

**First Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 19-0837.01 Thomas Morris x4218

**SENATE BILL 19-133**

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**SENATE SPONSORSHIP**

**Ginal and Todd,**

**HOUSE SPONSORSHIP**

**Michaelson Jenet,**

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**Senate Committees**  
Health & Human Services

**House Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING THE REGULATION OF GENETIC COUNSELORS.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

The bill enacts the "Genetic Counselor Licensure Act". On and after June 1, 2020, a person cannot practice genetic counseling without being licensed by the director of the division of professions and occupations in the department of regulatory agencies. To be licensed, a person must have been certified by a national body, except that the director may issue a provisional license to a candidate for certification pursuant to requirements established by rule.

The bill gives title protection to genetic counselors and standard

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.



1 OF THE PUBLIC BY BROADENING AFFORDABLE ACCESS TO APPROPRIATE  
2 AND RELIABLE GENETIC COUNSELING.

3 **12-35.3-103. Definitions.** AS USED IN THIS ARTICLE 35.3, UNLESS  
4 THE CONTEXT OTHERWISE REQUIRES:

5 (1) "ABGC" MEANS THE AMERICAN BOARD OF GENETIC  
6 COUNSELING OR AN ORGANIZATION THAT THE DIRECTOR RECOGNIZES AS  
7 BEING EQUIVALENT TO, OR A PREDECESSOR OR SUCCESSOR OF, THE ABGC.

8 (2) "ABMGG" MEANS THE AMERICAN BOARD OF MEDICAL  
9 GENETICS AND GENOMICS OR AN ORGANIZATION THAT THE DIRECTOR  
10 RECOGNIZES AS BEING EQUIVALENT TO, OR A PREDECESSOR OR SUCCESSOR  
11 OF, THE ABMGG.

12 (3) "ACGC" MEANS THE ACCREDITATION COUNCIL FOR GENETIC  
13 COUNSELING OR AN ORGANIZATION THAT THE DIRECTOR RECOGNIZES AS  
14 BEING EQUIVALENT TO, OR A PREDECESSOR OR SUCCESSOR OF, THE ACGC.

15 (4) "ACTIVE CANDIDATE STATUS" OR "ACS" MEANS THAT A  
16 PERSON IN AN ACS-ELIGIBLE APPLICANT CATEGORY HAS SUPPLIED THE  
17 ABGC WITH ALL DOCUMENTATION REQUIRED TO TAKE THE ABGC'S  
18 CERTIFICATION EXAMINATION AND HAS BEEN APPROVED BY THE ABGC TO  
19 TAKE THE EXAMINATION IN A SPECIFIC CYCLE.

20 (5) "DIRECTOR" MEANS THE DIRECTOR OF THE DIVISION OF  
21 PROFESSIONS AND OCCUPATIONS IN THE DEPARTMENT OF REGULATORY  
22 AGENCIES CREATED IN SECTION 24-34-102 OR THE DIRECTOR'S DESIGNEE.

23 (6) "GENETIC COUNSELING" INCLUDES THE FOLLOWING ACTIVITIES:

24 (a) OBTAINING AND INTERPRETING INDIVIDUAL, FAMILY, MEDICAL,  
25 AND DEVELOPMENT HISTORIES;

26 (b) DETERMINING THE MODE OF INHERITANCE AND RISK OF  
27 TRANSMISSION OF GENETIC CONDITIONS;

1 (c) DISCUSSING THE INHERITANCE, FEATURES, NATURAL HISTORY,  
2 AND MEANS OF DIAGNOSIS OF GENETIC CONDITIONS;

3 (d) IDENTIFYING, COORDINATING, ORDERING, AND EXPLAINING  
4 GENETIC LABORATORY TESTS AND OTHER DIAGNOSTIC STUDIES;

5 (e) ASSESSING PSYCHOSOCIAL FACTORS AND RECOGNIZING SOCIAL,  
6 EDUCATIONAL, AND CULTURAL ISSUES;

7 (f) EVALUATING THE CLIENT'S OR THE CLIENT'S FAMILY'S  
8 RESPONSES TO THE GENETIC CONDITION OR RISK OF RECURRENCE OF A  
9 GENETIC CONDITION AND PROVIDING CLIENT-CENTERED COUNSELING AND  
10 ANTICIPATORY GUIDANCE;

11 (g) COMMUNICATING GENETIC INFORMATION TO CLIENTS;

12 (h) FACILITATING INFORMED DECISION-MAKING ABOUT TESTING  
13 AND MANAGEMENT ALTERNATIVES;

14 (i) IDENTIFYING AND UTILIZING COMMUNITY RESOURCES THAT  
15 PROVIDE MEDICAL, EDUCATIONAL, FINANCIAL, AND PSYCHOSOCIAL  
16 SUPPORT AND ADVOCACY; AND

17 (j) PROVIDING ACCURATE WRITTEN DOCUMENTATION OF MEDICAL,  
18 GENETIC, AND COUNSELING INFORMATION FOR CLIENTS, THEIR FAMILIES,  
19 AND HEALTH CARE PROFESSIONALS.

20 (7) "GENETIC COUNSELOR" OR "LICENSEE" MEANS AN INDIVIDUAL  
21 WHO IS LICENSED PURSUANT TO THIS ARTICLE 35.3.

22 (8) "NSGC" MEANS THE NATIONAL SOCIETY OF GENETIC  
23 COUNSELORS OR AN ORGANIZATION THAT THE DIRECTOR RECOGNIZES AS  
24 BEING EQUIVALENT TO, OR A PREDECESSOR OR SUCCESSOR OF, THE NSGC.

25 **12-35.3-104. Use of titles restricted.** ONLY A PERSON LICENSED  
26 AS A GENETIC COUNSELOR UNDER THIS ARTICLE 35.3 MAY USE THE TITLE  
27 OR ABBREVIATION "GENETIC COUNSELOR", "LICENSED GENETIC

1 COUNSELOR", "L.G.C.", "GENE COUNSELOR", "GENETIC CONSULTANT",  
2 "GENETIC ASSOCIATE", OR ANY COMBINATION OF THESE TERMS OR  
3 ABBREVIATIONS OR ANY OTHER GENERALLY ACCEPTED TERMS, LETTERS,  
4 OR FIGURES THAT INDICATE THAT THE PERSON IS A GENETIC COUNSELOR.

5 **12-35.3-105. License required.** ON AND AFTER JUNE 1, 2020,  
6 EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE 35.3, A PERSON SHALL  
7 NOT ENGAGE IN THE PRACTICE OF GENETIC COUNSELING OR REPRESENT  
8 THAT THE PERSON IS ABLE TO PRACTICE GENETIC COUNSELING IN THIS  
9 STATE WITHOUT POSSESSING A VALID LICENSE ISSUED BY THE DIRECTOR  
10 IN ACCORDANCE WITH THIS ARTICLE 35.3 AND RULES ADOPTED PURSUANT  
11 TO THIS ARTICLE 35.3.

