

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 127 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 October 5, 1978 (P.L.1109, No.261), entitled
2 "An act requiring the licensing of practitioners of
3 osteopathic medicine and surgery; regulating their practice;
4 providing for certain funds and penalties for violations and
5 repeals," further providing for definitions; and providing
6 for regulation of genetic counselors.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Section 2 of the act of October 5, 1978 (P.L.
10 1109, No.261), known as the Osteopathic Medical Practice Act, is
11 amended by adding definitions to read:

12 Section 2. Definitions.

13 The following words and phrases when used in this act shall
14 have, unless the context clearly indicates otherwise, the
15 meanings given to them in this section:

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

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

18 "Active candidate status." The designation awarded to

19 applicants who have received approval from the American Board of

1 Genetic Counseling or the American Board of Medical Genetics to
2 sit for their respective certification examinations.

3 * * *

4 "Genetic counselor." An individual who is licensed to
5 practice genetic counseling by the State Board of Medicine or
6 the State Board of Osteopathic Medicine.

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

13 * * *

14 Section 2. The act is amended by adding a section to read:
15 Section 10.3. Genetic counselor.

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

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

25 (c) Regulations.--The board may promulgate regulations to
26 implement this section.

27 (d) Scope of practice.--

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

30 (i) Obtaining and interpreting individual and family

1 medical, developmental and reproductive histories.

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

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

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

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

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

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

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

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

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

29 (3) Nothing in this subsection shall be construed to
30 authorize a genetic counselor to diagnose, test or treat any

genetic or other disease or condition.

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

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

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

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

(4) A person trained as a genetic counselor who reapplies for the ABCG certification examination and gathers logbook cases 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) 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 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.

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

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

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

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

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

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

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

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

13 (h) Provisional license.--

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

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

28 (3) Under no circumstances shall a person continue to
29 practice on a provisional license for more than 30 days after
30 notification that the person has not passed the examination

1 within two examination cycles after receiving the provisional
2 license.

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

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

11 (k) Continuing education.--

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

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

26 (3) A person who applies for the first time for
27 licensure in this Commonwealth shall be exempt from the
28 continuing education requirements for the biennial renewal
29 period following initial licensure.

30 (4) (i) The board may waive all or a portion of the

1 continuing education requirement for biennial renewal for
2 a licensee who shows to the satisfaction of the board
3 that the licensee was unable to complete the requirements
4 due to serious illness, military service or other
5 demonstrated hardship.

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

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

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

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

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