

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 587
Committee Substitute Favorable 5/16/23
Committee Substitute #2 Favorable 5/24/23

Short Title: NC Genetic Counselors Workforce Act.

(Public)

Sponsors:

Referred to:

April 10, 2023

A BILL TO BE ENTITLED
AN ACT TO ESTABLISH THE GENETIC COUNSELORS LICENSURE BOARD AND TO
REGULATE THE PRACTICE OF GENETIC COUNSELING.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 90 of the General Statutes is amended by adding a new Article
to read:

"Article 44.

"Genetic Counselor Licensure.

"§ 90-750. Definitions.

The following definitions apply in this Article:

- (1) ABGC. – The American Board of Genetic Counseling, its successor or equivalent.
- (2) ACGC. – Accreditation Council for Genetic Counseling.
- (3) ACS. – Active Candidate Status conferred by the American Board of Genetic Counseling.
- (4) Active Candidate Status. – A person who has met the requirements established by the ABGC to take the ABGC certification examinations in general genetics and genetic counseling and has been granted this designation by ABGC.
- (5) Board. – The Genetic Counselors Licensing Board.
- (6) CEU. – The Continuing Education Unit as defined by the NSGC.
- (7) Department. – The Department of Health and Human Services.
- (8) Examination. – The ABGC certification exam.
- (9) Genetic counseling. – The provision of services by an individual who qualifies for a license under this Article and provides services to individuals located in the State.
- (10) Genetic counseling intern. – A student enrolled in a genetic counseling program accredited by ACGC.
- (11) Genetic counselor. – An individual who is licensed under this Article to engage in the competent practice of genetic counseling.
- (12) Genetic testing. – An analysis of human DNA, RNA, chromosomes, proteins, or metabolites, if the analysis detects genotypes, mutations, or chromosomal changes, so long as the selection of tests and laboratories by the genetic counselor conforms to the acceptable and prevailing standards of care and ethics of the practice of genetic counseling as determined by the Board.



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- (13) NSGC. – The National Society of Genetic Counselors, its successor or equivalent.
- (14) Qualified supervisor. – Any person who is a licensed genetic counselor or a physician licensed to practice medicine under Article 1 of this Chapter.
- (15) Reciprocity. – The issuance of a license by the Board to an individual who has been granted a license under the laws of another state, territory, or jurisdiction of the United States that currently imposes substantially similar licensure requirements as those imposed by this Article.
- (16) Referral. – A written or telecommunicated authorization for genetic counseling services from a physician licensed to practice medicine in all its branches, an advanced practice nurse who has a collaborative agreement with a physician that authorizes referrals to a genetic counselor, or a physician assistant who has been delegated authority to make referrals to genetic counselors.
- (17) Supervisee. – A genetic counselor with a temporary license.
- (18) Supervision. – A qualified supervisor who has the overall responsibility to assess the work of the supervisee, including regular meetings and chart review; provided that an annual supervision contract signed by the qualified supervisor and supervisee be on file with both parties. The qualified supervisor's presence is not required during the performance of the service.
- (19) Temporary license. – A license to practice genetic counseling in accordance with this Article.

"§ 90-751. Genetic Counselors Licensure Board.

(a) Establishment. – The Genetic Counselors Licensure Board is established. The Board shall consist of five members who shall serve staggered terms. The initial Board shall be selected as follows:

- (1) One member, who is a licensed genetic counselor, shall be appointed by the General Assembly, upon the recommendation of the Speaker of the House of Representatives, to serve a three-year term.
- (2) One member, who is a licensed genetic counselor, shall be appointed by the General Assembly, upon the recommendation of the President Pro Tempore of the Senate, to serve a three-year term.
- (3) The Governor shall appoint the following three members:
- a. One licensed genetic counselor to serve a three-year term.
- b. One licensed physician to serve a three-year term.
- c. One public member to serve a three-year term.

(b) Appointment. – Upon the expiration of the terms of the initial Board members, each member shall be appointed by the appointing authorities designated in subdivisions (a)(1) through (3) of this section for a three-year term and shall serve until a successor is appointed and qualified. All members appointed to the Board, except for the public member appointed by the Governor under subdivision (a)(3) of this section, shall be required to be licensed under this Article and shall seek licensure in this State as soon as the first application period begins. No member may serve more than two consecutive terms. Each member shall be a resident of this State. A former member shall be eligible for appointment after a period of one year of not being a member of the Board.