12 **12-35.3-106. Licensure of genetic counselors - application -**  
13 **qualifications - renewal - continuing education - fees - rules.**

14 (1) **Educational and experiential requirements.** (a) EVERY APPLICANT  
15 FOR A LICENSE AS A GENETIC COUNSELOR MUST:

16 (I) EXCEPT AS SPECIFIED IN SUBSECTION (1)(b) OF THIS SECTION,  
17 PROVIDE SATISFACTORY EVIDENCE TO THE DIRECTOR OF CERTIFICATION AS  
18 A GENETIC COUNSELOR BY THE ABGC OR ABMGG; AND

19 (II) SUBMIT AN APPLICATION AS SPECIFIED IN SUBSECTION (2) OF  
20 THIS SECTION.

21 (b) THE DIRECTOR SHALL ESTABLISH, BY RULE, REQUIREMENTS FOR  
22 ISSUING A PROVISIONAL LICENSE TO PRACTICE GENETIC COUNSELING TO A  
23 CANDIDATE FOR LICENSURE WHO HAS BEEN GRANTED ACTIVE CANDIDATE  
24 STATUS BY THE ABGC. THE RULES MUST ADDRESS AT LEAST THE  
25 FOLLOWING:

26 (I) THE TERMS OF, RENEWAL OF, AND FEES FOR PROVISIONAL  
27 LICENSES;

1 (II) WHETHER A GENETIC COUNSELOR WORKING PURSUANT TO A  
2 PROVISIONAL LICENSE MUST BE UNDER THE GENERAL SUPERVISION OF A  
3 LICENSED HEALTH CARE PROVIDER AND, IF SO, BY WHOM AND UNDER  
4 WHAT CONDITIONS; AND

5 (III) THE AUTOMATIC EXPIRATION OF A PROVISIONAL LICENSE  
6 UPON A SECOND FAILURE TO PASS A CERTIFICATION EXAMINATION.

7 (2) **Application.** (a) IF AN APPLICANT HAS FULFILLED THE  
8 REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION, THE APPLICANT MAY  
9 APPLY FOR LICENSURE UPON PAYMENT OF A LICENSE APPLICATION FEE IN  
10 AN AMOUNT DETERMINED BY THE DIRECTOR.

11 (b) THE APPLICATION MUST BE IN THE FORM AND MANNER  
12 DESIGNATED BY THE DIRECTOR.

13 (3) **Licensure.** IF AN APPLICANT HAS FULFILLED THE  
14 REQUIREMENTS OF SUBSECTIONS (1) AND (2) OF THIS SECTION, THE  
15 DIRECTOR SHALL ISSUE A LICENSE OR, AS APPROPRIATE, A PROVISIONAL  
16 LICENSE TO THE APPLICANT; EXCEPT THAT THE DIRECTOR MAY DENY A  
17 LICENSE IF THE APPLICANT HAS COMMITTED ANY ACT THAT WOULD BE  
18 GROUNDS FOR DISCIPLINARY ACTION PURSUANT TO SECTION 12-35.3-108.

19 (4) **License renewal - continuing education.** (a) A GENETIC  
20 COUNSELOR MUST RENEW A LICENSE ISSUED PURSUANT TO THIS ARTICLE  
21 35.3 ACCORDING TO A SCHEDULE OF RENEWAL DATES ESTABLISHED BY  
22 THE DIRECTOR. THE GENETIC COUNSELOR MUST SUBMIT AN APPLICATION  
23 IN THE FORM AND MANNER DESIGNATED BY THE DIRECTOR AND MUST PAY  
24 A RENEWAL FEE IN AN AMOUNT DETERMINED BY THE DIRECTOR.

25 (b) LICENSES ARE RENEWED OR REINSTATED IN ACCORDANCE WITH  
26 THE SCHEDULE ESTABLISHED BY THE DIRECTOR, AND THE DIRECTOR SHALL  
27 GRANT A RENEWAL OR REINSTATEMENT PURSUANT TO SECTION 24-34-102

1 (8). THE DIRECTOR MAY ESTABLISH RENEWAL FEES AND DELINQUENCY  
2 FEES FOR REINSTATEMENT PURSUANT TO SECTION 24-34-105. IF A GENETIC  
3 COUNSELOR FAILS TO RENEW THE GENETIC COUNSELOR'S LICENSE  
4 PURSUANT TO THE SCHEDULE ESTABLISHED BY THE DIRECTOR, THE  
5 LICENSE EXPIRES. A PERSON WHOSE LICENSE EXPIRES IS SUBJECT TO THE  
6 PENALTIES PROVIDED IN THIS ARTICLE 35.3 OR SECTION 24-34-102 (8).

7 (c) APPLICANTS FOR LICENSE RENEWAL MUST SUBMIT PROOF OF  
8 HAVING COMPLETED THIRTY HOURS OF NSGC-APPROVED CONTINUING  
9 EDUCATION WITHIN THE PREVIOUS LICENSING PERIOD.

10 (5) **Fees.** ALL FEES COLLECTED PURSUANT TO THIS ARTICLE 35.3  
11 SHALL BE DETERMINED, COLLECTED, AND APPROPRIATED IN THE SAME  
12 MANNER AS SET FORTH IN SECTION 24-34-105.

13 **12-35.3-107. Scope of article - exclusions.** (1) THIS ARTICLE  
14 35.3 DOES NOT PREVENT OR RESTRICT THE PRACTICE, SERVICES, OR  
15 ACTIVITIES OF:

16 (a) A PERSON LICENSED OR OTHERWISE REGULATED IN THIS STATE  
17 BY ANY OTHER LAW FROM ENGAGING IN THE PERSON'S PROFESSION OR  
18 OCCUPATION AS DEFINED IN THE LAW PURSUANT TO WHICH THE PERSON IS  
19 LICENSED OR OTHERWISE REGULATED, SPECIFICALLY INCLUDING PERSONS  
20 LICENSED PURSUANT TO THE "COLORADO MEDICAL PRACTICE ACT",  
21 ARTICLE 36 OF THIS TITLE 12, AND ACTING AS NECESSARY, IN THE PERSON'S  
22 JUDGMENT, TO ENGAGE IN THE PRACTICE OF MEDICINE AS DEFINED IN  
23 SECTION 12-36-106 (1);

24 (b) A PERSON PURSUING A COURSE OF STUDY LEADING TO A  
25 DEGREE IN GENETIC COUNSELING OR AN EQUIVALENT DEGREE, AS  
26 AUTHORIZED BY THE DIRECTOR, FROM AN ACGC-ACCREDITED SCHOOL OR  
27 PROGRAM, IF:

1 (I) THE ACTIVITIES AND SERVICES CONSTITUTE A PART OF A  
2 SUPERVISED COURSE OF STUDY;

3 (II) THE PERSON IS DESIGNATED BY A TITLE THAT CLEARLY  
4 INDICATES THE PERSON'S STATUS AS A STUDENT;

5 (III) THE PERIOD OF SUPERVISED PRACTICE DOES NOT EXCEED TWO  
6 YEARS, UNLESS THE DIRECTOR PROVIDES WRITTEN APPROVAL; AND

