



HUMAN GENETICS SOCIETY OF AUSTRALASIA

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Policy

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1. Purpose

The [Board of Censors for Genetic Counselling](#) (the Board) is responsible for determining who are fit and proper persons to be deemed FHGSA or MHGSA Genetic Counsellors. This Policy assists the Board to deliver on these responsibilities.

2. NASRHP definition of practice

For the purposes of regulation, the National Alliance of Self Regulating Health Professions (NASRHP) definition of practice has been adopted, as follows:

“[Practice]...indicates that an individual is drawing on their relevant professional skills and knowledge in the course of their work to contribute to safe and effective delivery of services within the profession.... It is not restricted to the provision of direct clinical care and may also include working in a direct nonclinical relationship with clients; working in management, administration, education, research, advisory, regulatory or policy development roles, for example. This work can be of a paid or formal volunteer nature on a full or part-time basis.”¹

3. Declarations

Individual declarations must be completed at initial application and annually thereafter for the duration of the genetic counsellor’s professional regulation period.

The mandatory declarations required INCLUDE:

- a. truthfulness and correctness of application
- b. commitment to abide by the HGSA [Code of Ethics for Genetic Counsellors](#) and [Scope of Practice for Genetic Counsellors](#) Policies
- c. disclosure of charges, convictions and involvement in proceedings related to criminal offences
- d. meeting continuing professional development (CPD) requirements as per the HGSA [Continuing Professional Development for Genetic Counsellors](#) Policy
- e. recent practice *or* a resumption of practice plan in place (see the HGSA [Professional Practice for Genetic Counsellors](#) Policy for guidelines)
- f. having adequate professional indemnity insurance (see the HGSA [Professional Indemnity Insurance for Genetic Counsellors](#) Policy)
- g. agreement to the HGSA and the Board’s management of personal information, in accordance with the Australian and New Zealand Privacy Principles.

¹ National Alliance of Self Regulating Health Professions (NASRHP). Self Regulating Health Profession Peak Bodies Membership Standards. 2016.

The thresholds for mandatory declarations are given in Appendix 1. In making the declarations against the Mandatory Declaration Thresholds (Section 5, page 4), the individual is self-assessing their suitability as a professional regulated by the Board and providing an assurance that they are a suitable person to provide genetic counselling.

The Board may, at its discretion and in line with its annual audit and quality assurance measures, request evidence to support mandatory declarations. Evidence to support mandatory declarations must be provided on request.

The Board may undertake a disciplinary review when it is suspected or known that an FHGSA or MHGSA Genetic Counsellor has made false a declaration(s) at the time of initial application and/or renewal.

4. Exemptions

There are no exemptions to the Mandatory Declarations Policy.

If an individual has concerns about meeting any of the Mandatory Declaration Thresholds (Section 5, page 4), they may submit to the Board a written statement of their concern in the form of a statutory declaration accompanied by substantiating evidence.

5. Mandatory Declaration Thresholds

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| <p>5.1. Code of Ethics</p> | <p>Genetic counsellors will practice in a manner consistent with HGSA Policy – Code of Ethics for Genetic Counsellors.</p> <p>Threshold applies to the period since the last declaration and intent to practice in the coming period.</p> <p>Non-compliance with the Code of Ethics is assessed through the HGSA Professional Concerns and Complaints Committee.</p> |
| <p>5.2. Scope of Practice</p> | <p>Genetic counsellors will practice in a manner consistent with HGSA Scope of Practice for Genetic Counsellors Policy.</p> <p>Threshold applies to the period since the last declaration and intent to practice in the coming period.</p> <p>Non-compliance with the Scope of Practice is assessed through the HGSA Genetic Counsellor Professional Concerns and Complaints Committee.</p> |