(c) Vacancies; Qualifications. – If a member of the Board cannot complete a term of office, the vacancy shall be filled in the same manner as the original appointment for the remainder of the unexpired term. No Board member shall participate in any matter before the Board in which the member has a pecuniary interest or similar conflict of interest.

(d) Removal. – A member may be removed by the Governor for any of the following:

- (1) Ceases to meet the qualifications specified in this section.

- 1 (2) Fails to attend three successive Board meetings without just cause as
2 determined by the remainder of the Board.
- 3 (3) Is found by the remainder of the Board to be in violation of the provisions of
4 this Article or to have engaged in immoral, dishonorable, unprofessional, or
5 unethical conduct, and the conduct is deemed to compromise the integrity of
6 the Board.
- 7 (4) Is found guilty of a felony or an unlawful act involving moral turpitude by a
8 court of competent jurisdiction or is found to have entered a plea of nolo
9 contendere to a felony or an unlawful act involving moral turpitude.
- 10 (5) Is found guilty of malfeasance, misfeasance, or nonfeasance regarding Board
11 duties by a court of competent jurisdiction.
- 12 (6) Is incapacitated and without reasonable likelihood of resuming Board duties,
13 as determined by the Board.

14 (e) Meetings. – The Board shall elect annually a chair, vice-chair, and secretary to carry
15 out the purposes of this Article. The Board shall meet at least two times annually. The Board may
16 hold additional meetings upon the call of the chair or any two board members. A majority of the
17 Board shall constitute a quorum.

18 (f) Compensation of Members; Expenses; Employees. – Members of the Board shall
19 receive no compensation for their services but shall receive per diem and necessary travel and
20 subsistence expenses as provided in G.S. 138-5 and G.S. 138-6. The Board may employ
21 necessary personnel for the performance of its functions and fix the compensation. The Board
22 shall not employ any of its members to perform inspectional or similar ministerial tasks for the
23 Board. In no event shall the State of North Carolina be liable for expenses incurred by the Board
24 in excess of the income derived from this Article.

25 **"§ 90-752. Powers and duties of Board.**

- 26 (a) Powers. – The Board shall have the following powers and duties:
- 27 (1) Administer, coordinate, and enforce the provisions of this Article.
- 28 (2) Adopt, amend, or repeal rules to administer and enforce this Article.
- 29 (3) Establish and determine qualification and fitness of applicants for licensure
30 under this Article.
- 31 (4) Issue, renew, deny, suspend, revoke, or refuse to issue or renew any license
32 under this Article.
- 33 (5) Establish fees for applications, initial and renewal licenses, and other services
34 provided by the Board.
- 35 (6) Discipline individuals licensed under this Article.
- 36 (7) Adopt rules that establish standard of ethical practice.
- 37 (b) Investigation. – The Board may empower any member to conduct any proceeding or
38 investigation necessary to its purposes and may empower its agent or counsel to conduct any
39 investigation necessary to its purposes, but any final action requires a quorum of the Board.
- 40 (c) Seal. – The Board shall adopt an official seal, which shall be affixed to all licenses
41 issued by it.

42 **"§ 90-753. Publishing certain data.**

- 43 (a) The Board shall make all names of licensed genetic counselors, along with any
44 disciplinary information, available to the public and published on its website.
- 45 (b) On June 30 of each year, the Board shall submit a report to the Governor of the Board's
46 activities since the preceding July 1, including (i) the names of all licensed genetic counselors to
47 whom licenses have been granted under this Article, (ii) any cases heard and decisions rendered
48 in matters before the Board, (iii) the recommendations of the Board as to future actions and
49 policies, and (iv) a financial report. Each member of the Board shall review and sign the report
50 before its submission to the Governor. Any Board member shall have the right to record a
51 dissenting view.

"§ 90-754. Qualification for licensure; application.

