

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 332 Session of 2011

INTRODUCED BY KILLION, CALTAGIRONE, GEIST, GINGRICH, MANN,
MICOZZIE, MILLER, MILNE, MUSTIO, VULAKOVICH AND FLECK,
JANUARY 31, 2011

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, JANUARY 31,
2011

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 reviewing individual and family
5 medical, developmental and reproductive histories.

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

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

10 (iv) Identifying, coordinating, reviewing and
11 explaining genetic tests and other diagnostic studies.

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

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

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

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

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

26 (2) When in the course of providing genetic counseling
27 services to a client, if a genetic counselor finds any
28 indication of a disease or condition that requires
29 professional service outside the scope of practice defined in
30 this section, the genetic counselor shall refer the client to

1 a licensed physician.

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

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

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

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

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

22 (4) A person trained as a genetic counselor who
23 reapplies for the ABGC certification examination and is
24 working under general supervision in an approved genetic
25 counseling training site.

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

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

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

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

7 (3) The person has received a master's degree or
8 doctoral degree in human genetics or genetic counseling from
9 an ABGC-accredited or ABMG-accredited educational program, or
10 has met the requirements for certification by the ABGC or
11 ABMG.

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

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

18 (f) 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 (e) (3) and (4), provided:

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

30 (2) The person submits at least three letters of

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

9 (g) Provisional license.--

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

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

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

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

28 (i) Reciprocal disciplinary action.--Disciplinary action
29 taken by the board against a person who is a genetic counselor
30 shall be enforceable by the State Board of Osteopathic Medicine

1 against the person if the person holds or seeks a license to
2 practice as a genetic counselor with the State Board of
3 Osteopathic Medicine.

4 (j) Continuing education.--

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

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

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

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

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