7 (IV) THE PERSON IS SUPERVISED BY A GENETIC COUNSELOR OR A  
8 PHYSICIAN LICENSED PURSUANT TO ARTICLE 36 OF THIS TITLE 12;

9 (c) A PERSON WHO IS EMPLOYED BY THE UNITED STATES OR A  
10 STATE GOVERNMENT OR ANY OF ITS BUREAUS, DIVISIONS, OR AGENCIES  
11 WHILE IN THE DISCHARGE OF THE PERSON'S OFFICIAL DUTIES; OR

12 (d) AN INDIVIDUAL FROM ANOTHER STATE OR COUNTRY WHO IS  
13 CERTIFIED BY THE ABGC OR ABMGG AND IS NOT A LICENSED GENETIC  
14 COUNSELOR IN THIS STATE WHEN ENGAGING IN GENETIC COUNSELING ON  
15 BEHALF OF A TEMPORARILY ABSENT GENETIC COUNSELOR, IF THE  
16 UNLICENSED INDIVIDUAL IS ACTING IN ACCORDANCE WITH RULES  
17 ESTABLISHED BY THE DIRECTOR. THE UNLICENSED PRACTICE MUST NOT BE  
18 OF MORE THAN FOUR WEEKS' DURATION, AND A PERSON SHALL NOT  
19 UNDERTAKE UNLICENSED PRACTICE MORE THAN ONCE IN ANY  
20 TWELVE-MONTH PERIOD.

21 (2) (a) NOTHING IN THIS ARTICLE 35.3 AUTHORIZES A GENETIC  
22 COUNSELOR TO ENGAGE IN THE PRACTICE OF MEDICINE, AS DEFINED IN  
23 SECTION 12-36-106(1), OR ANY OTHER FORM OF HEALING OR COUNSELING  
24 EXCEPT AS AUTHORIZED BY THIS ARTICLE 35.3.

25 (b) IF, IN THE COURSE OF PROVIDING GENETIC COUNSELING TO A  
26 CLIENT, A GENETIC COUNSELOR FINDS ANY INDICATION OF A DISEASE OR  
27 CONDITION THAT REQUIRES MEDICAL ASSESSMENT, THE GENETIC



1 COUNSELOR SHALL REFER THE CLIENT TO A PHYSICIAN LICENSED TO  
2 PRACTICE MEDICINE PURSUANT TO ARTICLE 36 OF THIS TITLE 12.

3 **12-35.3-108. Grounds for discipline - disciplinary proceedings**  
4 **- injunctive relief - immunity - cease-and-desist orders - judicial**  
5 **review - definitions.** (1) THE DIRECTOR MAY TAKE DISCIPLINARY ACTION  
6 AGAINST A PERSON IF THE DIRECTOR FINDS THAT THE PERSON HAS  
7 REPRESENTED THAT THE PERSON IS A GENETIC COUNSELOR AFTER THE  
8 EXPIRATION, SUSPENSION, OR REVOCATION OF THE PERSON'S LICENSE.

9 (2) THE DIRECTOR MAY REVOKE, SUSPEND, DENY, OR REFUSE TO  
10 RENEW A LICENSE; PLACE A LICENSEE ON PROBATION; OR ISSUE A LETTER  
11 OF ADMONITION TO A LICENSEE IN ACCORDANCE WITH THIS SECTION UPON  
12 PROOF THAT THE LICENSEE:

13 (a) HAS ENGAGED IN A SEXUAL ACT WITH AN INDIVIDUAL  
14 RECEIVING SERVICES WHILE A THERAPEUTIC RELATIONSHIP EXISTED OR  
15 WITHIN SIX MONTHS IMMEDIATELY FOLLOWING TERMINATION OF THE  
16 THERAPEUTIC RELATIONSHIP. FOR THE PURPOSES OF THIS SUBSECTION

17 (2)(a):

18 (I) "SEXUAL ACT" MEANS SEXUAL CONTACT, SEXUAL INTRUSION,  
19 OR SEXUAL PENETRATION, AS DEFINED IN SECTION 18-3-401.

20 (II) "THERAPEUTIC RELATIONSHIP" MEANS THE PERIOD BEGINNING  
21 WITH THE INITIAL EVALUATION AND ENDING UPON THE WRITTEN  
22 TERMINATION OF TREATMENT.

23 (b) HAS FALSIFIED INFORMATION IN AN APPLICATION OR HAS  
24 ATTEMPTED TO OBTAIN OR HAS OBTAINED A LICENSE BY FRAUD,  
25 DECEPTION, OR MISREPRESENTATION;

26 (c) IS AN EXCESSIVE OR HABITUAL USER OR ABUSER OF ALCOHOL  
27 OR HABIT-FORMING DRUGS OR IS A HABITUAL USER OF A CONTROLLED

1 SUBSTANCE, AS DEFINED IN SECTION 18-18-102, OR OTHER DRUGS HAVING  
2 SIMILAR EFFECTS;

3 (d) (I) HAS FAILED TO NOTIFY THE DIRECTOR, AS REQUIRED BY  
4 SECTION 12-35.3-111 (1), OF A PHYSICAL ILLNESS, MENTAL CONDITION, OR  
5 BEHAVIORAL OR MENTAL HEALTH DISORDER THAT IMPAIRS THE LICENSEE'S  
6 ABILITY TO PROVIDE GENETIC COUNSELING WITH REASONABLE SKILL AND  
7 SAFETY OR THAT MIGHT ENDANGER THE HEALTH OR SAFETY OF  
8 INDIVIDUALS RECEIVING THE COUNSELING;

9 (II) HAS FAILED TO ACT WITHIN THE LIMITATIONS CREATED BY A  
10 PHYSICAL ILLNESS, MENTAL CONDITION, OR BEHAVIORAL OR MENTAL  
11 HEALTH DISORDER THAT RENDERS THE PERSON UNABLE TO PRACTICE  
12 GENETIC COUNSELING WITH REASONABLE SKILL AND SAFETY OR THAT  
13 MIGHT ENDANGER THE HEALTH OR SAFETY OF PERSONS UNDER THE  
14 LICENSEE'S CARE; OR

15 (III) HAS FAILED TO COMPLY WITH THE LIMITATIONS AGREED TO  
16 UNDER A CONFIDENTIAL AGREEMENT ENTERED INTO PURSUANT TO  
17 SECTION 12-35.3-111 (2);

18 (e) HAS VIOLATED, OR AIDED OR ABETTED OR KNOWINGLY  
19 PERMITTED ANY PERSON TO VIOLATE, THIS ARTICLE 35.3, A RULE ADOPTED  
20 PURSUANT TO THIS ARTICLE 35.3, OR A LAWFUL ORDER OF THE DIRECTOR;

21 (f) HAS HAD A LICENSE, CERTIFICATION, OR REGISTRATION  
22 SUSPENDED OR REVOKED IN ANOTHER JURISDICTION FOR ACTIONS THAT  
23 WOULD VIOLATE THIS ARTICLE 35.3 OR WOULD CONSTITUTE GROUNDS FOR  
24 DISCIPLINE UNDER THIS SECTION IF COMMITTED IN COLORADO;

25 (g) HAS BEEN CONVICTED OF OR PLED GUILTY OR NOLO  
26 CONTENDERE TO A FELONY OR COMMITTED AN ACT SPECIFIED IN SECTION  
27 12-35.3-109. A CERTIFIED COPY OF THE JUDGMENT OF A COURT OF

1 COMPETENT JURISDICTION OF THE CONVICTION OR PLEA IS CONCLUSIVE  
2 EVIDENCE OF THE CONVICTION OR PLEA. IN CONSIDERING THE  
3 DISCIPLINARY ACTION, THE DIRECTOR IS GOVERNED BY SECTION 24-5-101.

