



KeyCite Yellow Flag - Negative Treatment
Proposed Legislation

West's New Mexico Statutes Annotated

Chapter 61. Professional and Occupational Licenses (Refs & Annos)

Article 6a. Genetic Counseling Act

N. M. S. A. 1978, § 61-6A-1

§ 61-6A-1. Short title

Effective: July 15, 2008

Currentness

Sections 1 through 10 of this act may be cited as the “Genetic Counseling Act”.

Credits

Added by L. 2008, Ch. 53, § 1, eff. July 1, 2009.

NMSA 1978, § 61-6A-1, NM ST § 61-6A-1

Current through effective July 1, 2023 of the 2023 First Regular Session of the 56th Legislature (2023). The First Regular Session convened January 12, 2023 and adjourned March 18, 2023. The General Effective date is June 16, 2023.

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Article 6a. Genetic Counseling Act

N. M. S. A. 1978, § 61-6A-2

§ 61-6A-2. Findings and purpose

Effective: July 15, 2008

Currentness

A. The legislature finds that the mapping of the human genome continues to result in the rapid expansion of genetic knowledge and a proliferation of testing for genetic conditions. This has created a need for qualified professional genetic counselors to coordinate assessments, to deliver accurate information to families, to assist families in adjusting to the implications of their diagnoses and to help ensure that genetic information is used appropriately in the delivery of medical care.

B. The purpose of the Genetic Counseling Act is to protect the public from the unprofessional, improper, incompetent and unlawful practice of genetic counseling.

Credits

Added by L. 2008, Ch. 53, § 2, eff. July 1, 2009.

NMSA 1978, § 61-6A-2, NM ST § 61-6A-2

Current through effective July 1, 2023 of the 2023 First Regular Session of the 56th Legislature (2023). The First Regular Session convened January 12, 2023 and adjourned March 18, 2023. The General Effective date is June 16, 2023.

§ 61-6A-2. Findings and purpose, NM ST § 61-6A-2

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N. M. S. A. 1978, § 61-6A-3

§ 61-6A-3. Definitions

Effective: July 15, 2008

Currentness

As used in the Genetic Counseling Act:

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. "board" means the New Mexico medical board;

D. "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; and

E. "genetic counselor" means a person licensed pursuant to the Genetic Counseling Act to engage in the practice of genetic counseling.

Credits

Added by L. 2008, Ch. 53, § 3, eff. July 1, 2009.

NMSA 1978, § 61-6A-3, NM ST § 61-6A-3

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N. M. S. A. 1978, § 61-6A-4

§ 61-6A-4. License required

Effective: July 15, 2008

Currentness

Unless licensed as a genetic counselor pursuant to the Genetic Counseling Act, a person shall not:

A. engage in the practice of genetic counseling;

B. use the title or make any representation as being a licensed genetic counselor or use any other title, abbreviation, letters, figures, signs or devices that indicate or imply that the person is licensed to practice as a genetic counselor, including a genetic associate, gene counselor or genetic consultant; or

C. advertise, hold out to the public or represent in any manner that the person is authorized to practice genetic counseling.

Credits

Added by L. 2008, Ch. 53, § 4, eff. July 1, 2009.

NMSA 1978, § 61-6A-4, NM ST § 61-6A-4

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N. M. S. A. 1978, § 61-6A-5

§ 61-6A-5. Exemptions

Effective: June 18, 2021

Currentness

A. Nothing in the Genetic Counseling Act is intended to limit, interfere with or prevent a licensed health care professional from practicing within the scope of the professional license of that health care professional; however, a licensed health care professional shall not advertise to the public or any private group or business by using any title or description of services that includes the term “genetic counseling” unless the health care professional is licensed under the Genetic Counseling Act.

B. The Genetic Counseling Act shall not apply to or affect:

(1) a medical physician or an osteopathic physician licensed under the Medical Practice Act;
or

(2) a commissioned physician or surgeon serving in the armed forces of the United States or a federal agency.

Credits

Added by L. 2008, Ch. 53, § 5, eff. July 1, 2009. Amended by L. 2021, Ch. 54, § 46, eff. June 18, 2021.