(a) Application; Qualification. – Each individual desiring to obtain a license under this Article shall apply to the Board in accordance with the procedure and rules prescribed by the Board. Each applicant shall furnish evidence satisfactory to the Board that the applicant meets all of the following criteria:

- (1) Submit an application prescribed by the Board.
- (2) Pay a fee determined by the Board in accordance with G.S. 90-756.
- (3) Provide satisfactory evidence of having certification as a genetic counselor by the ABGC.
- (4) Is at least 18 years of age.
- (5) Is of good moral character and conducts all professional activities in accordance with accepted professional and ethical standards.
- (6) Has not engaged in any practice at any time that would be a ground for denial, revocation, or suspension of a license under G.S. 90-761.
- (7) Has submitted the required criminal history record, as required by law.
- (8) Is qualified for licensure under the requirements of this Article.

(c) Temporary Licensure. – A temporary license may be issued to an applicant who meets all of the requirements for licensure except for subdivision (a)(3) of this section and has been granted ACS by the ABGC. A temporary license shall be valid for one year from the date of issuance and may be renewed for an additional year if an applicant fails the first sitting of the ABGC certification exam. A temporary license shall expire automatically upon the earliest of the following:

- (1) Issuance of a full license.
- (2) Thirty days after the applicant fails to pass the complete certification examination without renewing it in accordance with this subsection.
- (3) The date printed on the temporary license.

An application for extension of the temporary license shall be signed by a qualified supervisor. A temporary licensed genetic counselor shall work under the general supervision of a qualified supervisor at all times during which the temporary licensed genetic counselor performs genetic counseling.

(d) Reciprocity. – An applicant who satisfies the Board that the applicant is licensed or registered under the laws of another state, territory, or jurisdiction of the United States, which in the opinion of the Board imposes substantially the same licensing requirements as this Article, may be licensed by the Board pursuant to this Article.

(e) Alternative Application for Licensure. – An individual may apply to the Board for licensure who does not qualify for licensure under this Article but who has worked as a genetic counselor for a minimum of 10 years preceding the enactment of this Article and who provides documentation of all of the following:

- (1) Has a master's or higher degree in genetics or a related field of study.
- (2) Has never passed the ABGC certification examination.
- (3) Submits three letters of recommendation from at least one genetic counselor who qualifies for licensure under this Article and a licensed physician. All individuals submitting letters of recommendation must have worked with the applicant in an employment setting during the last 10 years and can attest to the applicant's competency in providing genetic counseling services.
- (4) Can provide documentation of attending NSGC-approved CEU programs within the last five years.

(f) Issuance; Renewal. – Except in the case of a temporary license, all licenses shall be issued for a two-year period upon the payment of the licensing fee prescribed by the Board and shall be renewed upon the filing of a renewal application and the payment of the licensing renewal fee.

(g) Suspension; Revocation. – A genetic counselor whose license is suspended or revoked or whose surrender of license with or without prejudice has been accepted by the Board or the committee shall promptly deliver the original license to the Board.

"§ 90-755. Scope of practice.

(a) The practice of genetic counseling shall constitute all of the following:

- (1) Obtain and evaluate individual, family, and medical histories to determine genetic risk for genetic or medical conditions and diseases in a patient, the patient's children, and other family members.
- (2) Discuss the features, natural history, means of diagnosis, genetic and environmental factors, and management of risk for genetic or medical conditions.
- (3) Identify, order, and coordinate genetic laboratory tests as appropriate for the genetic assessment pursuant to a referral.
- (4) Integrate genetic laboratory test results with personal and family medical history to assess and communicate risk factors for genetic or medical conditions and diseases.
- (5) Explain the clinical implications of genetic laboratory tests and their results.
- (6) Evaluate the client's or family's responses to the condition or risk of recurrence and provide client-centered counseling and anticipatory guidance.
- (7) Identify and utilize community resources that provide medical, educational, financial, and psychosocial support and advocacy.
- (8) Provide written documentation of medical, genetic, and counseling information for families and health care professionals. This may include genetic testing results and findings along with published guidelines that comply with the acceptable and prevailing standards of practice and ethics of both genetic counseling and medicine.

(b) Except as otherwise provided in this section, the practice of genetic counseling shall not include diagnosis, treatment, recommendations for treatment, or any final interpretation of genetic testing. All genetic counselors shall consult with the referring provider or refer all clients back to the referring health care provider for diagnosis, treatment, recommendations for treatment, final interpretations, and any necessary follow up. Genetic counselors shall provide all records, including genetic laboratory test results, to the referring health care provider.