4 (h) HAS FRAUDULENTLY OBTAINED, FURNISHED, OR SOLD ANY  
5 GENETIC COUNSELING DIPLOMA, CERTIFICATE, LICENSE, OR RENEWAL OF  
6 A LICENSE OR OTHER PROFESSIONAL CREDENTIAL;

7 (i) HAS FAILED TO NOTIFY THE DIRECTOR OF THE SUSPENSION OR  
8 REVOCATION OF THE PERSON'S PAST OR CURRENTLY HELD LICENSE,  
9 CERTIFICATE, OR REGISTRATION REQUIRED TO PRACTICE GENETIC  
10 COUNSELING IN THIS OR ANY OTHER JURISDICTION;

11 (j) HAS REFUSED TO SUBMIT TO A MENTAL OR PHYSICAL  
12 EXAMINATION IF ORDERED BY THE DIRECTOR PURSUANT TO SECTION  
13 12-35.3-110;

14 (k) HAS ENGAGED IN ANY OF THE FOLLOWING ACTIVITIES AND  
15 PRACTICES:

16 (I) ORDERING, WITHOUT CLINICAL JUSTIFICATION, DEMONSTRABLY  
17 UNNECESSARY LABORATORY TESTS OR STUDIES; OR

18 (II) AN ACT OR OMISSION THAT IS CONTRARY TO GENERALLY  
19 ACCEPTED STANDARDS OF GENETIC COUNSELING;

20 (l) HAS FAILED TO PROVIDE ADEQUATE OR PROPER SUPERVISION OF  
21 A PROVISIONALLY LICENSED GENETIC COUNSELOR OR ANY UNLICENSED  
22 PERSON IN THE PRACTICE OF GENETIC COUNSELING; OR

23 (m) HAS OTHERWISE VIOLATED THIS ARTICLE 35.3 OR A LAWFUL  
24 ORDER OR RULE OF THE DIRECTOR.

25 (3) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2) OF THIS  
26 SECTION, THE DIRECTOR NEED NOT FIND THAT THE ACTIONS THAT ARE  
27 GROUNDS FOR DISCIPLINE WERE WILLFUL BUT MAY CONSIDER WHETHER

1 THE ACTIONS WERE WILLFUL WHEN DETERMINING THE NATURE OF  
2 DISCIPLINARY SANCTIONS TO BE IMPOSED.

3 (4) (a) THE DIRECTOR MAY COMMENCE A PROCEEDING TO  
4 DISCIPLINE A LICENSEE IF THE DIRECTOR HAS REASONABLE GROUNDS TO  
5 BELIEVE THAT THE LICENSEE HAS COMMITTED AN ACT ENUMERATED IN  
6 THIS SECTION.

7 (b) IN ANY PROCEEDING PURSUANT TO THIS SECTION, THE  
8 DIRECTOR MAY ACCEPT AS EVIDENCE OF GROUNDS FOR DISCIPLINARY  
9 ACTION AGAINST A LICENSEE ANY DISCIPLINARY ACTION TAKEN AGAINST  
10 THE LICENSEE IN ANOTHER JURISDICTION IF THE VIOLATION THAT  
11 PROMPTED THE DISCIPLINARY ACTION IN THE OTHER JURISDICTION WOULD  
12 BE GROUNDS FOR DISCIPLINARY ACTION PURSUANT TO THIS ARTICLE 35.3.

13 (5) DISCIPLINARY PROCEEDINGS SHALL BE CONDUCTED IN  
14 ACCORDANCE WITH ARTICLE 4 OF TITLE 24, AND THE HEARING AND  
15 OPPORTUNITY FOR REVIEW SHALL BE CONDUCTED PURSUANT TO THAT  
16 ARTICLE BY THE DIRECTOR OR BY AN ADMINISTRATIVE LAW JUDGE, AT THE  
17 DIRECTOR'S DISCRETION. THE DIRECTOR HAS THE AUTHORITY TO EXERCISE  
18 ALL POWERS AND DUTIES CONFERRED BY THIS ARTICLE 35.3 DURING THE  
19 DISCIPLINARY PROCEEDINGS.

20 (6) (a) IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24 AND THIS  
21 ARTICLE 35.3, THE DIRECTOR MAY INVESTIGATE, HOLD HEARINGS, AND  
22 GATHER EVIDENCE IN ALL MATTERS RELATED TO THE EXERCISE AND  
23 PERFORMANCE OF THE POWERS AND DUTIES OF THE DIRECTOR.

24 (b) (I) TO AID THE DIRECTOR IN ANY HEARING OR INVESTIGATION  
25 INSTITUTED PURSUANT TO THIS SECTION, THE DIRECTOR OR AN  
26 ADMINISTRATIVE LAW JUDGE APPOINTED PURSUANT TO SUBSECTION (6)(c)  
27 OF THIS SECTION MAY ADMINISTER OATHS, TAKE AFFIRMATIONS OF

1 WITNESSES, AND ISSUE SUBPOENAS COMPELLING THE ATTENDANCE OF  
2 WITNESSES AND THE PRODUCTION OF ALL RELEVANT PAPERS, BOOKS,  
3 RECORDS, DOCUMENTARY EVIDENCE, AND MATERIALS IN ANY HEARING,  
4 INVESTIGATION, OR OTHER MATTER BEFORE THE DIRECTOR OR AN  
5 ADMINISTRATIVE LAW JUDGE.

6 (II) UPON FAILURE OF ANY WITNESS OR LICENSEE TO COMPLY WITH  
7 A SUBPOENA OR PROCESS, THE DISTRICT COURT OF THE COUNTY IN WHICH  
8 THE SUBPOENAED PERSON OR LICENSEE RESIDES OR CONDUCTS BUSINESS,  
9 UPON APPLICATION BY THE DIRECTOR WITH NOTICE TO THE SUBPOENAED  
10 PERSON OR LICENSEE, MAY ISSUE TO THE PERSON OR LICENSEE AN ORDER  
11 REQUIRING THAT PERSON OR LICENSEE TO APPEAR BEFORE THE DIRECTOR;  
12 PRODUCE THE RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY  
13 EVIDENCE, OR MATERIALS IF SO ORDERED; OR GIVE EVIDENCE TOUCHING  
14 THE MATTER UNDER INVESTIGATION OR IN QUESTION. IF THE PERSON OR  
15 LICENSEE FAILS TO OBEY THE ORDER OF THE COURT, THE COURT MAY HOLD  
16 THE PERSON OR LICENSEE IN CONTEMPT OF COURT.

