

**ARTICLE 50-07
GENETIC COUNSELORS**

Chapter
50-07-01 Genetic Counselors

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50-07-01-01. Definitions.

Unless specifically stated otherwise, all definitions found in North Dakota Century Code chapter 43-60 are applicable to this article including:

1. "ABGC" means the American board of genetic counseling.
2. "ABMG" means the American board of medical genetics.
3. "Board" means the North Dakota board of medicine.

History: Effective January 1, 2025.

General Authority: NDCC 43-60-06

Law Implemented: NDCC 43-60-01, 43-60-06

50-07-01-02. License issued.

If the board determines that a candidate has successfully completed all requirements by law and rule for licensure, the board shall issue a license to the candidate. An officer of the board and the board's executive director or deputy executive director may issue a provisional temporary license to an applicant who is seeking a permanent North Dakota genetic counselor license if in the officer and director's judgment the applicant meets all the requirements for a license. The board's executive director or deputy executive director may issue a provisional temporary license if the application is routine, complete, and meets all other requirements for licensure. A provisional temporary license is valid from the date of issue until the time of the next regularly scheduled meeting of the board.

History: Effective January 1, 2025; amended effective January 1, 2026.

General Authority: NDCC 43-60-06

Law Implemented: NDCC 43-51.1-03, 43-60-06

50-07-01-03. Location of practice - License displayed.

A licensed genetic counselor shall maintain a permanent electronic mail or mailing address with the board to which all communications from the board to the licensee shall be sent. A licensee who changes an address shall notify the board in writing of the new contact information within thirty days. A current certificate or duplicate certificate issued by the board at all times must be displayed in each office location of the genetic counselor.

History: Effective January 1, 2025.
General Authority: NDCC 43-60-06
Law Implemented: NDCC 43-60-06

50-07-01-04. Fees.

The fee for initial licensure of a genetic counselor is fifty dollars per year. The renewal fee is fifty dollars per year.

History: Effective January 1, 2025.
General Authority: NDCC 43-60-06
Law Implemented: NDCC 43-60-03, 43-60-05, 43-60-06

50-07-01-05. Reporting requirements.

A genetic counselor is subject to the mandatory reporting requirements specified in North Dakota Century Code section 43-17.1-05.1. The genetic counselor shall report to the board within ten days if the individual no longer holds a valid certification from the ABGC. Upon verification that the genetic counselor no longer holds the certification, the license automatically expires. The expiration of the genetic counselor license under this section does not preclude the board from taking disciplinary action.

History: Effective January 1, 2025.
General Authority: NDCC 43-60-06
Law Implemented: NDCC 43-60-06

50-07-01-06. Disciplinary action.

The board may take disciplinary action against a licensed genetic counselor under North Dakota Century Code chapter 43-17.1 on the grounds set forth by North Dakota Century Code 43-60-07, by any one or more of the following means, as the board may find appropriate:

1. Revocation of license.
2. Suspension of license.
3. Probation.
4. Imposition of stipulations, limitations, or conditions relating to the duties of a genetic counselor.
5. Letter of censure.
6. Impose fines, not to exceed one thousand dollars for any single disciplinary action. The board shall deposit any fines collected by the board in the state general fund.

History: Effective January 1, 2025.
General Authority: NDCC 43-60-06
Law Implemented: NDCC 43-60-06, 43-60-07

50-07-01-07. Disciplinary proceedings.

In an order or decision issued by the board to resolve a disciplinary proceeding in which disciplinary action is imposed against a genetic counselor, the board may direct any genetic counselor to pay the board a sum not to exceed the reasonable and actual costs, including reasonable attorney's fees, incurred by the board and investigative panels of the board in the investigation and prosecution of the case. If applicable, the board may suspend the genetic counselor's license until the costs are paid to the board. A genetic counselor may challenge the reasonableness of a cost item in a hearing under North Dakota Century Code chapter 28-32 before an administrative law judge. The administrative law judge may approve, deny, or modify a cost item, and the determination of the judge is final.

History: Effective January 1, 2025.

General Authority: NDCC 43-60-06

Law Implemented: NDCC 43-60-06

50-07-01-08. Notice of denial or limitation of licensure.

If the board determines that an applicant does not meet the requirements for licensure, the board promptly shall notify the applicant, personally or by certified mail, that the board has made an informal decision to deny the application or to place conditions or limitations on the applicant's license. The board shall also advise the applicant as follows:

1. The applicant has the right to have the merits of the application considered at a formal hearing in accordance with the provisions of the Administrative Agencies Practices Act (North Dakota Century Code chapter 28-32.)
2. To secure a formal hearing on the merits of the application, the applicant shall contact the board to request the hearing within thirty days of being notified of the board's informal decision.

If an applicant does not request a formal hearing within thirty days of the date on which the applicant was notified that the board has made an informal decision to deny the application or to place conditions or limitations on the applicant's license, the board's informal decision is the final order of the board.

History: Effective January 1, 2025.

General Authority: NDCC 43-60-06

Law Implemented: NDCC 43-60-06

50-07-01-09. Limitation on attempts at examination passage.

An applicant is permitted a maximum of three attempts to pass the certification examination. Upon review of an individual applicant, the board may allow an exception to this rule if it finds that it is in the best interest of the state and the applicant shows a documented disability as determined by the board, or the applicant:

1. Is validly licensed as a genetic counselor in another state;
2. Has practiced as a genetic counselor a minimum of five years; and
3. Has no disciplinary actions imposed by a licensing board or entity of any other jurisdiction within the last ten years immediately preceding the date of application.

History: Effective January 1, 2026.

General Authority: NDCC 43-60-06

Law Implemented: NDCC 43-60-03