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| <p>5.3. Competency</p> | <p>Competency will be assessed at the initial application on the basis of the applicant’s training, qualifications, experience and certification status, as per the HGSA Competency Standards for Genetic Counsellors.</p> <p>Applicants attest to the truthfulness of this application in the mandatory declaration.</p> |
| <p>5.4. Continuing Professional Development</p> | <p>The threshold for meeting continuing professional development (CPD) requirements is set by the CPD Committee.</p> <p>Compliance is assessed through annual member auditing procedures by the CPD Committee.</p> <p>Non-compliance is managed by the CPD Committee.</p> |
| <p>5.5. Recency of Practice</p> | <p>The recency of practice threshold is met when practitioners are compliant with the recency of practice requirements OR have a Board approved Resumption of Practice program in place according to the HGSA Professional Practice for Genetic Counsellors Policy.</p> <p>Compliance is assessed through annual member auditing procedures against the Recency of Practice standard according to the HGSA Professional Practice for Genetic Counsellors Policy.</p> <p>Non-compliance is managed by the Professional Practice Committee.</p> |
| <p>5.6. Criminal History</p> | <p>Genetic counsellors must notify the Board if they are:</p> <ul style="list-style-type: none"> ● charged with an offence punishable by imprisonment for a term of 12 months or longer in Australia or overseas, <i>or</i> ● convicted or found guilty of an offence punishable by imprisonment in Australia and/or overseas. <p>The suitability of genetic counsellors with a criminal history not meeting this threshold will be considered on a case by case basis, by the Board.</p> <p>The procedure will be as presented in Section 6. Assessment of Practitioners who do not meet the Criminal History Threshold, page 5.</p> |

6. Assessment of Practitioners who do not meet the Criminal History Threshold

In deciding whether a health practitioner’s criminal history is relevant to the practice of their profession, the [Board of Censors for Genetic Counselling](#) (the Board) will consider the following

factors, extracted from the Australian Health Practitioner Regulation Agency (AHPRA) standards².

1. **The nature and gravity of the offence or alleged offence and its relevance to health practice.** The more serious the offence or alleged offence and the greater its relevance to health practice, the more weight the Board will assign to it.
2. **The period of time since the health practitioner committed, or allegedly committed, the offence.** The Board will generally place greater weight on more recent offences.
3. **Whether a finding of guilt or a conviction was recorded for the offence or a charge for the offence is still pending.** In considering the relevance of the criminal history information, the Board is to have regard to the type of criminal history information provided. The following types of criminal history information are to be considered, in descending order of relevance:
 - a. convictions
 - b. findings of guilt
 - c. pending charges
 - d. non-conviction charges: that is, charges that have been resolved otherwise than by a conviction or finding of guilt, taking into account the availability and source of contextual information which may explain why a non-conviction charge did not result in a conviction or finding of guilt.
4. **The sentence imposed for the offence.** The weight the Board will place on the sentence will generally increase as the significance of the sentence increases, including any custodial period imposed. The Board will also consider any mitigating factors raised in sentencing, where available, including rehabilitation.
5. **The ages of the health practitioner and of any victim at the time the health practitioner committed, or allegedly committed, the offence.** The Board may place less weight on offences committed when the applicant is younger, and particularly under 18 years of age. The Board may place more weight on offences involving victims under 18 years of age or other vulnerable persons.
6. **Whether or not the conduct that constituted the offence or to which the charge relates has been decriminalised since the health practitioner committed, or allegedly committed, the offence.** The Board will generally place less or no weight on offences that have been decriminalised since the health practitioner committed, or allegedly committed, the offence.
7. **The health practitioner's behaviour since he or she committed, or allegedly committed, the offence.** Indications that the offence was an aberration and evidence of good conduct or rehabilitation since the commission, or alleged commission of the offence, will tend to be a mitigating factor. However, indications that the offence is part of a pattern of behaviour will

² Australian Health Practitioner Regulation Agency (AHPRA). Registration Standard: Criminal History (for registered health practitioners), 1 July 2015. Available at: <https://www.ahpra.gov.au/Registration/Registration-Standards/Criminal-history.aspx>

tend to have the opposite effect.

8. **The likelihood of future threat to a patient of the health practitioner.** The Board is likely to place significant weight on the likelihood of future threat to a patient or client of the health practitioner.
9. **Any information given by the health practitioner.** Any information provided by the health practitioner such as an explanation or mitigating factors will be reviewed by the Board and taken into account in considering the health practitioner's criminal history.
10. **Any other matter that the Board considers relevant.** The Board may take into account any other matter that it considers relevant to the application or notification. A Board will not require an applicant or registered health practitioner to provide further information that may prejudice their personal situation pending charges and the Board must not draw any adverse inference as a result of the fact that information has not been provided.

