

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

HOUSE BILL

No. 333 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 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

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 an active license issued by the board or the State Board of  
21 Medicine.

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

28 (c) Scope of practice.--

29 (1) A genetic counselor may provide genetic counseling  
30 to clients, which includes:

1           (i) Obtaining and reviewing individual and family  
2 medical, developmental and reproductive histories.

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

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

7           (iv) Identifying, coordinating, reviewing and  
8 explaining genetic tests and other diagnostic studies.

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

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

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

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

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

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

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

1 genetic or other disease or condition.

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

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

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

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

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

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

28 (e) Qualifications.--An applicant shall be licensed to  
29 practice genetic counseling under this act if the applicant  
30 meets all of the following qualifications and has otherwise

1 complied with the provisions of this act:

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

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

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

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

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

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

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

27 (2) The person submits at least three letters of  
28 recommendation, one of which must be from a genetic counselor  
29 certified by ABGC or ABMG and one must be from either a  
30 clinical geneticist certified by ABMG or a medical geneticist

1 certified by ABMG. A person who submits a letter of  
2 recommendation must have worked with the applicant in an  
3 employment setting during the previous ten years and can  
4 attest to the applicant's competency in providing genetic  
5 counseling services.

6 (g) Provisional license.--

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

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

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

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

25 (i) Reciprocal disciplinary action.--Disciplinary action  
26 taken by the board against a person who is a genetic counselor  
27 shall be enforceable by the State Board of Medicine against the  
28 person if the person holds or seeks a license to practice as a  
29 genetic counselor with the State Board of Medicine.

30 (j) Continuing education.--

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

5           (2) A person who applies for initial licensure in this  
6 Commonwealth shall be exempt from the continuing education  
7 requirements for the biennial renewal period following  
8 initial licensure.

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

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

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