Mandatory Declarations for Genetic Counsellors

Policy

Title: Mandatory Declarations for Genetic Counsellors

Document Number: 2019GC16
Publication Date: December 2019
Location: http://www.hgsa.org.au/documents/item/10551
Replaces: 2019GC02
Review Date: September 2021

This document is published online, please access the most current version at the location above.

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.

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 HGSA Policy – Code of Ethics for Genetic Counsellors and HGSA Policy – Scope of Practice for Genetic Counsellors
c. disclosure of charges, convictions and involvement in proceedings related to criminal offences
d. meeting continuing professional development (CPD) requirements as per the HGSA Policy – Continuing Professional Development for Genetic Counsellors
e. recent practice or a resumption of practice plan in place (see HGSA Policy – Recency and Resumption of Practice for Genetic Counsellors for guidelines)
f. having adequate professional indemnity insurance (see HGSA Policy – Professional Indemnity Insurance for Genetic Counsellors)
g. agreement to the HGSA and the Board’s management of personal information, in accordance with the Australian and New Zealand Privacy Principles.
The thresholds for mandatory declarations are given in Appendix 1.

In making the declarations against the mandatory declaration thresholds (Appendix 1), 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.

**Exemptions**

There are no exemptions to the Mandatory Declarations Policy.

When an individual has concerns about meeting a mandatory declaration threshold (Appendix 1), they may submit to the Board a written statement of their concern in the form of a statutory declaration accompanied by substantiating evidence.
Appendix 1: Mandatory Declaration Thresholds

Code of Ethics
Genetic counsellors will practise in a manner consistent with HGSA Policy – Code of Ethics for Genetic Counsellors.
Threshold applies to the period since the last declaration and intent to practise in the coming period.
Non-compliance with the Code of Ethics is assessed through the HGSA Professional Concerns and Complaints Committee.

Scope of Practice
Genetic counsellors will practise in a manner consistent with HGSA Policy – Scope of Practice for Genetic Counsellors.
Threshold applies to the period since the last declaration and intent to practise in the coming period.
Non-compliance with the Scope of Practice is assessed through the HGSA Genetic Counsellor Professional Concerns and Complaints Committee.

Competency
Competency will be assessed at the initial application on the basis of the applicant’s qualifications, Board eligibility and certification status, as per the HGSA Policy – Competency Standards for Genetic Counsellors and HGSA Policy – Practitioner Certification for Genetic Counsellors.
Applicants attest to the truthfulness of this application in the mandatory declaration.

Continuing Professional Development
The threshold for meeting continuing professional development (CPD) requirements is set by the CPD Committee.
Compliance is assessed through annual member auditing procedures by the CPD Committee.
Non-compliance is managed by either the Certification Committee (for MHGSA Genetic Counsellors) or the CPD Committee (for FHGSA Genetic Counsellors)

Recency of Practice
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 Policy – Recency and Resumption of Practice for Genetic Counsellors.
Compliance is assessed through annual member auditing procedures against the Recency of Practice standard.
Non-compliance is managed by either the Certification Committee (for MHGSA Genetic Counsellors) or the Recency and Resumption of Practice Committee (for FHGSA Genetic Counsellors)
Criminal History

Genetic counsellors must notify the Board if they are:

- charged with an offence punishable by imprisonment for a term of 12 months or longer in Australia or overseas, or
- convicted or found guilty of an offence punishable by imprisonment in Australia and/or overseas.

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.

The procedure for assessment will be as presented in Appendix 2 (extracted from the AHPRA standard).

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.

The procedure for assessment will be as presented in Appendix 2 (extracted from the AHPRA standard).
Appendix 2: 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 AHPRA standard².

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:
   - convictions
   - findings of guilt
   - pending charges
   - 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 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.
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.

1 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
Appendix 3: Mandatory declarations document

I am making this declaration as

- A Genetic Counsellor who has achieved FHGSA certification by the HGSA Board of Censors for Genetic Counselling, meets the minimum practice and supervision requirements outlined in the HGSA Policy – Recency and Resumption of Practice for Genetic Counsellors, and has completed the minimum self-directed learning activities annually in accordance with the HGSA Policy – Continuing Professional Development for Genetic Counsellors.
- A Genetic Counsellor who has been granted MHGSA and Board Eligible status by the HGSA Board of Censors for Genetic Counselling, meets the minimum practice and supervision requirements for Board Eligibility, and is actively working towards completing the requirements and assessment tasks necessary for FHGSA Certification according to the HGSA Policy – Practitioner Certification for Genetic Counsellors.
- An FHGSA genetic counsellor who is returning to practice under a Resumption of Practice Plan approved by the HGSA Board of Censors for Genetic Counselling (Recency and Resumption of Practice Committee) as outlined in the HGSA Policy – Recency and Resumption of Practice for Genetic Counsellors.

Declarations required for professional regulation:

- I have read and understood both the HGSA Policy – Code of Ethics for Genetic counsellors and HGSA Policy – Scope of Practice for Genetic Counsellors and adhere to practise within these professional standards.
- I am aware of the HGSA Policy – Competency Standards for Genetic Counsellors outlined by the Board of Censors for Genetic Counselling and will adhere to them in all areas of my practice.
- I am not aware of any formal complaint being made against me to any organisation with regard to my professional practice.
- I have not been convicted or been found guilty of an office punishable by imprisonment in Australia and/or overseas.
- I am not currently facing charges punishable by 12 months imprisonment or more in Australia or elsewhere.
- I know of no 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 am covered by professional indemnity insurance to cover my work as a genetic counsellor in Australasia, as per the HGSA Policy – Professional Indemnity Insurance for Genetic Counsellors.
- 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 mandatory details of my membership information and certification being published and publicly accessible through the online HGSA Register of Certified Genetic Counsellors.

- State
- First name
- Surname
- Tertiary Qualification(s)
- Certification(s) [MHGSA/FHGSA/Overseas]

- By completing any optional fields in my membership application, I consent to this information also
being published in the online HGSA Register of Certified Genetic Counsellors.

- I consent to allowing my de-identified information from membership data to be used for Board of Censors for Genetic Counselling internal research to help inform future member services.

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

- 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 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.