NMSA 1978, § 61-6A-5, NM ST § 61-6A-5

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Article 6a. Genetic Counseling Act

N. M. S. A. 1978, § 61-6A-6

§ 61-6A-6. Requirements for licensing

Effective: July 15, 2008

Currentness

The board shall grant a license to practice genetic counseling to a person who has:

A. submitted to the board:

(1) a completed application for licensing on the form provided by the board;

(2) required documentation as determined by the board;

(3) the required fees;

(4) an affidavit stating that the applicant has not been found guilty of unprofessional conduct or incompetence;

(5) satisfactory documentation of having earned:

(a) a master's degree from a genetic counseling training program that is accredited by the ABGC, or an equivalent as determined by the board; or

(b) a doctoral degree from a medical genetics training program that is accredited by the ABMG, or an equivalent as determined by the board; and

(6) proof that the applicant is ABGC- or ABMG-certified; and

B. complied with any other requirements of the board.

Credits

Added by L. 2008, Ch. 53, § 6, eff. July 1, 2009.

NMSA 1978, § 61-6A-6, NM ST § 61-6A-6

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N. M. S. A. 1978, § 61-6A-7

§ 61-6A-7. License renewal

Effective: July 15, 2008

Currentness

A. A licensee shall renew the licensee's genetic counseling license biennially by submitting prior to the date established by the board:

(1) the completed application for license renewal on the form provided by the board; and

(2) the required fee for annual license renewal.

B. The board may require proof of continuing education or other proof of competence as a requirement for renewal.

C. A sixty-day grace period shall be allowed a licensee after the end of the licensing period, during which time the license may be renewed by submitting:

(1) the completed application for license renewal on the form provided by the board;

(2) the required fee for annual license renewal; and

(3) the required late fee.

D. A genetic counselor's license not renewed at the end of the grace period shall be considered expired, and the licensee shall not be eligible to practice within the state. For reinstatement of an expired license within one year of the date of renewal, the board shall establish requirements or fees that are in addition to the fee for annual license renewal and may require the former licensee to reapply as a new applicant.

Credits

Added by L. 2008, Ch. 53, § 7, eff. July 1, 2009.

NMSA 1978, § 61-6A-7, NM ST § 61-6A-7

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N. M. S. A. 1978, § 61-6A-8

§ 61-6A-8. Temporary license

Effective: July 15, 2008

Currentness

A. The board may issue a temporary license to an applicant who has met all licensure requirements except the examination requirement. The temporary license is valid until the results of the next scheduled examination are available and a license is issued or denied. The temporary license automatically expires if the applicant fails to take the next scheduled examination, or upon release of official examination results if the applicant fails the examination.

B. The board may issue a temporary license to a person licensed in another state or country who:

(1) is in New Mexico temporarily to teach or assist a New Mexico resident licensed to practice genetic counseling; or

(2) met the requirements for licensure in that state, which were equal to or greater than the requirements for licensure in New Mexico at the time the license was obtained in the other state.

C. The board shall not issue a temporary license to a person who qualifies for the temporary

license under Subsection A of this section more than two consecutive times within the five-year period immediately following the issuance of the first temporary license.

D. A person practicing genetic counseling under a temporary license shall be supervised by a licensed genetic counselor or physician.

Credits

Added by L. 2008, Ch. 53, § 8, eff. July 1, 2009.

NMSA 1978, § 61-6A-8, NM ST § 61-6A-8

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N. M. S. A. 1978, § 61-6A-9

§ 61-6A-9. Fees

Effective: July 1, 2020

Currentness

Except as provided in Section 61-1-34 NMSA 1978, the board shall establish a schedule of reasonable administrative and licensing fees, but an individual fee shall not exceed four hundred dollars (\$400).

Credits

Added by L. 2008, Ch. 53, § 9, eff. July 1, 2009. Amended by L. 2020, Ch. 6, § 17, eff. July 1, 2020.

NMSA 1978, § 61-6A-9, NM ST § 61-6A-9

Current through effective July 1, 2023 of the 2023 First Regular Session of the 56th Legislature (2023). The First Regular Session convened January 12, 2023 and adjourned March 18, 2023. The General Effective date is June 16, 2023.

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N. M. S. A. 1978, § 61-6A-10

§ 61-6A-10. Criminal Offender Employment Act

Effective: July 15, 2008

Currentness

The provisions of the Criminal Offender Employment Act shall govern any consideration of criminal records required or permitted by the Genetic Counseling Act.

Credits

Added by L. 2008, Ch. 53, § 10, eff. July 1, 2009.

NMSA 1978, § 61-6A-10, NM ST § 61-6A-10

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