person licensed pursuant to the Genetic Counseling Act to engage in the practice of genetic counseling.

N. “Grace period” means the sixty (60) day period following the renewal date when a genetic counselor may renew a license that was not renewed by the renewal date, by paying the required renewal fee, the late fee and meeting the renewal requirements. A licensee may continue to practice during the grace period.

O. “Grace period status” means the license has not been renewed by the renewal date and has not expired.

P. “NSGC” means the national society of genetic counselors, a professional membership society promoting the genetic counseling profession as an integral part of health care delivery and offering educational programs.

Q. “Renew” means to begin again after an interval of time; to make valid again for a further period.

R. “Renewal date” means the deadline date upon which the license shall be made valid again for another period of time without a penalty fee.

[16.10.21.7 NMAC - N, 1/1/09]

16.10.21.8 LICENSURE REQUIREMENTS: The board may issue a license to an applicant who fulfills the following requirements.

A. Completes an application for which the applicant has supplied all information and correspondence requested by the board on forms and in a manner acceptable to the board. Applications are valid for one (1) year from the date of receipt. While an application is pending, the applicant is responsible for providing the board with any changes to the submitted information or to the applicant's oath. Applications shall require the following documentation:

- (1) demographic information of the applicant;
- (2) educational history;
- (3) employment history;
- (4) professional references;
- (5) examination information;
- (6) certification information;
- (7) other state licensure information;
- (8) professional practice questions;
- (9) applicant's oath;
- (10) passport-quality color photograph taken within six months prior to filing the application;

approximate size 2 x 2 inches, head and shoulders only, full face, front view, plain white or off-white background, standard photo stock paper; and, scanned or computer-generated photographs should have no visible pixels or dots; and

- (11) applicant's signature.

B. Each applicant for licensure as a genetic counselor shall submit the required fees as established in 16.10.9 NMAC.

C. Verification of licensure in all states or territories where the applicant holds or has held a license to engage in the practice of genetic counseling, or other health care profession, shall be sent directly to the board by the other state board(s), and shall include a raised seal, attest to the current status, issue date, license number, and other information requested and contained on the form.

D. Proof of certification from the ABGC, ABMG or as approved by the board, shall be sent directly to the board by the certifying entity. The board may accept hard copy by United States postal service, facsimile or electronic mail.

E. Verification of all work experience in the last five (5) years since graduation, if applicable, provided directly to the board from the employer, by letter or on forms provided by the board.

F. Proof of graduation from a genetic counseling educational program, evidenced by:

- (1) a master's degree from a genetic counseling training program prior to 1997; or
- (2) a master's degree from a genetic counseling training program that is accredited by the ABGC, or an equivalent program as approved by the board; or
- (3) a doctoral degree from a medical genetics training program that is accredited by the ABMG, or an equivalent program as determined by the board.

(4) Proof of graduation means official transcripts from a college or university. The applicant shall make arrangements for official transcripts to be sent directly to the board by the educational institution. If official transcripts are not available due to school closure, destroyed records, etc., the applicant shall provide satisfactory evidence to the board that the required genetic counseling educational program has been met for consideration on a case-by-case basis.

G. Initial license period. The applicant who has met all the requirements for licensure shall be issued an initial license for a period of not more than twenty-four months or less than thirteen months, depending on when in the renewal cycle the initial license is issued, in order to schedule the license to renew on March 1.

H. Initial license expiration. Genetic counselor licenses shall be renewed biennially on March 1 as established in Section 12 of this part.

I. All applicants for initial licensure as a genetic counselor are subject to a state and national criminal history screening at their expense. All applicants shall submit two (2) full sets of fingerprints, completed fingerprint certificate form, signed authorization for criminal background screening and background screening fee at the time of application.

(1) Applications for licensure shall not be processed without submission of fingerprints, completed fingerprint certificate form, signed authorization for criminal background screening and fee.

