

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 AND
GINGRICH, JANUARY 30, 2009

AS REPORTED FROM COMMITTEE ON PROFESSIONAL LICENSURE, HOUSE OF
REPRESENTATIVES, AS AMENDED, OCTOBER 7, 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 AN ACTIVE license issued by the board or the ←
24 State Board 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 AN ACTIVE LICENSE AS ←
30 PROVIDED BY THIS ACT MAY HOLD HIMSELF OUT TO THE PUBLIC BY ANY

TITLE OR DESCRIPTION OF SERVICES INCORPORATING THE TERM "GENETIC COUNSELOR" OR USE ANY WORDS OR SYMBOLS INDICATING OR TENDING TO INDICATE THAT THE INDIVIDUAL IS A GENETIC COUNSELOR, EXCEPT AS OTHERWISE PROVIDED BY THIS ACT.

~~(d)~~ (C) Scope of practice.--

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

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

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

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

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

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

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

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

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

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

(2) When in the course of providing genetic counseling

1 services to a client, IF a genetic counselor finds any ←
2 indication of a disease or condition that requires
3 professional service outside the scope of practice defined in
4 this section, the genetic counselor shall refer the client to
5 a LICENSED physician licensed to practice medicine and ←
6 surgery without restriction.

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

10 ~~(e)~~ (D) Exemptions.--The following persons may provide ←
11 genetic counseling without holding the license required by this
12 section as indicated:

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

18 (2) A person employed by the Federal Government to
19 provide genetic counseling while in the discharge of the
20 person's official duties.

21 (3) A student enrolled in an ABGC-accredited or ABMG-
22 accredited genetic counseling educational program or an ABMG-
23 accredited medical genetics educational program, if the
24 counseling is an integral part of the student's course of
25 study and is performed under the direct supervision of a
26 genetic counselor or a LICENSED physician ~~licensed to~~ ←
27 ~~practice medicine and surgery without restriction assigned to~~
28 ~~supervise the student.~~

29 (4) A person trained as a genetic counselor who
30 reapplies for the ~~ABCG~~ ABGC certification examination and ←

~~gathers logbook cases~~ IS WORKING under general supervision in
an approved genetic counseling training site.

(5) A person trained as a Ph.D. medical geneticist who
reapplies for the ABMG certification examination and gathers
logbook cases under a supervisor identified in the training
program's ABMG accreditation documents as a member of the
training faculty.

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

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

(2) The person is of good moral character.

(3) The person has received a master's degree in OR
DOCTORAL DEGREE IN HUMAN GENETICS OR genetic counseling from
an ABGC-accredited or ABMG-accredited educational program, or
~~the person has received a doctoral degree and has~~
~~successfully completed an ABMG accredited medical genetics~~
~~educational program~~ HAS MET THE REQUIREMENTS FOR
CERTIFICATION BY THE ABGC OR ABMG.

(4) The person has passed the examination for
certification as a genetic counselor by the ~~American Board of~~
~~Genetic Counseling~~ ABGC or the ~~American Board of Medical~~
~~Genetics~~ ABMG or has passed the examination for certification
as a PH.D. medical ~~or clinical~~ geneticist by the ~~American~~
~~Board of Medical Genetics~~ ABMG.

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

~~(g)~~ (F) Licensure of noncertified persons.--For a period of
three years after the effective date of this section, the board

1 may issue a license to a person who meets all of the
2 qualifications for licensure except for the requirements of
3 subsection ~~(f)(3)~~ (E)(3) and (4), provided:

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

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

8 ~~(3) The person has never failed the ABGC or ABMG~~
9 ~~certification examination.~~

10 (1) THE PERSON HAS RECEIVED A MASTER'S OR HIGHER DEGREE
11 IN GENETICS OR A RELATED FIELD OF STUDY AND HAS WORKED AS A
12 GENETIC COUNSELOR FOR A MINIMUM OF THREE YEARS PRECEDING THE
13 ENACTMENT OF THIS SECTION OR HAS RECEIVED A BACHELOR'S DEGREE
14 IN GENETICS OR A RELATED FIELD OF STUDY AND HAS BEEN EMPLOYED
15 AS A GENETIC COUNSELOR FOR AT LEAST TEN YEARS PRIOR TO THE
16 ENACTMENT OF THIS SECTION.