17 (c) THE DIRECTOR MAY APPOINT AN ADMINISTRATIVE LAW JUDGE  
18 PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24 TO CONDUCT HEARINGS,  
19 TAKE EVIDENCE, MAKE FINDINGS, AND REPORT THE FINDINGS TO THE  
20 DIRECTOR.

21 (7) (a) THE DIRECTOR, A MEMBER OF THE DIRECTOR'S STAFF, A  
22 PERSON ACTING AS A WITNESS OR CONSULTANT TO THE DIRECTOR, A  
23 WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED PURSUANT TO THIS  
24 ARTICLE 35.3, AND A PERSON WHO LODGES A COMPLAINT PURSUANT TO  
25 THIS ARTICLE 35.3 ARE IMMUNE FROM LIABILITY IN ANY CIVIL ACTION  
26 BROUGHT AGAINST THE INDIVIDUAL FOR ACTS OCCURRING WHILE ACTING  
27 IN THE INDIVIDUAL'S CAPACITY AS DIRECTOR, STAFF, CONSULTANT,

1 WITNESS, OR COMPLAINANT, RESPECTIVELY, IF THE INDIVIDUAL WAS  
2 ACTING IN GOOD FAITH WITHIN THE SCOPE OF THE INDIVIDUAL'S  
3 RESPECTIVE CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE  
4 FACTS OF THE MATTER AS TO WHICH THE INDIVIDUAL ACTED, AND ACTED  
5 IN THE REASONABLE BELIEF THAT THE ACTION TAKEN BY THE INDIVIDUAL  
6 WAS WARRANTED BY THE FACTS.

7 (b) A PERSON PARTICIPATING IN GOOD FAITH IN MAKING A  
8 COMPLAINT OR REPORT OR IN AN INVESTIGATIVE OR ADMINISTRATIVE  
9 PROCEEDING PURSUANT TO THIS SECTION IS IMMUNE FROM ANY CIVIL OR  
10 CRIMINAL LIABILITY THAT OTHERWISE MIGHT RESULT BY REASON OF THE  
11 PARTICIPATION.

12 (8) IF A COMPLAINT OR AN INVESTIGATION DISCLOSES AN  
13 INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE DIRECTOR,  
14 WARRANTS FORMAL ACTION, THE DIRECTOR SHALL NOT RESOLVE THE  
15 COMPLAINT BY A DEFERRED SETTLEMENT, ACTION, JUDGMENT, OR  
16 PROSECUTION.

17 (9) (a) THE DIRECTOR MAY SEND A LETTER OF ADMONITION TO A  
18 LICENSEE IF A COMPLAINT OR INVESTIGATION DISCLOSES AN INSTANCE OF  
19 MISCONDUCT THAT, IN THE OPINION OF THE DIRECTOR, DOES NOT  
20 WARRANT FORMAL ACTION BUT SHOULD NOT BE DISMISSED AS BEING  
21 WITHOUT MERIT.

22 (b) IF THE DIRECTOR SENDS A LETTER OF ADMONITION TO A  
23 LICENSEE, THE DIRECTOR SHALL NOTIFY THE LICENSEE OF THE LICENSEE'S  
24 RIGHT TO REQUEST IN WRITING, WITHIN TWENTY DAYS AFTER RECEIPT OF  
25 THE LETTER, THAT FORMAL DISCIPLINARY PROCEEDINGS BE INITIATED TO  
26 ADJUDICATE THE PROPRIETY OF THE CONDUCT DESCRIBED IN THE LETTER  
27 OF ADMONITION.

1           (c) IF THE LICENSEE TIMELY REQUESTS ADJUDICATION, THE  
2 DIRECTOR SHALL VACATE THE LETTER OF ADMONITION AND PROCESS THE  
3 MATTER BY MEANS OF FORMAL DISCIPLINARY PROCEEDINGS.

4           (10) THE DIRECTOR MAY SEND A CONFIDENTIAL LETTER OF  
5 CONCERN TO A LICENSEE IF A COMPLAINT OR INVESTIGATION DISCLOSES  
6 AN INSTANCE OF CONDUCT THAT, IN THE OPINION OF THE DIRECTOR, DOES  
7 NOT WARRANT FORMAL ACTION BY THE DIRECTOR AND SHOULD BE  
8 DISMISSED, BUT THE DIRECTOR HAS NOTICED CONDUCT BY THE LICENSEE  
9 THAT COULD LEAD TO SERIOUS CONSEQUENCES IF NOT CORRECTED.

10           (11) A PERSON WHOSE LICENSE IS REVOKED OR WHO SURRENDERS  
11 THE PERSON'S LICENSE TO AVOID DISCIPLINE PURSUANT TO THIS SECTION  
12 IS INELIGIBLE TO APPLY FOR A LICENSE PURSUANT TO THIS ARTICLE 35.3  
13 FOR TWO YEARS AFTER THE DATE THE LICENSE IS REVOKED OR  
14 SURRENDERED.

15           (12) (a) IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE  
16 EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT  
17 A LICENSEE IS ACTING IN A MANNER THAT IS AN IMMINENT THREAT TO THE  
18 HEALTH AND SAFETY OF THE PUBLIC OR THAT A PERSON IS ACTING OR HAS  
19 ACTED WITHOUT THE REQUIRED LICENSE, THE DIRECTOR MAY ISSUE AN  
20 ORDER TO CEASE AND DESIST THE ACTIVITY. THE DIRECTOR SHALL SET  
21 FORTH IN THE ORDER THE STATUTES AND RULES ALLEGED TO HAVE BEEN  
22 VIOLATED, THE FACTS ALLEGED TO HAVE CONSTITUTED THE VIOLATION,  
23 AND THE REQUIREMENT THAT ALL UNLAWFUL ACTS OR UNLICENSED  
24 PRACTICES IMMEDIATELY CEASE.

25           (b) WITHIN TEN DAYS AFTER SERVICE OF THE ORDER TO CEASE AND  
26 DESIST PURSUANT TO SUBSECTION (12)(a) OF THIS SECTION, THE  
27 RESPONDENT MAY REQUEST A HEARING ON THE QUESTION OF WHETHER

1 ACTS OR PRACTICES IN VIOLATION OF THIS ARTICLE 35.3 HAVE OCCURRED.  
2 THE HEARING SHALL BE CONDUCTED PURSUANT TO SECTIONS 24-4-104  
3 AND 24-4-105.

