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FISCAL IMPACT REPORT

ORIGINAL DATE 01/30/08
 LAST UPDATED 02/04/08 HB _____

SPONSOR Lopez

SHORT TITLE Genetic Counselor Licensing Requirements SB 415/aSPAC

ANALYST Hanika-Ortiz

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Non-Rec	Fund Affected
FY08	FY09	FY10		
		\$6.0	Recurring	NM Medical Board Fund (existing)

(Parenthesis () Indicate Revenue Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

New Mexico Medical Board (NMMB)

Health Policy Commission (HPC)

SUMMARY

Synopsis of SPAC Amendment

The Senate Public Affairs Committee Amendment provides that:

- all references to “creating a fund “ be deleted;
- the genetic counseling act will not apply to an Osteopathic Physician licensed by the Board of Osteopathic Medical Examiners;
- a temporary license shall be limited to two consecutive times within the five year period immediately following the issuance of the first temporary license;
- deletes reference to disciplinary proceedings pursuant to the Uniform Licensing Act;
- amends Section 61-7-3 NMSA 1978 and includes the practice of genetic counseling within the Medical Malpractice Act; and,
- amends Section 61-6-31 NMSA 1978 to allow funds collected under the new act to be credited to the NM Medical Board Fund, to fund the duties and powers imposed by the new genetic counseling act.

SIGNIFICANT ISSUES

The amendments were recommended by the New Mexico Medical Board.

Synopsis of Original Bill

Senate Bill 415 amends the Medical Practice Act to include licensing requirements for Genetic Counselors; provides definitions for genetic counseling, license requirements, exemptions, biennial license renewal, and temporary license; and, further amends the Medical Practice Act to add the Genetic Counseling Act under Section 61-6-5 Duties and Powers.

FISCAL IMPLICATIONS

Based on assessing the maximum license fee for an estimated 15 licensees, the genetic counseling fund will receive revenue in the amount of \$6 thousand in FY10.

This bill creates a new fund and provides for continuing appropriations. The LFC has concerns with including continuing appropriation language in the statutory provisions for newly created funds, as earmarking reduces the ability of the legislature to establish spending priorities.

Due to the small numbers of licensees, the Medical Board has agreed to add the Genetic Counseling Act to the existing NM medical board fund; thereby, eliminating the need for a second fund.

SIGNIFICANT ISSUES

Senate Bill 415 will require persons engaged in the practice of genetic counseling to be licensed by the New Mexico Medical Board. The use of the title “genetic counselor”, “gene counselor” or “genetic consultant” without licensure will be prohibited.

Genetic counselors specially trained in the scientific and psychosocial aspects of genetic testing can help families and their health care providers throughout the testing process. As of November 2007, six states have enacted legislation to require a license to practice genetic counseling.

The HPC notes that the American Board of Genetic Counseling (ABGC) certification ensures genetic counselors must pass a comprehensive general genetics exam; and, is the same one taken by physicians and other clinical genetics professionals. Both exams are administered by the National Board of Medical Examiners.

PERFORMANCE IMPLICATIONS

The purpose of the Genetic Counseling Act is to protect the public from any unprofessional, improper, or incompetent conduct.

ADMINISTRATIVE IMPLICATIONS

Administrative impact would be minimal due to the small number of licensees.

TECHNICAL ISSUES

The NM Medical Board has noted one area of concern with respect to the doctoral degrees accepted by the American Board of Medical Genetics (ABMS), and required by the Genetic Counseling Act: MD, DO, and PhD. The MD and PhD degrees pose no problem for the Medical Board. The DO degree, however, cannot be accepted by the Medical Board because the DO's--

and the Osteopathic Physician Assistants--are licensed by the Board of Osteopathic Examiners. Therefore, a Genetic Counselor who is a DO would have to be licensed as a Genetic Counselor by the Board of Osteopathic Examiners.

OTHER SUBSTANTIVE ISSUES

The HPC has provided the following background:

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.

The results of a genetic test to analyze an individual's genes, gene products or chromosomes—structures composed of DNA that lie inside a cell's nucleus—have complex implications for the individual tested and his or her blood relatives. Patients and medical professionals who lack skills in genetics may have difficulty understanding or correctly interpreting genetic test results. Genetic counselors specially trained in the scientific and psychosocial aspects of genetic testing can help families and their health care providers throughout the testing process. Recognizing that genetic counselors play a key role in the delivery of this technology to consumers, a number of states have considered or enacted legislation to require the licensure of genetic counselors and regulate the profession.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Genetic Counselors will continue to be certified and not licensed professionals.

AMENDMENTS

The NM Medical Board makes the following recommendations.

Page 8, Line 17, **Delete** Section 10, Disciplinary Proceedings, of the Genetic Counselor Act to avoid redundant language and **amend** the Medical Practice Act, Section 61-6-15 to add Genetic Counselors.

Page 11, Line 9, **Delete** Section 11 to eliminate a second fund being created and **amend** the Medical Practice Act, Section 61-6-31, Paragraph B, to add the Genetic Counseling Act to the existing NM medical board fund.

AHO/bb