

EXECUTIVE CHAMBERS

HONOLULU

April 17, 2008

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 1805

Honorable Members
Twenty-Fourth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 1805, entitled "A Bill for an Act Relating to Genetic Counselors."

The purpose of this bill is to require the Department of Health to establish a licensure program for genetic counselors, in order to ensure access to high quality genetic counseling services.

This bill is objectionable because the State Auditor conducted a sunrise analysis of a similar bill in 2006 and found that the licensing of genetic counselors is not necessary and does not meet the criteria for regulation under the Hawaii Regulatory Reform Act. The Auditor's analysis stated that establishing a licensing program is largely about title protection. It gives licensed individuals the ability to use the title but does not prohibit the practice by non-licensed practitioners. The Auditor considered cases of harm cited by supporters of licensing but noted, however, that the harm cited stemmed from those outside regulation. As a result, the Auditor concluded that licensing would have "no bearing on direct, commercial marketing of DNA testing and counseling, especially at-home genetic self testing, which is a burgeoning industry."

There is no question that qualified genetic counselors can provide positive services to individuals with significant health issues. The argument, however, that licensing genetic

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counselors will protect those seeking services from incompetent or unscrupulous persons is not valid. The bill prohibits unlicensed individuals from using the title genetic counselor but it would not prohibit them from offering services. Should an individual in need of services seek additional knowledge about a counselor's qualifications, they could consult the American Board of Genetic Counseling which serves as the credentialing organization for the genetic counseling profession in the U.S. and Canada. Although well-intentioned, the licensing of genetic counselors by the State warrants more study and analysis by the Auditor as provided under Chapter 26H, Hawaii Revised Statutes. Finally, procedural flaws under Sections 15 and 16 of Article III of the State Constitution appear to have occurred in the passage of this bill.

For the foregoing reasons, I am returning Senate Bill No. 1805 without my approval.

Respectfully,


for LINDA LINGLE, **ACTING GOVERNOR**
Governor of Hawaii