4 (13) (a) IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE  
5 EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT  
6 A PERSON HAS VIOLATED ANY PROVISION OF THIS ARTICLE 35.3, THEN, IN  
7 ADDITION TO EXERCISING ANY OTHER POWER GRANTED BY THIS ARTICLE  
8 35.3, THE DIRECTOR MAY ISSUE TO THE PERSON AN ORDER TO SHOW CAUSE  
9 AS TO WHY THE DIRECTOR SHOULD NOT ISSUE A FINAL ORDER DIRECTING  
10 THE PERSON TO CEASE AND DESIST FROM THE UNLAWFUL ACT OR  
11 UNLICENSED PRACTICE.

12 (b) THE DIRECTOR SHALL PROMPTLY NOTIFY A PERSON AGAINST  
13 WHOM AN ORDER TO SHOW CAUSE HAS BEEN ISSUED PURSUANT TO  
14 SUBSECTION (13)(a) OF THIS SECTION OF THE ISSUANCE OF THE ORDER  
15 ALONG WITH A COPY OF THE ORDER, THE FACTUAL AND LEGAL BASIS FOR  
16 THE ORDER, AND THE DATE SET BY THE DIRECTOR FOR A HEARING ON THE  
17 ORDER. THE DIRECTOR MAY SERVE THE NOTICE BY PERSONAL SERVICE, BY  
18 FIRST-CLASS, POSTAGE PREPAID UNITED STATES MAIL, OR IN ANOTHER  
19 MANNER AS MAY BE PRACTICABLE. PERSONAL SERVICE OR PROOF OF  
20 RECEIPT OF MAILING OF AN ORDER OR DOCUMENT PURSUANT TO THIS  
21 SUBSECTION (13)(b) CONSTITUTES NOTICE OF THE ORDER TO THE PERSON.

22 (c) (I) THE DIRECTOR SHALL HOLD THE HEARING ON AN ORDER TO  
23 SHOW CAUSE NO SOONER THAN TEN AND NO LATER THAN FORTY-FIVE  
24 CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE  
25 NOTIFICATION BY THE DIRECTOR AS PROVIDED IN SUBSECTION (13)(b) OF  
26 THIS SECTION. THE DIRECTOR MAY CONTINUE THE HEARING BY  
27 AGREEMENT OF ALL PARTIES BASED UPON THE COMPLEXITY OF THE



1 MATTER, NUMBER OF PARTIES TO THE MATTER, AND LEGAL ISSUES  
2 PRESENTED IN THE MATTER, BUT IN NO EVENT SHALL THE DIRECTOR HOLD  
3 THE HEARING LATER THAN SIXTY CALENDAR DAYS AFTER THE DATE OF  
4 TRANSMISSION OR SERVICE OF THE NOTIFICATION.

5 (II) IF A PERSON AGAINST WHOM THE DIRECTOR HAS ISSUED AN  
6 ORDER TO SHOW CAUSE PURSUANT TO SUBSECTION (13)(a) OF THIS  
7 SECTION DOES NOT APPEAR AT THE HEARING, THE DIRECTOR MAY PRESENT  
8 EVIDENCE THAT NOTIFICATION WAS PROPERLY SENT OR SERVED ON THE  
9 PERSON PURSUANT TO SUBSECTION (13)(b) OF THIS SECTION AND SUCH  
10 OTHER EVIDENCE RELATED TO THE MATTER AS THE DIRECTOR DEEMS  
11 APPROPRIATE. THE DIRECTOR SHALL ISSUE THE ORDER WITHIN TEN DAYS  
12 AFTER THE DIRECTOR'S DETERMINATION RELATED TO REASONABLE  
13 ATTEMPTS TO NOTIFY THE RESPONDENT, AND THE ORDER BECOMES FINAL  
14 AS TO THAT PERSON BY OPERATION OF LAW. THE HEARING SHALL BE  
15 CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND 24-4-105.

16 (III) IF THE DIRECTOR REASONABLY FINDS THAT THE PERSON  
17 AGAINST WHOM THE ORDER TO SHOW CAUSE WAS ISSUED IS ACTING OR  
18 HAS ACTED WITHOUT THE REQUIRED LICENSE, OR HAS ENGAGED OR IS  
19 ABOUT TO ENGAGE IN ACTS OR PRACTICES CONSTITUTING VIOLATIONS OF  
20 THIS ARTICLE 35.3, THE DIRECTOR MAY ISSUE A FINAL CEASE-AND-DESIST  
21 ORDER DIRECTING THE PERSON TO CEASE AND DESIST FROM FURTHER  
22 UNLAWFUL ACTS OR UNLICENSED PRACTICES.

23 (IV) THE DIRECTOR SHALL PROVIDE NOTICE, IN THE MANNER SET  
24 FORTH IN SUBSECTION (13)(b) OF THIS SECTION, OF THE FINAL  
25 CEASE-AND-DESIST ORDER WITHIN TEN CALENDAR DAYS AFTER THE  
26 HEARING CONDUCTED PURSUANT TO THIS SUBSECTION (13)(c) TO EACH  
27 PERSON AGAINST WHOM THE DIRECTOR HAS ISSUED THE FINAL ORDER. A

1 FINAL ORDER ISSUED PURSUANT TO SUBSECTION (13)(c)(III) OF THIS  
2 SECTION IS EFFECTIVE WHEN ISSUED AND IS A FINAL ORDER FOR PURPOSES  
3 OF JUDICIAL REVIEW.

4 (14) THE DIRECTOR MAY ENTER INTO A STIPULATION WITH A  
5 PERSON IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE EVIDENCE  
6 PRESENTED TO THE DIRECTOR, THAT THE PERSON HAS ENGAGED OR IS  
7 ABOUT TO ENGAGE IN AN UNLICENSED ACT OR PRACTICE OR AN ACT OR  
8 PRACTICE CONSTITUTING GROUNDS FOR ADMINISTRATIVE SANCTION  
9 PURSUANT TO THIS ARTICLE 35.3 OR A VIOLATION OF THIS ARTICLE 35.3,  
10 A RULE PROMULGATED PURSUANT TO THIS ARTICLE 35.3, OR AN ORDER  
11 ISSUED PURSUANT TO THIS ARTICLE 35.3.

12 (15) IF A PERSON FAILS TO COMPLY WITH A FINAL  
13 CEASE-AND-DESIST ORDER OR A STIPULATION, THE DIRECTOR MAY  
14 REQUEST THE ATTORNEY GENERAL OR THE DISTRICT ATTORNEY FOR THE  
15 JUDICIAL DISTRICT IN WHICH THE ALLEGED VIOLATION EXISTS TO BRING,  
16 AND IF SO REQUESTED THE ATTORNEY SHALL BRING, SUIT FOR A  
17 TEMPORARY RESTRAINING ORDER AND FOR INJUNCTIVE RELIEF TO  
18 PREVENT ANY FURTHER OR CONTINUED VIOLATION OF THE FINAL ORDER.

19 (16) A PERSON AGGRIEVED BY THE FINAL CEASE-AND-DESIST  
20 ORDER MAY SEEK JUDICIAL REVIEW OF THE DIRECTOR'S DETERMINATION  
21 OR OF THE DIRECTOR'S FINAL ORDER AS PROVIDED IN SUBSECTION (18) OF  
22 THIS SECTION.

