

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 125 Session of 2009

INTRODUCED BY KILLION, ADOLPH, BEYER, CLYMER, GEIST, MANN,  
MELIO, MILLER, MUSTIO, SIPTROTH, VULAKOVICH, MURT AND HARPER,  
JANUARY 30, 2009

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, JANUARY 30,  
2009

AN ACT

1 Amending the act of December 20, 1985 (P.L.457, No.112),  
2 entitled "An act relating to the right to practice medicine  
3 and surgery and the right to practice medically related acts;  
4 reestablishing the State Board of Medical Education and  
5 Licensure as the State Board of Medicine and providing for  
6 its composition, powers and duties; providing for the  
7 issuance of licenses and certificates and the suspension and  
8 revocation of licenses and certificates; providing penalties;  
9 and making repeals," further providing for definitions; and  
10 providing for regulation of genetic counselors.

11 The General Assembly of the Commonwealth of Pennsylvania  
12 hereby enacts as follows:

13 Section 1. Section 2 of the act of December 20, 1985 (P.L.  
14 457, No.112), known as the Medical Practice Act of 1985, is  
15 amended by adding definitions to read:

16 Section 2. Definitions.

17 The following words and phrases when used in this act shall  
18 have the meanings given to them in this section unless the  
19 context clearly indicates otherwise:

20 "ABGC." The American Board of Genetic Counseling.

21 "ABMG." The American Board of Medical Genetics.

1       \* \* \*

2       "Active candidate status." The designation awarded to  
3 applicants who have received approval from the American Board of  
4 Genetic Counseling or the American Board of Medical Genetics to  
5 sit for their respective certification examinations.

6       \* \* \*

7       "Genetic counselor." An individual who is licensed to  
8 practice genetic counseling by the State Board of Medicine or  
9 the State Board of Osteopathic Medicine.

10      "Genetic counseling." The provision of services to  
11 individuals, couples, families and organizations by one or more  
12 appropriately trained individuals to address the physical and  
13 psychological issues associated with the occurrence or risk of  
14 occurrence of a genetic disorder, birth defect or genetically  
15 influenced condition or disease in an individual or a family.

16      \* \* \*

17      Section 2. The act is amended by adding a section to read:  
18 Section 13.4. Genetic counselor.

19      (a) License required.--Two years after the effective date of  
20 this section, it shall be unlawful for any person to hold  
21 himself out to the public as a genetic counselor or to practice  
22 or offer to practice genetic counseling unless the person holds  
23 a valid, current license issued by the board or the State Board  
24 of Osteopathic Medicine.

25      (b) Use of title.--An individual who holds a valid, current  
26 license issued by either board may use the title genetic  
27 counselor. No other person shall have that right.

28      (c) Regulations.--The board is authorized to promulgate  
29 regulations to implement this section.

30      (d) Scope of practice.--

1       (1) A genetic counselor may provide genetic counseling  
2 to clients, which shall include:

3           (i) Obtaining and interpreting individual and family  
4 medical, developmental and reproductive histories.

5           (ii) Determining the mode of inheritance and risk of  
6 transmission of genetic conditions and birth defects.

7           (iii) Explaining the inheritance, features, natural  
8 history, diagnosis and management of these conditions.

9           (iv) Identifying, coordinating, interpreting and  
10 explaining genetic tests and other diagnostic studies.

11           (v) Assessing psychosocial factors, recognizing  
12 social, educational and cultural issues.

13           (vi) Evaluating the client's or family's responses  
14 to the condition or risk of occurrence and providing  
15 client-centered counseling and anticipatory guidance.

16           (vii) Facilitating informed decision making about  
17 testing, management and reproductive alternatives.

18           (viii) Identifying and facilitating access to  
19 resources that provide medical, educational, financial  
20 and psychosocial support and advocacy.

21           (ix) Providing accurate written documentation of  
22 medical, genetic and counseling information for families  
23 and health care professionals as authorized by written  
24 consent of the client.

25       (2) When in the course of providing genetic counseling  
26 services to a client a genetic counselor finds any indication  
27 of a disease or condition that requires professional service  
28 outside the scope of practice defined in this section, the  
29 genetic counselor shall refer the client to a physician  
30 licensed to practice medicine and surgery without

1 restriction.

2 (3) Nothing in this subsection shall be construed to  
3 authorize a genetic counselor to diagnose, test or treat any  
4 genetic or other disease or condition.

5 (e) Exemptions.--The following persons may provide genetic  
6 counseling without holding the license required by this section  
7 as indicated:

8 (1) A person licensed under any other section of this  
9 act or any other law of this Commonwealth, while acting  
10 within the scope of practice of the person's license and  
11 training, provided the person does not hold himself out to  
12 the public as a genetic counselor.

13 (2) A person employed by the Federal Government to  
14 provide genetic counseling while in the discharge of the  
15 person's official duties.

16 (3) A student enrolled in an ABGC-accredited or ABMG-  
17 accredited genetic counseling educational program or an ABMG-  
18 accredited medical genetics educational program, if the  
19 counseling is an integral part of the student's course of  
20 study and is performed under the direct supervision of a  
21 genetic counselor or a physician licensed to practice  
22 medicine and surgery without restriction assigned to  
23 supervise the student.

24 (4) A person trained as a genetic counselor who  
25 reapplies for the ABCG certification examination and gathers  
26 logbook cases under general supervision in an approved  
27 genetic counseling training site.