"§ 90-756. Fees.

The Board may collect fees established by its rules, but those fees shall not exceed the amounts listed below:

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| (1) | <u>Application fee for licensure.....</u> | <u>\$250.00.</u> |
| (2) | <u>License renewal.....</u> | <u>\$200.00.</u> |
| (3) | <u>Late renewal fee</u> | <u>\$50.00.</u> |
| (4) | <u>Reciprocal license application.....</u> | <u>\$250.00.</u> |
| (5) | <u>Temporary license application</u> | <u>\$100.00.</u> |

"§ 90-757. Criminal history record checks of applicants for licensure.

(a) All applicants for licensure shall consent to a criminal history record check. Refusal to consent to a criminal history record check may constitute grounds for the Board to deny licensure to an applicant. The Board shall be responsible for providing to the North Carolina Department of Public Safety the applicant's fingerprints to be checked, a form signed by the applicant consenting to the criminal history record check and the use of fingerprints and other identifying information required by the State or National Repositories, and any additional information required by the Department of Public Safety. The Board shall keep all information obtained in accordance with this section confidential.

(b) The cost of the criminal history record check and the fingerprinting shall be paid by the applicant. The Board shall collect any fees required by the Department of Public Safety and

shall remit the fees to the Department of Public Safety for expenses associated with conducting the criminal history record check.

(c) If an applicant's criminal history record reveals one or more criminal convictions, the conviction shall not automatically bar licensure. The Board shall consider all of the following factors regarding the conviction:

(1) The level of seriousness of the crime.

(2) The date of the crime.

(3) The age of the individual at the time of conviction.

(4) The circumstances surrounding the commission of the crime, if known.

(5) The nexus between the criminal conduct of the individual and the job duties of the position to be filled.

(6) The applicant's prison, jail, probation, parole, rehabilitation, and employment records since the date the crime was committed.

(d) If, after reviewing the factors, the Board determines that any of the grounds to deny licensure exist, the Board may deny licensure of the applicant. The Board may disclose to the applicant information contained in the criminal history record that is relevant to the denial if disclosure of the information is permitted by applicable State and federal law. The Board shall not provide a copy of the criminal history to the applicant. The applicant shall have the right to appear before the Board to appeal the Board's decision. An appearance before the full Board shall constitute an exhaustion of administrative remedies in accordance with Chapter 150B of the General Statutes.

(e) The Board, its officers, and employees, acting in good faith and in compliance with this section, shall be immune from civil liability for denying licensure to an applicant based on information provided in the applicant's criminal history record.

"§ 90-758. Restrictions.

(a) No individual shall hold themselves out as a genetic counselor unless the individual is licensed in accordance with this Article. No person who is not so licensed may use in connection with the person's 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 genetic counseling license.

(b) All genetic counselors are subject to the identification requirements imposed by Article 37 of Chapter 90 of the General Statutes.

(c) Any person so practicing without being duly licensed and registered in the State shall be guilty of a Class 1 misdemeanor. Any person so practicing without being duly licensed and registered in the State and who is falsely representing himself or herself in a manner as being licensed or registered under this Article of this Chapter shall be guilty of a Class I felony. Any person so practicing without being duly licensed and registered in the State, and who is an out-of-state practitioner, shall be guilty of a Class I felony.

"§ 90-759. Exemptions.

An individual is exempt from the requirements of this Article if any of the following conditions are met:

(1) Any individual licensed by the State to practice in a profession other than genetic counseling when acting within the scope of the individual's profession and doing work of a nature consistent with the individual's training. The individual cannot hold themselves out to the public as a genetic counselor.

(2) Any individual employed as a genetic counselor by the State, as well as the federal government or an agency thereof, if the individual provides genetic counseling services solely under the direction and control of the organization by which the individual is employed.

- (3) A student or intern enrolled in an ABGC-accredited genetic counseling educational program if genetic counseling services performed by the student are an integral part of the student's course of study and are performed under the direct supervision of a licensed genetic counselor assigned to supervise the student and who is on duty and available in the assigned patient care area and if the person is designated by a title "genetic counseling intern."

"§ 90-760. Continuing education requirements.