17 ~~(4)~~ (2) The person submits at least three letters of
18 recommendation, one of which must be from a genetic counselor
19 certified by ABGC or ABMG and one must be from either a
20 clinical geneticist certified by ABMG or a medical geneticist
21 certified by ABMG. A person who submits a letter of
22 recommendation must have worked with the applicant in an
23 employment setting during the previous ten years and can
24 attest to the applicant's competency in providing genetic
25 counseling services.

26 ~~(5) The person provides documentation of attending ABGC~~
27 ~~approved continuing education programs within the previous~~
28 ~~five years.~~

29 ~~(h)~~ (G) Provisional license.--

30 (1) The board may issue a provisional license to

1 practice genetic counseling to a person who meets all of the
2 qualifications for licensure except for the certification
3 requirement of subsection ~~(f)(4)~~ (E)(4), provided the person ←
4 has been granted active candidate status establishing
5 eligibility to sit for the next available certification
6 examination by the ~~American Board of Genetic Counseling or~~ ←
7 ~~the American Board of Medical Genetics~~ ABGC OR THE ABMG. ←

8 (2) A provisional license shall allow the person to
9 practice under the supervision of a genetic counselor or a
10 LICENSED physician ~~licensed to practice medicine and surgery~~ ←
11 ~~without restriction~~ until the person receives certification
12 from the ABGC or the ABMG or two examination cycles have
13 elapsed, whichever comes first.

14 (3) Under no circumstances shall a person continue to
15 practice on a provisional license ~~for more than 30 days after~~ ←
16 UPON notification that the person has not passed the ←
17 examination within two examination cycles after receiving the
18 provisional license.

19 ~~(i)~~ (H) Licensure fees.--All application and licensure fees ←
20 shall be set by the board by regulation.

21 ~~(j)~~ (I) Reciprocal disciplinary action.--Disciplinary action ←
22 taken by the State Board of Medicine against a person who is a
23 genetic counselor ~~licensed by it~~ shall be enforceable by the ←
24 State Board of Osteopathic Medicine against the person if the
25 person holds or seeks a license to practice as a genetic
26 counselor with the State Board of Osteopathic Medicine.

27 ~~(k)~~ (J) Continuing education.-- ←

28 (1) The board shall ~~adopt, promulgate and enforce rules~~ ←
29 ~~and regulations consistent with the provisions of this~~ ←
30 ~~section~~ establishing requirements of continuing education to

1 be met by persons licensed as genetic counselors under this
2 section as a condition for renewal of their licenses. The ←
3 regulations shall include any fees necessary for the board to
4 carry out its responsibilities under this section.

5 ~~(2)~~ Beginning with the license period designated by
6 regulation, licensees shall attend and complete 30 hours of
7 mandatory continuing education during each two year license
8 period. Nationally certified education courses shall be
9 considered as creditable, in addition to any other courses
10 the board deems creditable toward meeting the requirements
11 for continuing education.

12 ~~(3)~~ (2) A person who applies for the first time for ←
13 INITIAL licensure in this Commonwealth shall be exempt from ←
14 the continuing education requirements for the biennial
15 renewal period following initial licensure.

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

22 ~~(ii)~~ The request must be in writing with appropriate ←
23 documentation and include a description of circumstances
24 sufficient to show why the licensee was unable to comply
25 with the continuing education requirement.

26 ~~(5)~~ A licensee seeking to reinstate an inactive or
27 lapsed license must present proof of compliance with the
28 continuing education requirement for the preceding biennium.

29 ~~(6)~~ All courses, locations, instructors and providers
30 shall be approved by the board. No credit shall be given for

1 ~~any course in office management.~~

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

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