(2) Applications shall be processed pending the completion of the nationwide criminal background screening and may be granted while the screening is still pending.

(3) If the criminal background screening reveals a felony or a violation of the Medical Practice Act, the applicant/licensee shall be notified to submit copies of legal documents and other related information to the

board, which shall make the determination if the applicant is eligible for licensure or if disciplinary action will be taken. Questions of felony or misdemeanor convictions involving moral turpitude directly related to employment in the profession need to be resolved satisfactorily. If the prior conviction does not relate to employment in the profession, the board may require proof that the person has been sufficiently rehabilitated to warrant the public trust. Proof of sufficient rehabilitation may include, but not be limited to: certified proof of completion of probation or parole, payment of fees, community service or any other court ordered sanction.

[16.10.21.8 NMAC - N, 1/1/09]

16.10.21.9 TEMPORARY INTERIM LICENSE:

A. The board may issue a temporary license to an applicant who has met all licensure requirements except the certification requirement and has active candidate status conferred by ABGC.

B. The temporary license is valid until the results of the next scheduled ABGC certification examination are available and a license is issued or denied.

C. The temporary license automatically expires three months after the month the ABGC certification examination is offered.

D. A temporary license may be renewed as long as the applicant maintains active candidate status. Individuals with active candidate status must sit for the examination within the first two consecutive exam cycles for which they are eligible following graduation. Individuals who fail to do this will need to apply again as new applicants.

E. The temporary license may be renewed upon a first failure of the certification examination. The temporary license may be renewed a maximum of two consecutive times within a five-year period following the first temporary licensure and upon payment of the temporary license renewal fee as established in 16.10.9 NMAC.

F. The temporary licensee may not practice genetic counseling until the temporary license is received and is on file at the principal place of practice.

G. The holder of a temporary license shall work under the effective supervision of a New Mexico licensed genetic counselor or physician. The temporary licensee is responsible to provide the board the following documentation, at the time of application, on forms provided by the board:

- (1) name of the supervising genetic counselor or physician;
- (2) specific program or protocol of work planned;
- (3) address of the sponsoring institution or organization where the work will be performed; and
- (4) an affidavit from the supervising genetic counselor or physician attesting to the qualifications of the temporary licensee and the purpose of the functions the temporary licensee will perform.

[16.10.21.9 NMAC - N, 1/1/09]

16.10.21.10 TEMPORARY TEACHING OR ASSISTING LICENSE: A one-year temporary license may be issued to a person providing the following services.

A. The genetic counselor is in New Mexico temporarily to assist a New Mexico resident licensed to practice genetic counseling or to teach. The genetic counselor has met the requirements for New Mexico licensure, or is licensed in another U.S. jurisdiction or country where the requirements were equal to or greater than the requirements for licensure in New Mexico at the time the license was obtained in the other U.S. jurisdiction or country; if the genetic counselor is from a U.S. jurisdiction or country that does not have licensure for genetic counselors, the genetic counselor would need to meet the requirements for a New Mexico license as established in Section 8 of this part.

B. The holder of a temporary license shall work under the effective supervision of a New Mexico licensed genetic counselor or physician.

C. The temporary licensee is responsible to provide the board the following documentation, at the time of application, on forms provided by the board:

- (1) completed temporary license application;
- (2) temporary teaching or assisting license fee as established in 16.10.9 NMAC;
- (3) written justification for a temporary license;
- (4) verification of licensure, if licensed, in another U.S. jurisdiction, as established in Subsection 8 of this part;
- (5) name of the supervising genetic counselor or physician;
- (6) specific program or protocol of work planned;
- (7) address of the sponsoring institution or organization where the work will be performed; and

(8) an affidavit from the supervising genetic counselor or physician attesting to the qualifications of the temporary licensee and the purpose of the functions the temporary licensee will perform.
[16.10.21.10 NMAC - N, 1/1/09]

