

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 332 Session of
2011

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

SENATOR TOMLINSON, CONSUMER PROTECTION AND PROFESSIONAL
LICENSURE, IN SENATE, AS AMENDED, OCTOBER 25, 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.

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

2 * * *

3 "Active candidate status." The designation awarded to
4 applicants who have received approval from the American Board of
5 Genetic Counseling or the American Board of Medical Genetics to
6 sit for their respective certification examinations.

7 * * *

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

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

17 * * *

18 Section 2. The act is amended by adding a section to read:
19 Section 13.4. Genetic counselor.

20 (a) License required.--Two years after the effective date of
21 this section, it shall be unlawful for any person to hold
22 himself out to the public as a genetic counselor or to practice
23 or offer to practice genetic counseling unless the person holds
24 an active license issued by the board or the State Board of
25 Osteopathic Medicine. A LICENSE ISSUED BY THE BOARD.

26 (b) Use of title.--An individual who holds an active license
27 as provided by this act may hold himself out to the public by
28 any title or description of services incorporating the term
29 "genetic counselor" or use any words or symbols indicating or
30 tending to indicate that the individual is a genetic counselor,

1 except as otherwise provided by this act.

2 (c) Scope of practice.--

3 (1) A genetic counselor may provide genetic counseling
4 to clients, which includes:

5 (i) Obtain and evaluate individual, ~~family and~~ AND ←
6 FAMILY medical histories to determine genetic risk for
7 genetic or medical conditions and diseases in a patient, ~~—~~ ←
8 ~~the patient's offspring~~ and other family members.

9 (ii) Discuss the features, natural history, means of
10 diagnosis, genetic and environmental factors and
11 management of risk for the genetic or medical conditions
12 and diseases.

13 (iii) Identify and coordinate genetic laboratory
14 tests and other diagnostic studies as appropriate for the
15 genetic assessment.

16 (iv) Integrate THE genetic laboratory test results ←
17 and other diagnostic studies with personal and family
18 medical history to assess and communicate risk factors
19 for genetic or medical conditions and diseases.

20 (v) Explain the clinical implications of genetic
21 laboratory tests and other diagnostic studies and their
22 results.

23 (vi) Evaluate the client's or family's responses to
24 the condition or risk of the recurrence and provide
25 client-centered counseling and ~~anticipatory guidance.~~ ←

26 (vii) Identify and utilize community resources that
27 provide medical, educational, financial and psychosocial
28 support and advocacy.

29 (viii) Provide written documentation of medical,
30 genetic and counseling information for families and

1 health care professionals.

2 (2) When in the course of providing genetic counseling
3 services to a client, if a genetic counselor finds any
4 indication of a disease or condition that requires
5 ~~professional service~~ DIAGNOSIS AND TREATMENT outside the ←
6 scope of practice defined in this section, the genetic
7 counselor shall refer the client to a licensed physician OR ←
8 APPROPRIATE HEALTH CARE PRACTITIONER.

9 (3) Nothing in this subsection shall be construed to
10 authorize a genetic counselor to diagnose, test or treat any
11 genetic DISEASE OR CONDITION or other disease or condition. ←

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

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

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

23 (3) A student enrolled in an ABGC-accredited or ABMG-
24 accredited genetic counseling educational program or an ABMG-
25 accredited medical genetics educational program, if the
26 counseling is an integral part of the student's course of
27 study and is performed under the direct supervision of a
28 genetic counselor or a licensed physician.

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

1 working under general supervision in an approved genetic
2 counseling training site.

3 (5) A person trained as a Ph.D. medical geneticist who
4 reapplies for the ABMG certification examination and ~~gathers~~ ←
5 ~~logbook cases~~ DOCUMENTS THE NUMBER OF CASES IN A LOGBOOK ←
6 under a supervisor identified in the training program's ABMG
7 accreditation documents as a member of the training faculty.

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

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

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

14 (3) The person has received a master's degree or
15 doctoral degree in human genetics or genetic counseling from
16 an ABGC-accredited or ABMG-accredited educational program, or
17 has met the requirements for certification by the ABGC or
18 ABMG.

19 (4) The person has passed the examination for
20 certification as a genetic counselor by the ABGC or the ABMG
21 or has passed the examination for certification as a Ph.D.
22 medical geneticist by the ABMG, AS APPROVED BY THE BOARD. ←

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

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

30 (1) The person has received a master's or higher degree

1 in genetics or a related field of study and has worked as a
2 genetic counselor for a minimum of three CONTINUOUS years ←
3 preceding the enactment of this section or has received a
4 bachelor's degree in genetics or a related field of study and
5 has been employed as a genetic counselor for at least ten
6 CONTINUOUS years prior to the enactment of this section. ←

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

16 (g) Provisional license.--

17 (1) The board may issue a provisional license to
18 practice genetic counseling to a person who meets all of the
19 qualifications for licensure except for the certification
20 requirement of subsection (e)(4), provided the person has
21 been granted active candidate status establishing eligibility
22 to sit for the next available certification examination by
23 the ABGC or the ABMG.

24 (2) A provisional license shall allow the person to
25 practice under the supervision of a genetic counselor or a
26 licensed physician until the person receives certification
27 from the ABGC or the ABMG or two examination cycles have
28 elapsed, whichever comes first.