Each applicant shall present satisfactory evidence when seeking license renewal that in the period since the license was issued or last renewed the applicant has completed 30 hours of NSGC continuing education units or other means as approved by NSGC for recertification by ABGC, prorated for the length of the license. The Board shall make exceptions for licensees from the continuing education requirements, including waiver of all or a portion of these requirements or the granting of an extension of time in which to complete these requirements, upon a finding of good cause following receipt of a written request for exception based upon emergency or hardship.

"§ 90-761. Unprofessional conduct; violations.

(a) The Board may deny, suspend, or revoke licensure and may discipline, place on probation, limit practice, and require examination, remediation, and rehabilitation of any applicant or licensee, as provided for in subsection (b) of this section, for any violation listed in this subsection.

- (1) Conviction in any court of a crime involving moral turpitude, misrepresentation, fraud, fitness or ability to practice, the violation of a law involving the practice of genetic counseling, or a conviction of a felony.
- (2) Using fraud or deceit in securing or attempting to secure or renew a license under this Article or willfully concealing from the Board material information in connection with application for a license or for renewal of a license under this Article.
- (3) Using fraud, deceit, or misrepresentation upon the public, the Board, or any individual in connection with the practice of genetic counseling, the filing of Medicare, Medicaid, or other claims to any third-party payor, or in any manner otherwise relevant to fitness for the practice of genetic counseling.
- (4) Making fraudulent, misleading, or intentionally or materially false statements pertaining to education, licensure, license renewal, supervision, continuing education, any disciplinary actions or sanctions pending or occurring in any other jurisdiction, professional credentials, or qualifications or fitness for the practice of genetic counseling to the public, any individual, the Board, or any other organization.
- (5) Having a license revoked, suspended, restricted, or acted against or having a license to practice genetic counseling denied in any other jurisdiction or by a certifying entity.
- (6) Violation of any provision of this Article or of the rules adopted by the Board.
- (7) Aiding or abetting the unlawful practice of genetic counseling by any individual not licensed by the Board.
- (8) Engaging in immoral, dishonorable, unprofessional, or unethical conduct as defined in this subsection or the current ethics code of the certifying entity.
- (9) Practicing genetic counseling in a manner that endangers the welfare of clients or patients.
- (10) Demonstrating an inability to practice genetic counseling with reasonable skill and safety by reason of illness; inebriation; misuse of drugs, narcotics, alcohol, chemicals, or any other substance affecting mental or physical functioning; or as a result of any mental or physical condition.

- 1 (11) Practicing genetic counseling outside the boundaries of demonstrated
2 competence or the limitations of education, training, or supervised experience.
3 (12) Departing from or failing to conform to the acceptable and prevailing
4 standards of care and ethics of the practice of genetic counseling in the State
5 as determined by the Board, irrespective of whether or not a patient is injured.
6 (13) Failing to take all reasonable steps to ensure the competence of services.
7 (14) Failing to maintain a clear and accurate case record documenting the
8 following for each patient or client:
9 a. Presenting problems, diagnosis, or purpose of the evaluation,
10 treatment, or other services provided.
11 b. Fees, dates of services, and itemized charges.
12 c. Summary content of each session of evaluation, treatment, or other
13 services, except summary content that may cause significant harm to
14 any individual if the information were released.
15 d. Copies of all reports prepared.
16 (15) Failing to retain securely and confidentially the complete case record
17 indefinitely if there are pending legal or ethical matters or if there is any other
18 compelling circumstance, or failing to retain securely and confidentially the
19 complete case record for at least seven years from the date of the last provision
20 of services, except when under either circumstance, the genetic counselor was
21 prevented from doing so by circumstances beyond the genetic counselor's
22 control.
23 (b) Upon proof that an applicant or licensee under this Article has engaged in any of the
24 prohibited actions specified in subsection (a) of this section, the Board may, in lieu of denial,
25 suspension, or revocation, do all of the following:
26 (1) Issue a formal reprimand or formally censure the applicant or licensee.
27 (2) Place the applicant or licensee on probation with appropriate conditions as the
28 Board may deem advisable.
29 (3) Require examination, remediation, or rehabilitation for the applicant or
30 licensee, including care, counseling, or treatment by a professional or
31 professionals designated or approved by the Board, the expense of which shall
32 be paid by the applicant or licensee.
33 (4) Require supervision for the services provided by the applicant or licensee by
34 a licensee designated or approved by the Board, the expense of which shall be
35 paid by the applicant or licensee.
36 (5) Limit or circumscribe the practice of genetic counseling provided by the
37 applicant or licensee with respect to the extent, nature, or location of the
38 services provided, as the Board deems advisable.
39 (6) Impose conditions of probation or restrictions upon continued practice at the
40 conclusion of a period of suspension or as requirements for the restoration of
41 a revoked or suspended license.
42 (c) In lieu of or in connection with any disciplinary proceedings or investigation, the
43 Board may enter into a consent order relative to the discipline, supervision, probation,
44 remediation, rehabilitation, or practice limitation of a licensee or applicant for a license.
45 (d) The Board may assess costs of disciplinary action against an applicant or licensee
46 found to be in violation of this Article.
47 (e) When considering whether an applicant or licensee is physically or mentally capable
48 of practicing genetic counseling with reasonable skill and safety with patients or clients, the
49 Board may petition a court of competent jurisdiction to order the applicant or licensee to submit
50 to a psychological evaluation by a psychologist to determine psychological status or a physical
51 evaluation by a physician to determine physical condition, or both, upon a showing of probable