23 (17) THE DIRECTOR MAY REQUEST THE ATTORNEY GENERAL TO  
24 SEEK AN INJUNCTION, IN ANY COURT OF COMPETENT JURISDICTION, TO  
25 ENJOIN A PERSON FROM COMMITTING AN ACT PROHIBITED BY THIS ARTICLE  
26 35.3. WHEN SEEKING AN INJUNCTION PURSUANT TO THIS SUBSECTION (17),  
27 THE ATTORNEY GENERAL IS NOT REQUIRED TO ALLEGE OR PROVE THE

1 INADEQUACY OF ANY REMEDY AT LAW OR THAT SUBSTANTIAL OR  
2 IRREPARABLE DAMAGE IS LIKELY TO RESULT FROM A CONTINUED  
3 VIOLATION OF THIS ARTICLE 35.3.

4 (18) A FINAL ACTION OF THE DIRECTOR IS SUBJECT TO JUDICIAL  
5 REVIEW BY THE COURT OF APPEALS PURSUANT TO SECTION 24-4-106 (11).

6 **12-35.3-109. Unauthorized practice - penalties.** A PERSON WHO  
7 PRACTICES OR OFFERS OR ATTEMPTS TO PRACTICE GENETIC COUNSELING  
8 WITHOUT AN ACTIVE LICENSE AS REQUIRED BY AND ISSUED PURSUANT TO  
9 THIS ARTICLE 35.3 COMMITS A CLASS 2 MISDEMEANOR AND SHALL BE  
10 PUNISHED AS PROVIDED IN SECTION 18-1.3-501 FOR THE FIRST OFFENSE.  
11 FOR THE SECOND OR ANY SUBSEQUENT OFFENSE, THE PERSON COMMITS A  
12 CLASS 1 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED IN SECTION  
13 18-1.3-501.

14 **12-35.3-110. Mental and physical examination of licensees.**

15 (1) IF THE DIRECTOR HAS REASONABLE CAUSE TO BELIEVE THAT A  
16 LICENSEE IS UNABLE TO PRACTICE WITH REASONABLE SKILL AND SAFETY,  
17 THE DIRECTOR MAY ORDER THE LICENSEE TO TAKE A MENTAL OR PHYSICAL  
18 EXAMINATION ADMINISTERED BY A HEALTH CARE PROVIDER DESIGNATED  
19 BY THE DIRECTOR. EXCEPT WHERE DUE TO CIRCUMSTANCES BEYOND THE  
20 LICENSEE'S CONTROL, IF THE LICENSEE FAILS OR REFUSES TO UNDERGO A  
21 MENTAL OR PHYSICAL EXAMINATION, THE DIRECTOR MAY SUSPEND THE  
22 GENETIC COUNSELOR'S LICENSE UNTIL THE DIRECTOR HAS MADE A  
23 DETERMINATION OF THE LICENSEE'S FITNESS TO PRACTICE. THE DIRECTOR  
24 SHALL PROCEED WITH AN ORDER FOR EXAMINATION AND SHALL MAKE A  
25 DETERMINATION IN A TIMELY MANNER.

26 (2) IN AN ORDER REQUIRING A LICENSEE TO UNDERGO A MENTAL  
27 OR PHYSICAL EXAMINATION, THE DIRECTOR SHALL STATE THE BASIS OF

1 THE DIRECTOR'S REASONABLE CAUSE TO BELIEVE THAT THE LICENSEE IS  
2 UNABLE TO PRACTICE WITH REASONABLE SKILL AND SAFETY. FOR  
3 PURPOSES OF A DISCIPLINARY PROCEEDING AUTHORIZED PURSUANT TO  
4 THIS ARTICLE 35.3, THE LICENSEE IS DEEMED TO HAVE WAIVED ALL  
5 OBJECTIONS TO THE ADMISSIBILITY OF THE EXAMINING HEALTH CARE  
6 PROVIDER'S TESTIMONY OR EXAMINATION REPORTS ON THE GROUNDS  
7 THAT THEY ARE PRIVILEGED COMMUNICATIONS.

8 (3) THE LICENSEE MAY SUBMIT TO THE DIRECTOR TESTIMONY OR  
9 EXAMINATION REPORTS FROM A HEALTH CARE PROFESSIONAL CHOSEN BY  
10 THE LICENSEE AND PERTAINING TO ANY CONDITION THAT THE DIRECTOR  
11 HAS ALLEGED MAY PRECLUDE THE LICENSEE FROM PRACTICING WITH  
12 REASONABLE SKILL AND SAFETY. THE DIRECTOR MAY CONSIDER THE  
13 TESTIMONY AND REPORTS SUBMITTED BY THE LICENSEE IN CONJUNCTION  
14 WITH, BUT NOT IN LIEU OF, TESTIMONY AND EXAMINATION REPORTS OF THE  
15 HEALTH CARE PROVIDER DESIGNATED BY THE DIRECTOR.

16 (4) THE RESULTS OF A MENTAL OR PHYSICAL EXAMINATION  
17 ORDERED BY THE DIRECTOR SHALL NOT BE USED AS EVIDENCE IN ANY  
18 PROCEEDING OTHER THAN ONE BEFORE THE DIRECTOR, ARE NOT A PUBLIC  
19 RECORD, AND SHALL NOT BE MADE AVAILABLE TO THE PUBLIC.

20 **12-35.3-111. Confidential agreement to limit practice -**  
21 **violation - grounds for discipline.** (1) IF A GENETIC COUNSELOR HAS A  
22 PHYSICAL ILLNESS, MENTAL CONDITION, OR BEHAVIORAL OR MENTAL  
23 HEALTH DISORDER THAT RENDERS THE PERSON UNABLE TO PRACTICE  
24 GENETIC COUNSELING WITH REASONABLE SKILL AND SAFETY TO CLIENTS,  
25 THE GENETIC COUNSELOR SHALL NOTIFY THE DIRECTOR OF THE ILLNESS,  
26 CONDITION, OR DISORDER IN A MANNER AND WITHIN A PERIOD  
27 DETERMINED BY THE DIRECTOR. THE DIRECTOR MAY REQUIRE THE

1 GENETIC COUNSELOR TO SUBMIT TO AN EXAMINATION PURSUANT TO  
2 SECTION 12-35.3-110 TO EVALUATE THE EXTENT OF THE ILLNESS,  
3 CONDITION, OR DISORDER AND ITS IMPACT ON THE GENETIC COUNSELOR'S  
4 ABILITY TO PRACTICE GENETIC COUNSELING WITH REASONABLE SKILL AND  
5 SAFETY TO CLIENTS.

6 (2) (a) UPON DETERMINING THAT A GENETIC COUNSELOR WITH A  
7 PHYSICAL ILLNESS, MENTAL CONDITION, OR BEHAVIORAL OR MENTAL  
8 HEALTH DISORDER IS ABLE TO RENDER LIMITED SERVICES WITH  
9 REASONABLE SKILL AND SAFETY TO CLIENTS, THE DIRECTOR MAY ENTER  
10 INTO A CONFIDENTIAL AGREEMENT WITH THE GENETIC COUNSELOR IN  
11 WHICH THE GENETIC COUNSELOR AGREES TO LIMIT THE GENETIC  
12 COUNSELOR'S PRACTICE BASED ON THE RESTRICTIONS IMPOSED BY THE  
13 ILLNESS, CONDITION, OR DISORDER, AS DETERMINED BY THE DIRECTOR.