29 (3) Under no circumstances shall a person continue to
30 practice on a provisional license upon notification that the

1 person has not passed the examination within two examination
2 cycles after receiving the provisional license.

3 (h) Licensure fees.--All application and licensure fees
4 shall be set by the board by regulation. UNTIL SUCH A TIME AS ←
5 THE BOARD ADOPTS A FEE BY REGULATION, APPLICANTS SHALL PAY A
6 BIENNIAL FEE OF \$125.

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

13 (j) Continuing education.--

14 ~~(1) The board shall promulgate regulations establishing~~ ←
15 ~~requirements of continuing education to be met by persons~~
16 ~~licensed as genetic counselors under this section as a~~
17 ~~condition for renewal of their licenses.~~

18 (1) FOR EACH LICENSE RENEWAL, A LICENSEE SHALL COMPLETE ←
19 WITHIN THE IMMEDIATELY PRECEDING TWO-YEAR PERIOD AT LEAST 30
20 HOURS OF CONTINUING EDUCATION AS APPROVED BY THE BOARD. THE
21 LICENSEE SHALL PROVIDE THE BOARD WITH EVIDENCE OF THE
22 COMPLETION OF THE CONTINUING EDUCATION. NO CREDIT SHALL BE
23 GIVEN FOR ANY COURSE IN OFFICE MANAGEMENT OR PRACTICE
24 BUILDING.

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

29 (3) The board may waive all or a portion of the
30 continuing education requirement for biennial renewal for a

1 licensee who shows to the satisfaction of the board that the
2 licensee was unable to complete the requirements due to
3 serious illness, military service or other demonstrated
4 hardship.

5 (4) CONTINUING EDUCATION PROGRAMS AND PROGRAM PROVIDERS ←
6 UNDER THIS SUBSECTION SHALL BE APPROVED BY THE BOARD IN
7 ACCORDANCE WITH STANDARDS AND CRITERIA ESTABLISHED BY THE
8 BOARD BY REGULATION. THE REGULATION SHALL INCLUDE ANY FEES
9 NECESSARY TO IMPLEMENT THIS PROVISION AND PROVIDE FOR WAIVER
10 OF THE CONTINUING EDUCATION REQUIREMENT DUE TO ILLNESS OR
11 HARDSHIP IN ANY LICENSING RENEWAL PERIOD.

12 (K) LIABILITY INSURANCE.--

13 (1) A LICENSEE UNDER THIS SECTION, PRACTICING IN THIS
14 COMMONWEALTH, SHALL MAINTAIN A LEVEL OF PROFESSIONAL
15 LIABILITY INSURANCE COVERAGE IN THE MINIMUM AMOUNT OF
16 \$1,000,000 PER OCCURRENCE OR CLAIMS MADE. FAILURE TO MAINTAIN
17 INSURANCE COVERAGE AS REQUIRED SHALL SUBJECT THE LICENSEE TO
18 DISCIPLINARY PROCEEDINGS. THE BOARD SHALL ACCEPT AS
19 SATISFACTORY EVIDENCE OF INSURANCE COVERAGE ANY OF THE
20 FOLLOWING:

21 (I) SELF-INSURANCE;

22 (II) PERSONALLY PURCHASED LIABILITY INSURANCE; OR

23 (III) PROFESSIONAL LIABILITY INSURANCE COVERAGE

24 PROVIDED BY THE GENETIC COUNSELOR'S EMPLOYER OR SIMILAR
25 INSURANCE COVERAGE ACCEPTABLE TO THE BOARD.

26 (2) AN APPLICANT SHALL PROVIDE PROOF THAT THE APPLICANT
27 HAS OBTAINED PROFESSIONAL LIABILITY INSURANCE IN ACCORDANCE
28 WITH PARAGRAPH (1). IT IS SUFFICIENT IF THE APPLICANT FILES
29 WITH THE APPLICATION A COPY OF A LETTER FROM THE APPLICANT'S
30 PROFESSIONAL LIABILITY INSURANCE CARRIER INDICATING THAT THE

1 APPLICANT WILL BE COVERED AGAINST PROFESSIONAL LIABILITY IN
2 THE REQUIRED AMOUNTS EFFECTIVE UPON THE ISSUANCE OF THE
3 APPLICANT'S LICENSE TO PRACTICE GENETIC COUNSELING IN THIS
4 COMMONWEALTH.

5 (3) UPON ISSUANCE OF A LICENSE, A LICENSEE HAS 30 DAYS
6 TO SUBMIT TO THE BOARD THE CERTIFICATE OF INSURANCE OR A COPY
7 OF THE POLICY DECLARATION PAGE.

8 (4) THE BOARD SHALL ADOPT BY REGULATION STANDARDS AND
9 PROCEDURES ESTABLISHED BY THE INSURANCE COMMISSIONER FOR
10 SELF-INSURANCE. IN THE ABSENCE OF THESE STANDARDS AND
11 PROCEDURES, THE BOARD, AFTER CONSULTATION WITH THE INSURANCE
12 COMMISSIONER, SHALL ESTABLISH STANDARDS AND PROCEDURES BY
13 REGULATION FOR SELF-INSURANCE UNDER THIS SUBSECTION.

14 Section 3. The State Board of Medicine shall promulgate
15 regulations to carry out the provisions of this act within ~~18~~ 12 ←
16 months of the effective date of this section.

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