1 cause to the Board that the applicant or licensee is not capable of practicing genetic counseling
2 with reasonable skill and safety with patients or clients. The psychologist or physician that
3 conducts an evaluation of the applicant or licensee shall be designated by the court of competent
4 jurisdiction. The Board shall be responsible for the expenses of evaluations ordered under this
5 subsection. If the applicant or licensee raises the issue of mental or physical competence or
6 appeals a decision regarding mental or physical competence, the applicant or licensee shall be
7 permitted to obtain an evaluation at the applicant's or licensee's expense. If the Board suspects
8 the objectivity or adequacy of the evaluation, the Board may compel an evaluation by its
9 designated practitioners at its own expense.

10 (f) Except as provided otherwise in this Article, the procedure for revocation, suspension,
11 denial, limitations of the license, or other disciplinary, remedial, or rehabilitative actions shall be
12 in accordance with the provisions of Chapter 150B of the General Statutes. The Board is required
13 to provide the opportunity for a hearing under Chapter 150B of the General Statutes to any
14 applicant whose license is denied or to whom licensure is offered subject to any restrictions,
15 probation, disciplinary action, remediation, or other conditions or limitations or to any licensee
16 before revoking, suspending, or restricting a license or imposing any other disciplinary action or
17 remediation. If the applicant or licensee waives the opportunity for a hearing, the Board's denial,
18 revocation, suspension, or other proposed action becomes final without a hearing having been
19 conducted. Notwithstanding the foregoing, no applicant or licensee is entitled to a hearing for
20 failure to pass an examination.

21 (g) An individual whose license has been denied or revoked may reapply to the Board for
22 licensure after the passage of one calendar year from the date of the denial or revocation.

23 (h) A licensee may voluntarily relinquish a license at any time with the consent of the
24 Board. The Board may delay or refuse granting consent as necessary in order to investigate any
25 pending complaint, allegation, or issue regarding violation of any provision of this Article by the
26 licensee. Notwithstanding any provision to the contrary, the Board retains full jurisdiction to
27 investigate alleged violations of this Article by any individual whose license is relinquished under
28 this subsection and, upon proof of any violation of this Article by any individual, the Board may
29 take disciplinary action as authorized by this section.

30 (i) All records, papers, investigative files, investigative reports, other investigative
31 information, and other documents containing information in the possession of or received or
32 gathered by the Board, or its members or employees or consultants as a result of investigations,
33 inquiries, assessments, or interviews conducted in connection with a licensing, complaint,
34 assessment, potential impairment matter, disciplinary matter, or report of professional liability
35 insurance awards or settlements pursuant to G.S. 90-14.13, shall not be considered public records
36 within the meaning of Chapter 132 of the General Statutes and are privileged, confidential, and
37 not subject to discovery, subpoena, or other means of legal compulsion for release to any person
38 other than the Board, its employees, or consultants involved in the application for license,
39 impairment assessment, or discipline of a license holder. For purposes of this subsection,
40 investigative information includes information relating to the identity of, and a report made by,
41 any person performing an expert review for the Board and transcripts of any deposition taken by
42 Board counsel in preparation for or anticipation of a hearing held pursuant to this Article but not
43 admitted into evidence at the hearing.

