

Report From Agency

**STATE OF WISCONSIN
GENETIC COUNSELORS AFFILIATED CREDENTIALING BOARD**

**IN THE MATTER OF RULEMAKING :
PROCEEDINGS BEFORE THE : REPORT TO THE LEGISLATURE
GENETIC COUNSELORS : CR 23-061
AFFILIATED CREDENTIALING :
BOARD :**

I. THE PROPOSED RULE:

The proposed rule, including the analysis and text, is attached.

II. REFERENCE TO APPLICABLE FORMS:N/A

III. FISCAL ESTIMATE AND EIA:

The Fiscal Estimate and EIA is attached.

IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:

The objective of this rule is to implement the statutory changes from 2021 Wisconsin Act 251 by creating chapters Gen Couns 1 to 5 as a new part of the Wisconsin Administrative Code. These new chapters cover the licensure, renewal, practice, and conduct requirements for Genetic Counselors. The rule also requires Attorney General approval to incorporate the National Society of Genetic Counselors Code of Ethics by reference into s. Gen Couns 1.02. Such approval will be requested by the Board prior to the submission of the final rule to the Governor's Office and Legislature.

V. SUMMARY OF PUBLIC COMMENTS AND THE BOARD'S RESPONSES, EXPLANATION OF MODIFICATIONS TO PROPOSED RULES PROMPTED BY PUBLIC COMMENTS:

The Genetic Counselors Affiliated Credentialing Board held a public hearing on December 5, 2023. No public comments were received.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

Comment: 1.b. The incorporation of the NSGC code of ethics by reference in s. Gen Couns 1.02 requires the approval of the Attorney General. [s. 227.21 (2), Stats.] Approval by the Attorney General should be noted in the rule analysis. [s. 1.14 (2) (d), Manual]. Note the approval in the rule analysis once received.

Response: The Board has accepted this comment and has updated the Plain Language Analysis to note that Attorney General approval is required. However, the Board also notes here that the final rule draft does not get updated after it has been signed by the Board Chairperson or other designated member of the Board, and submitted to the Attorney General, Governor's Office, and Legislature.

Whether Attorney General approval has been received could be noted in the Adoption Order after Legislative Review, prior to that order being signed by the Board Chairperson or other member of the Board, instead of in the attached final rule draft.

Comment: 2.e. In s. Gen Couns 2.02 (1) (f). what does the agency intend through the use of the phrase “current certification”? Is this intended to be a substantive departure from the related phrases used in s. 448.9704 (1) (d) 3., Stats?

Response: The Board rejects this comment. The term “current certification” encompasses all of the scenarios listed in s. 448.9704 (1) (d) 3.

Comment: 2.f. Revise “subsection” in s. Gen Couns 3.01 (3) (intro.) to be “sub.”. In sub. (3) (b), what does the agency intend through the use of the phrase “current certification”? Is this intended to be a substantive departure from the related statutory text?

Response: The Board accepts the first part of this comment and has revised s. Gen Couns 3.01 (3) (intro.) accordingly. The Board rejects the second part of this comment, as the term “current certification” is understood in the profession to include several scenarios and is therefore not a substantive departure from the related statutory text.

Comment: 5.d. In s. Gen Couns 2.01 (1), consider specifying to whom an applicant must submit the required materials. Also, consider specifying what constitutes “evidence satisfactory to the board” for the requirements in pars. (c), (d), and (e). [s. 1.08 (1) (k), Manual.] With particular respect to par. (c), what is “satisfactory evidence” that an arrest or conviction record does not exist?

Response: The Board rejects this comment. The wording in s. Gen Couns 2.01 (1) was updated based on Clearinghouse Comment 5b. The term “evidence satisfactory to the board” is understood to mean evidence satisfactory at the Board’s discretion and is not normally defined further in the Administrative Code.

Comment: 5.h. In s. Gen Couns 2.02 (4), is the period of one-time renewal anticipated to be the same for all applicants? If so, this period should be specified by the rule text. Relatedly, in s. Gen Couns 2.02 (5), consider specifying how an individual applies for the renewal of a temporary license.

Response: The Board rejects this comment. The period of one-time renewal is not anticipated to be the same for all applicants. The Board will be reviewing these requests and making determinations on a case-by-case basis. The method for applying for this one-time renewal is submission of a request to the Board. The Board does not feel that this needs to be explicitly outlined in the Administrative Code.

Comment: 5.y. In s. Gen Couns 4.02 (3), can the agency offer an example of a longer record retention requirement “otherwise required by law”?

Response: The Board rejects this comment. Longer retention periods could be located elsewhere in state or federal law. It is the responsibility of the licensee to know which laws apply to their practice and follow them appropriately.

All of the remaining recommendations suggested in the Clearinghouse Report have been accepted in whole.

VII. REPORT FROM THE SBRRB AND FINAL REGULATORY FLEXIBILITY ANALYSIS: N/A