16.10.21.11 ENDORSEMENT: An applicant for licensure as a genetic counselor who is licensed under the laws of another U.S. jurisdiction where the requirements were equal to or greater than the requirements for licensure in New Mexico at the time the license was obtained in the other U.S. jurisdiction, shall file an application as established in Section 8 of this part. An endorsement applicant may also apply for a temporary license as established in Section 10 of this part and not be restricted to teaching or assisting.
[16.10.21.11 NMAC - N, 1/1/09]

16.10.21.12 LICENSE EXPIRATION AND RENEWAL:

A. Genetic counselor licenses shall be renewed biennially on March 1st. An initial license may be issued for a period of up to two years, depending on when in the renewal cycle the initial license is issued, in order to schedule the license to renew on March 1st.

B. Failure to receive the renewal notice shall not relieve the licensee from the responsibility of renewing the license by the renewal date. The board assumes no responsibility for renewal applications not received by the licensee for any reason. It is the licensee's responsibility to inform the board of accurate address information and to make a timely request for the renewal application if one has not been received prior to March 1st.

C. Renewal applications postmarked or hand-delivered on or prior to March 1 shall require the following documentation:

(1) completion of a renewal application either electronically on-line or on the form provided by the board; the renewal form shall include the following data:

- (a) demographic information of the licensee;
- (b) license number;
- (c) questions regarding practice information since the last renewal; and
- (d) signature of the licensee;

(2) receipt of the renewal fee as established in 16.10.9 NMAC; and

(3) proof of forty (40) NSGC or ABGC approved continuing education contact hours during each biennial renewal cycle.

D. Renewal applications postmarked or hand-delivered after March 1 and prior to May 1 shall require the following documentation:

(1) completion of a renewal application either electronically on-line or on the form provided by the board, including the data as described in Subparagraphs (a)-(d) of Paragraph (1) of Subsection C of 16.10.21.12 NMAC;

(2) receipt of the renewal fee as established in 16.10.9 NMAC;

(3) receipt of the late fee as established in 16.10.9 NMAC; and

(4) proof of forty (40) NSGC or ABGC approved continuing education contact hours during each biennial renewal cycle.

E. March 1 through April 30 is considered the grace period following the renewal date during which a licensee may continue to provide services and renew with a late fee.

F. When renewal applications are received on or after May 1, the license shall have expired, and the licensee shall not be eligible to provide genetic counseling services in New Mexico.

[16.10.21.12 NMAC - N, 1/1/09]

16.10.21.13 REINSTATEMENT: A licensee with an expired license may apply for reinstatement.

A. Requirements for reinstatement of an expired license *within* one (1) year of the renewal date are as follows:

- (1) completion of a reinstatement application;
- (2) receipt of the renewal fee as established in 16.10.9 NMAC;
- (3) receipt of the reinstatement fee as established in 16.10.9 NMAC; and
- (4) proof of forty (40) NSGC or ABGC approved continuing education contact hours within the

previous two years.

B. Requirements for reinstatement of an expired license *after* one (1) year of the renewal date are as follows:

- (1) completion of a reinstatement application;

- (2) receipt of the renewal fee as established in 16.10.9 NMAC;
- (3) receipt of the reinstatement fee as established in 16.10.9 NMAC;
- (4) proof of forty (40) NSGC or ABGC approved continuing education contact hours as required for license renewal;
- (5) proof of twenty (20) NSGC or ABGC approved continuing education contact hours for each year the license has been expired; and
- (6) any other proof of competency as may be requested by the board or the board's designee.

Additionally, the board may require the former licensee to reapply as a new applicant.
[16.10.21.13 NMAC - N, 1/1/09]

16.10.21.14 DISCIPLINARY AND COMPLAINT PROCESS: Disciplinary actions and complaints shall be processed as established in 16.10.5 and 16.10.6 NMAC.
[16.10.21.14 NMAC - N, 1/1/09]

HISTORY of 16.10.21 NMAC: [RESERVED]