44 **"§ 90-762. Injunctions.**

45 The Genetic Counselors Licensure Board may appear in its own name in the superior courts
46 in an action for injunctive relief to prevent violation of this Article and the superior court shall
47 have power to grant such injunctions regardless of whether criminal prosecution has been or may
48 be instituted as a result of such violations. Actions under this section shall be commenced in the
49 superior court district or set of districts as defined in G.S. 7A-41.1 in which the respondent
50 resides or has his principal place of business or in which the alleged acts occurred or, in the case

of an action against a nonresident, in the district where the Genetic Counselors Licensure Board resides.

"§ 90-763. Administering oaths; subpoena witness records and other materials.

Officers may administer oaths and subpoena witnesses, records, and other materials. The president and secretary of the Board may administer oaths to all persons appearing before it as the Board may deem necessary to perform its duties, and may summon and issue subpoenas for the appearance of any witnesses deemed necessary to testify concerning any matter to be heard before or inquired into by the Board. The Board may order that any patient records, documents, or other material concerning any matter to be heard before or inquired into by the Board shall be produced before the Board or made available for inspection, notwithstanding any other provisions of law providing for the application of any physician-patient privilege with respect to such records, documents, or other material. All records, documents, or other material compiled by the Board are subject to the provisions of G.S. 90-761(i). Notwithstanding the provisions of G.S. 90-761(i), in any proceeding before the Board, in any record of any hearing before the Board, and in the notice of charges against any licensee, the Board shall withhold from public disclosure the identity of a patient including information relating to dates and places of treatment, or any other information that would tend to identify the patient, unless the patient or the representative of the patient expressly consents to the disclosure. Upon written request, the Board shall revoke a subpoena if, upon a hearing, it finds that the evidence the production of which is required does not relate to a matter in issue, or if the subpoena does not describe with sufficient particularity the evidence the production of which is required, or if for any other reason in law the subpoena is invalid.

"§ 90-764. Inactive licenses.

The Board retains jurisdiction over an inactive license, regardless of how it became inactive, including a request for inactivation, surrender of a license, or by operation of an order entered by the Board. The Board's jurisdiction over the licensee extends for all matters, known and unknown to the Board, at the time of the inactivation or surrender of the license."

SECTION 2. The Genetic Counselors Licensure Board, as established in Section 1 of this act, shall adopt temporary rules to implement this act. The temporary rules shall remain in effect until permanent rules that replace the temporary rules become effective.

SECTION 3. The initial appointments required by G.S. 90-751, as enacted by Section 1 of this act, shall be made on or before October 1, 2023, and the initial terms of the appointees shall begin on January 1, 2024. Notwithstanding the requirements of G.S. 90-751, the initial appointments required by this Article shall not require those appointed to be licensed but shall seek licensure through the application process as soon as practicable.

SECTION 4. Subpart D of Part 4 of Article 13 of Chapter 143B of the General Statutes is amended by adding a new section to read:

"§ 143B-977. Criminal record check for the Genetic Counselors Licensing Board.

(a) The Department of Public Safety may provide to the Genetic Counselors Licensing Board a criminal history from the State and National Repositories of Criminal Histories for any applicant seeking a license. The Genetic Counselors Licensing Board shall provide to the Department of Public Safety, along with the request, the fingerprints of the applicant, a form signed by the applicant consenting to the criminal record check and use of fingerprints and other identifying information required by the State and National Repositories, and any additional information required by the Department of Public Safety. The fingerprints of the applicant shall be forwarded to the State Bureau of Investigation for a search of the State's criminal history record file, and the State Bureau of Investigation shall forward a set of fingerprints to the Federal Bureau of Investigation for a national criminal history record check.

(b) The criminal history report shall be provided to the Genetic Counselors Licensing Board who shall keep all information obtained pursuant to this section confidential to the Genetic

1 Counselors Licensing Board. A criminal history report obtained as provided in this section is not
2 a public record under Chapter 132 of the General Statutes."

3 **SECTION 5.** Sections 1 and 4 of this act become effective October 1, 2024. The
4 remainder of this act is effective when it becomes law.