

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2138 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 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
10 (P.L.1109, No.261), known as the Osteopathic Medical Practice
11 Act, is 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

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

* * *

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

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

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

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

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

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

(d) Scope of practice.--

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

(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) Nothing in this subsection shall be construed to
23 authorize a genetic counselor to diagnose, test or treat any
24 genetic or other disease or condition. When in the course of
25 providing genetic counseling services to any client a genetic
26 counselor finds any indication of a disease or condition that
27 requires professional service outside the scope of practice
28 defined in this section, the genetic counselor shall refer
29 that client to a physician licensed to practice medicine and
30 surgery without restriction.

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

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

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

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

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

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

29 (f) Qualifications.--An applicant shall be licensed to
30 practice genetic counseling under this act if the applicant

1 meets all of the following qualifications and has otherwise
2 complied with the provisions of this act:

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

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

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

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

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

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

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

27 (2) The person has never failed the ABGC or ABMG
28 certification examination.

29 (3) The person submits at least three letters of
30 recommendation, one of which must be from a genetic counselor

1 certified by ABGC or ABMG and one must be from either a
2 clinical geneticist certified by ABMG or a medical geneticist
3 certified by ABMG. All individuals submitting letters of
4 recommendation must have worked with the applicant in an
5 employment setting during the previous ten years and can
6 attest to the applicant's competency in providing genetic
7 counseling services.

8 (4) The person provides documentation of attending ABGC-
9 approved continuing education programs within the previous
10 five years.

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

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

25 (2) Under no circumstances shall a person continue to
26 practice on a provisional license for more than 30 days after
27 notification that the person has not passed the examination
28 within two examination cycles after receiving the provisional
29 license.

30 (i) Licensure fees.--All application and licensure fees

1 shall be set by the board by regulation.

2 (j) Reciprocal disciplinary action.--Disciplinary action
3 taken by the State Board of Osteopathic Medicine against a
4 genetic counselor licensed by it shall be enforceable by the
5 State Board of Medicine against that same person if the person
6 holds or seeks a license to practice as a genetic counselor with
7 the State Board of Medicine.

8 (k) Continuing education.--

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

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

23 (3) An individual applying for the first time for
24 licensure in this Commonwealth shall be exempted from the
25 continuing education requirements for the biennial renewal
26 period following initial licensure.

27 (4) (i) The board may waive all or a portion of the
28 continuing education requirement for biennial renewal for
29 a licensee who shows to the satisfaction of the board
30 that the licensee was unable to complete the requirements

1 due to serious illness, military service or other
2 demonstrated hardship.

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

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

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

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

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