28 (5) A person trained as a Ph.D. medical geneticist who  
29 reapplies for the ABMG certification examination and gathers  
30 logbook cases under a supervisor identified in the training

1 program's ABMG accreditation documents as a member of the  
2 training faculty.

3 (f) Qualifications.--An applicant shall be licensed to  
4 practice genetic counseling under this act if the applicant  
5 meets all of the following qualifications and has otherwise  
6 complied with the provisions of this act:

7 (1) The person is at least 21 years of age.

8 (2) The person is of good moral character.

9 (3) The person has received a master's degree in genetic  
10 counseling from an ABGC-accredited or ABMG-accredited  
11 educational program, or the person has received a doctoral  
12 degree and has successfully completed an ABMG-accredited  
13 medical genetics educational program.

14 (4) The person has passed the examination for  
15 certification as a genetic counselor by the American Board of  
16 Genetic Counseling or the American Board of Medical Genetics  
17 or has passed the examination for certification as a medical  
18 or clinical geneticist by the American Board of Medical  
19 Genetics.

20 (5) The person has completed an application form  
21 provided by the board and paid the appropriate fee.

22 (g) Licensure of noncertified persons.--For a period of  
23 three years after the effective date of this section, the board  
24 may issue a license to a person who meets all of the  
25 qualifications for licensure except for the requirements of  
26 subsection (f) (3) and (4), provided:

27 (1) The person has worked as a genetic counselor for a  
28 minimum of ten years preceding the enactment of this section.

29 (2) The person has received a master's or higher degree  
30 in genetics or a related field of study.

1       (3) The person has never failed the ABGC or ABMG  
2       certification examination.

3       (4) The person submits at least three letters of  
4       recommendation, one of which must be from a genetic counselor  
5       certified by ABGC or ABMG and one must be from either a  
6       clinical geneticist certified by ABMG or a medical geneticist  
7       certified by ABMG. A person who submits a letter of  
8       recommendation must have worked with the applicant in an  
9       employment setting during the previous ten years and can  
10       attest to the applicant's competency in providing genetic  
11       counseling services.

12       (5) The person provides documentation of attending ABGC-  
13       approved continuing education programs within the previous  
14       five years.

15       (h) Provisional license.--

16       (1) The board may issue a provisional license to  
17       practice genetic counseling to a person who meets all of the  
18       qualifications for licensure except for the certification  
19       requirement of subsection (f)(4), provided the person has  
20       been granted active candidate status establishing eligibility  
21       to sit for the next available certification examination by  
22       the American Board of Genetic Counseling or the American  
23       Board of Medical Genetics.

24       (2) A provisional license shall allow the person to  
25       practice under the supervision of a genetic counselor or a  
26       physician licensed to practice medicine and surgery without  
27       restriction until the person receives certification from the  
28       ABGC or the ABMG or two examination cycles have elapsed,  
29       whichever comes first.

30       (3) Under no circumstances shall a person continue to

1 practice on a provisional license for more than 30 days after  
2 notification that the person has not passed the examination  
3 within two examination cycles after receiving the provisional  
4 license.

5 (i) Licensure fees.--All application and licensure fees  
6 shall be set by the board by regulation.

7 (j) Reciprocal disciplinary action.--Disciplinary action  
8 taken by the State Board of Medicine against a person who is a  
9 genetic counselor licensed by it shall be enforceable by the  
10 State Board of Osteopathic Medicine against the person if the  
11 person holds or seeks a license to practice as a genetic  
12 counselor with the State Board of Osteopathic Medicine.

13 (k) Continuing education.--

14 (1) The board shall adopt, promulgate and enforce rules  
15 and regulations consistent with the provisions of this  
16 section establishing requirements of continuing education to  
17 be met by persons licensed as genetic counselors under this  
18 section as a condition for renewal of their licenses. The  
19 regulations shall include any fees necessary for the board to  
20 carry out its responsibilities under this section.

21 (2) Beginning with the license period designated by  
22 regulation, licensees shall attend and complete 30 hours of  
23 mandatory continuing education during each two-year license  
24 period. Nationally certified education courses shall be  
25 considered as creditable, in addition to any other courses  
26 the board deems creditable toward meeting the requirements  
27 for continuing education.

28 (3) A person who applies for the first time for  
29 licensure in this Commonwealth shall be exempt from the  
30 continuing education requirements for the biennial renewal

1 period following initial licensure.

2 (4) (i) The board may waive all or a portion of the  
3 continuing education requirement for biennial renewal for  
4 a licensee who shows to the satisfaction of the board  
5 that the licensee was unable to complete the requirements  
6 due to serious illness, military service or other  
7 demonstrated hardship.

8 (ii) The request must be in writing with appropriate  
9 documentation and include a description of circumstances  
10 sufficient to show why the licensee was unable to comply  
11 with the continuing education requirement.

12 (5) A licensee seeking to reinstate an inactive or  
13 lapsed license must present proof of compliance with the  
14 continuing education requirement for the preceding biennium.

15 (6) All courses, locations, instructors and providers  
16 shall be approved by the board. No credit shall be given for  
17 any course in office management.

18 Section 3. The State Board of Medicine shall promulgate  
19 regulations to carry out the provisions of this act within 18  
20 months of the effective date of this section.

21 Section 4. This act shall take effect in 60 days.