

## 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, HARPER,  
GINGRICH, LENTZ AND CALTAGIRONE, JANUARY 30, 2009

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,  
SEPTEMBER 29, 2010

## 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 an active license issued by the board or the State Board of  
24 Osteopathic Medicine.

25      (b) Use of title.--An individual who holds an active license  
26 as provided by this act may hold himself out to the public by  
27 any title or description of services incorporating the term  
28 "genetic counselor" or use any words or symbols indicating or  
29 tending to indicate that the individual is a genetic counselor,  
30 except as otherwise provided by this act.

1 (c) Scope of practice.--

2 (1) A genetic counselor may provide genetic counseling  
3 to clients, which includes:

4 (i) Obtaining and ~~interpreting~~ REVIEWING individual ←  
5 and family medical, developmental and reproductive  
6 histories.

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

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

11 (iv) Identifying, coordinating, ~~interpreting~~ ←  
12 REVIEWING and explaining genetic tests and other ←  
13 diagnostic studies.

14 (v) Assessing psychosocial factors, recognizing  
15 social, educational and cultural issues.

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

19 (vii) Facilitating informed decision making about  
20 testing, management and reproductive alternatives.

21 (viii) Identifying and facilitating access to  
22 resources that provide medical, educational, financial  
23 and psychosocial support and advocacy.

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

28 (2) When in the course of providing genetic counseling  
29 services to a client, if a genetic counselor finds any  
30 indication of a disease or condition that requires

1 professional service outside the scope of practice defined in  
2 this section, the genetic counselor shall refer the client to  
3 a licensed physician.

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

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

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

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

18 (3) A student enrolled in an ABGC-accredited or ABMG-  
19 accredited genetic counseling educational program or an ABMG-  
20 accredited medical genetics educational program, if the  
21 counseling is an integral part of the student's course of  
22 study and is performed under the direct supervision of a  
23 genetic counselor or a licensed physician.

24 (4) A person trained as a genetic counselor who  
25 reapplies for the ABGC certification examination and is  
26 working under general supervision in an approved genetic  
27 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 (e) 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 or  
10 doctoral degree in human genetics or genetic counseling from  
11 an ABGC-accredited or ABMG-accredited educational program, or  
12 has met the requirements for certification by the ABGC or  
13 ABMG.

14 (4) The person has passed the examination for  
15 certification as a genetic counselor by the ABGC or the ABMG  
16 or has passed the examination for certification as a Ph.D.  
17 medical geneticist by the ABMG.

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

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

25 (1) The person has received a master's or higher degree  
26 in genetics or a related field of study and has worked as a  
27 genetic counselor for a minimum of three years preceding the  
28 enactment of this section or has received a bachelor's degree  
29 in genetics or a related field of study and has been employed  
30 as a genetic counselor for at least ten years prior to the

1 enactment of this section.

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

11 (g) Provisional license.--

12 (1) The board may issue a provisional license to  
13 practice genetic counseling to a person who meets all of the  
14 qualifications for licensure except for the certification  
15 requirement of subsection (e)(4), provided the person has  
16 been granted active candidate status establishing eligibility  
17 to sit for the next available certification examination by  
18 the ABGC or the ABMG.

19 (2) A provisional license shall allow the person to  
20 practice under the supervision of a genetic counselor or a  
21 licensed physician until the person receives certification  
22 from the ABGC or the ABMG or two examination cycles have  
23 elapsed, whichever comes first.

24 (3) Under no circumstances shall a person continue to  
25 practice on a provisional license upon notification that the  
26 person has not passed the examination within two examination  
27 cycles after receiving the provisional license.

28 (h) Licensure fees.--All application and licensure fees  
29 shall be set by the board by regulation.

30 (i) Reciprocal disciplinary action.--Disciplinary action

1 taken by the State Board of Medicine against a person who is a  
2 genetic counselor shall be enforceable by the State Board of  
3 Osteopathic Medicine against the person if the person holds or  
4 seeks a license to practice as a genetic counselor with the  
5 State Board of Osteopathic Medicine.

6 (j) Continuing education.--

7 (1) The board shall promulgate regulations establishing  
8 requirements of continuing education to be met by persons  
9 licensed as genetic counselors under this section as a  
10 condition for renewal of their licenses.

11 (2) A person who applies for initial licensure in this  
12 Commonwealth shall be exempt from the continuing education  
13 requirements for the biennial renewal period following  
14 initial licensure.

15 (4) The board may waive all or a portion of the  
16 continuing education requirement for biennial renewal for a  
17 licensee who shows to the satisfaction of the board that the  
18 licensee was unable to complete the requirements due to  
19 serious illness, military service or other demonstrated  
20 hardship.

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

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