14 (b) AS PART OF THE AGREEMENT, THE GENETIC COUNSELOR IS  
15 SUBJECT TO PERIODIC REEVALUATION OR MONITORING AS DETERMINED  
16 APPROPRIATE BY THE DIRECTOR.

17 (c) THE PARTIES MAY MODIFY OR DISSOLVE THE AGREEMENT AS  
18 NECESSARY BASED ON THE RESULTS OF A REEVALUATION OR OF  
19 MONITORING.

20 (3) BY ENTERING INTO AN AGREEMENT WITH THE DIRECTOR  
21 PURSUANT TO THIS SECTION, A GENETIC COUNSELOR IS NOT ENGAGING IN  
22 ACTIVITIES THAT ARE GROUNDS FOR DISCIPLINE PURSUANT TO SECTION  
23 12-35.3-108. THE AGREEMENT DOES NOT CONSTITUTE A RESTRICTION OR  
24 DISCIPLINE BY THE DIRECTOR. HOWEVER, IF THE GENETIC COUNSELOR  
25 FAILS TO COMPLY WITH THE TERMS OF THE AGREEMENT, THE FAILURE  
26 CONSTITUTES A PROHIBITED ACTIVITY PURSUANT TO SECTION 12-35.3-108  
27 (2)(d), AND THE GENETIC COUNSELOR IS SUBJECT TO DISCIPLINE IN

1 ACCORDANCE WITH SECTION 12-35.3-108.

2 (4) THIS SECTION DOES NOT APPLY TO A GENETIC COUNSELOR  
3 SUBJECT TO DISCIPLINE FOR PROHIBITED ACTIVITIES AS DESCRIBED IN  
4 SECTION 12-35.3-108 (2)(c).

5 **12-35.3-112. Professional liability insurance required - rules.**

6 (1) A PERSON SHALL NOT PRACTICE GENETIC COUNSELING UNLESS THE  
7 PERSON PURCHASES AND MAINTAINS, OR IS COVERED BY, PROFESSIONAL  
8 LIABILITY INSURANCE IN AN AMOUNT DETERMINED BY THE DIRECTOR BY  
9 RULE THAT COVERS ALL ACTS WITHIN THE SCOPE OF PRACTICE OF THE  
10 GENETIC COUNSELOR.

11 (2) THIS SECTION DOES NOT APPLY TO A GENETIC COUNSELOR WHO  
12 IS A PUBLIC EMPLOYEE ACTING WITHIN THE COURSE AND SCOPE OF THE  
13 PUBLIC EMPLOYEE'S DUTIES AND WHO IS GRANTED IMMUNITY PURSUANT  
14 TO THE "COLORADO GOVERNMENTAL IMMUNITY ACT", ARTICLE 10 OF  
15 TITLE 24.

16 **12-35.3-113. Rule-making authority.** THE DIRECTOR SHALL  
17 PROMULGATE RULES AS NECESSARY FOR THE ADMINISTRATION OF THIS  
18 ARTICLE 35.3.

19 **12-35.3-114. Repeal of article - review of functions.** THIS  
20 ARTICLE 35.3 IS REPEALED, EFFECTIVE SEPTEMBER 1, 2026. BEFORE THE  
21 REPEAL, THE DIRECTOR'S POWERS, DUTIES, AND FUNCTIONS PURSUANT TO  
22 THIS ARTICLE 35.3 ARE SCHEDULED FOR REVIEW IN ACCORDANCE WITH  
23 SECTION 24-34-104.

24 **SECTION 2.** In Colorado Revised Statutes, 12-43-215, **amend**  
25 (10) as follows:

26 **12-43-215. Scope of article - exemptions.** (10) ~~The provisions~~  
27 ~~of This article do~~ ARTICLE 43 DOES not apply to:

1 (a) A professional coach, including a life coach, executive coach,  
2 personal coach, or business coach, who has had coach-specific training  
3 and who serves clients exclusively as a coach, as long as the professional  
4 coach does not engage in the practice of psychology, social work,  
5 marriage and family therapy, licensed professional counseling,  
6 psychotherapy, or addiction counseling, as those practices are defined in  
7 this ~~article~~ ARTICLE 43; OR

8 (b) A GENETIC COUNSELOR WHO IS LICENSED PURSUANT TO  
9 ARTICLE 35.3 OF THIS TITLE 12.

10 **SECTION 3.** In Colorado Revised Statutes, 24-34-104, **add**  
11 (27)(a)(VIII) as follows:

12 **24-34-104. General assembly review of regulatory agencies**  
13 **and functions for repeal, continuation, or reestablishment - legislative**  
14 **declaration - repeal.** (27) (a) The following agencies, functions, or both,  
15 are scheduled for repeal on September 1, 2026:

16 (VIII) THE REGULATION OF GENETIC COUNSELORS BY THE  
17 DIRECTOR OF THE DIVISION OF PROFESSIONS AND OCCUPATIONS IN  
18 ACCORDANCE WITH ARTICLE 35.3 OF TITLE 12.

19 **SECTION 4.** In Colorado Revised Statutes, 24-34-110, **amend**  
20 (3)(a)(XXVIII) and (3)(a)(XXIX); and **add** (3)(a)(XXX) as follows:

21 **24-34-110. Medical transparency act of 2010 - disclosure of**  
22 **information about health care licensees - fines - rules - short title -**  
23 **legislative declaration - repeal.** (3) (a) As used in this section,  
24 "applicant" means a person applying for a new, active license,  
25 certification, or registration or to renew, reinstate, or reactivate an active  
26 license, certification, or registration to practice:

27 (XXVIII) As a surgical assistant or surgical technologist pursuant

1 to article 43.2 of title 12; ~~C.R.S.~~; and  
2 (XXIX) Naturopathic medicine pursuant to article 37.3 of title 12;  
3 ~~C.R.S.~~ AND  
4 (XXX) GENETIC COUNSELING PURSUANT TO ARTICLE 35.3 OF  
5 TITLE 12.

6 **SECTION 5. Act subject to petition - effective date -**  
7 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
8 the expiration of the ninety-day period after final adjournment of the  
9 general assembly (August 2, 2019, if adjournment sine die is on May 3,  
10 2019); except that, if a referendum petition is filed pursuant to section 1  
11 (3) of article V of the state constitution against this act or an item, section,  
12 or part of this act within such period, then the act, item, section, or part  
13 will not take effect unless approved by the people at the general election  
14 to be held in November 2020 and, in such case, will take effect on the  
15 date of the official declaration of the vote thereon by the governor.  
16 (2) This act applies to conduct occurring on or after the applicable  
17 effective date of this act.