Note: the above factors have been numbered for ease of reference only. The numbering does not indicate a priority order of application.

7. Assessment of Practitioners who have been the subject of a formal complaint

In deciding whether a complaint made against a health practitioner is relevant to their registration, the Board of Censors for Genetic Counselling (the Board) will also consider the nature, gravity, outcome, risk to the public, body that received and/or managed the complaint, and any information given by the practitioner or otherwise deemed relevant to the assessment.

8. Appendix: Mandatory declarations form

I am making this declaration as a genetic counsellor applying for:

- REGISTERED status, who:
 - has achieved FHGSA Clinical Certification by the HGSA [Board of Censors for Genetic Counselling](#), AND is actively working in clinical practice.
- PROVISIONAL registration status, who:
 - has been granted MHGSA by the [HGSA Board of Censors for Genetic Counselling](#), AND is actively working in clinical practice towards FHGSA Clinical Certification in Genetic Counselling according to the HGSA [Clinical Certification for Genetic Counsellors Policy](#);
OR
 - is an FHGSA genetic counsellor returning to clinical practice under a Resumption of Practice Plan administered by the [Professional Practice Committee](#)) as outlined in the HGSA [Professional Practice for Genetic Counsellors Policy](#).
- ACTIVE registration status, who does not meet any of the above criteria and:
 - Has been granted MHGSA or FHGSA in Genetic Counselling by the [HGSA Board of Censors for Genetic Counselling](#) AND who is a new graduate or practicing genetic counsellor as outlined in the HGSA [Professional Practice for Genetic Counsellors Policy](#).

Declarations required for professional regulation:

- I meet the minimum practice requirements outlined in the HGSA [Professional Practice for Genetic Counsellors](#) Policy.
- I meet the minimum supervision requirements outlined in the HGSA [Supervision Policy for Genetic Counsellors](#).
- I have completed the minimum self-directed learning activities annually in accordance with the HGSA [Continuing Professional Development Policy for Genetic Counsellors](#) and have logged these using the HGSA website [CPD tracker](#).
- I have read and understood the following HGSA Policies, and practice within these professional standards:
 - [Code of Ethics for Genetic Counsellors](#)
 - [Competency Standards for Genetic Counsellors](#)
 - [Scope of Practice for Genetic Counsellors](#)
- I am covered by professional indemnity insurance for my work as a genetic counsellor in Australasia, as per the HGSA [Professional Indemnity Insurance for Genetic Counsellors Policy](#).
- I am not aware of any formal complaint being made against me to any organisation with regard to my professional practice. If a complaint has been made against me, I have advised the [Board of Censors for Genetic Counselling](#).
- I have not been convicted or found guilty of an offence punishable by imprisonment in Australia, New Zealand, and/or elsewhere, or I have informed the [Board of Censors for Genetic Counselling](#) of this.
- I am not currently facing charges punishable by 12 months imprisonment or more in Australia, New Zealand, and/or elsewhere, or I have informed the [Board of Censors for Genetic Counselling](#) of this.
- I do not know of any information that could cause the [Board of Censors for Genetic Counselling](#) to not be satisfied that I am competent to practice as a genetic counsellor.
- I understand that [the Board of Censors for Genetic Counselling](#) may, in line with its annual audit and quality assurance measures, request evidence of:
 - professional indemnity insurance
 - continual professional development
 - hours of supervision and supervision arrangements
 - hours of practice.
- I agree to notify the [Board of Censors for Genetic Counselling](#) as soon as practicable if there are changes to information relating to any of the above.

DECLARATION

- All information I have provided is true and correct to the best of my knowledge.

CONSENT

- I consent to the details of my membership information being published in the HGSA Membership database, accessible only by HGSA members.
- I consent to the following details being published and publicly accessible through the online [HGSA Register of Certified Genetic Counsellors](#).
 - State
 - First name
 - Surname
 - Tertiary Qualification(s)
 - Certification(s)
 - Registration status
- I consent to allowing my de-identified information to be used for HGSA internal research to help inform future services.
- By completing any optional fields in my application, I consent to this information also being published in the online [HGSA Register of Certified Genetic Counsellors](#).