
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2137 Session of
2007

INTRODUCED BY KILLION, BARRAR, BRENNAN, CLYMER, CURRY, FRANKEL,
GINGRICH, HARPER, HENNESSEY, HORNAMAN, LENTZ, MOYER, SONNEY
AND YOUNGBLOOD, DECEMBER 18, 2007

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE,
DECEMBER 18, 2007

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
14 (P.L.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 13.3. 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) Nothing in this subsection shall be construed to
26 authorize a genetic counselor to diagnose, test or treat any
27 genetic or other disease or condition. When in the course of
28 providing genetic counseling services to any client a genetic
29 counselor finds any indication of a disease or condition that
30 requires professional service outside the scope of practice

1 defined in this section, the genetic counselor shall refer
2 that client to a physician licensed to practice medicine and
3 surgery without restriction.

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

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

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

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

23 (4) A person trained as a genetic counselor that is
24 reapplying for the ABCG certification examination and
25 gathering logbook cases under general supervision in an
26 approved genetic counseling training site.

27 (5) A person trained as a Ph.D. medical geneticist that
28 is reapplying for the ABMG certification examination and is
29 gathering logbook cases under a supervisor identified in the
30 training program's ABMG accreditation documents as a member

1 of the training faculty.

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

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

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

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

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

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

21 (g) Licensure of noncertified persons.--For a period of
22 three years after the effective date of this section, the board
23 may issue a license to a person who meets all of the
24 qualifications for licensure except for the requirements of
25 subsection (f)(3) and (4), provided the person has worked as a
26 genetic counselor for a minimum of ten years preceding the
27 enactment of this section. All of the following shall apply:

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

30 (2) The person has never failed the ABGC or ABMG

1 certification examination.

2 (3) 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. All individuals submitting letters 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 (4) The person provides documentation of attending ABGC-
12 approved continuing education programs within the previous
13 five years.

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

22 (1) 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 (2) 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 Medicine against a genetic counselor
7 licensed by it shall be enforceable by the State Board of
8 Osteopathic Medicine against that same person if the person
9 holds or seeks a license to practice as a genetic counselor with
10 the State Board of Osteopathic 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 be required to attend and
21 complete 30 hours of mandatory continuing education during
22 each two-year license period. Nationally certified education
23 courses shall be considered as creditable, in addition to any
24 other courses the board deems creditable toward meeting the
25 requirements for continuing education.

26 (3) An individual applying for the first time for
27 licensure in this Commonwealth shall be exempted 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 shall be made in writing with
7 appropriate documentation and shall include a description
8 of circumstances sufficient to show why the licensee was
9 unable to comply with the continuing education
10 requirement.

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

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

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

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