

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 333 Session of
2011

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

AS REPORTED FROM COMMITTEE ON PROFESSIONAL LICENSURE, HOUSE OF
REPRESENTATIVES, AS AMENDED, APRIL 6, 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 ~~(I) OBTAIN AND EVALUATE INDIVIDUAL, FAMILY AND~~ ←
24 ~~MEDICAL HISTORIES TO DETERMINE GENETIC RISK FOR GENETIC~~
25 ~~OR MEDICAL CONDITIONS AND DISEASES IN A PATIENT, THE~~
26 ~~PATIENT'S OFFSPRING AND OTHER FAMILY MEMBERS.~~

27 ~~(II) DISCUSS THE FEATURES, NATURAL HISTORY, MEANS OF~~
28 ~~DIAGNOSIS, GENETIC AND ENVIRONMENTAL FACTORS AND~~
29 ~~MANAGEMENT OF RISK FOR THE GENETIC OR MEDICAL CONDITIONS~~
30 ~~AND DISEASES.~~

1 (III) IDENTIFY AND COORDINATE GENETIC LABORATORY
2 TESTS AND OTHER DIAGNOSTIC STUDIES AS APPROPRIATE FOR THE
3 GENETIC ASSESSMENT.

4 (IV) INTEGRATE GENETIC LABORATORY TEST RESULTS AND
5 OTHER DIAGNOSTIC STUDIES WITH PERSONAL AND FAMILY MEDICAL
6 HISTORIES TO ASSESS AND COMMUNICATE RISK FACTORS FOR
7 GENETIC OR MEDICAL CONDITIONS AND DISEASES.

8 (V) EXPLAIN THE CLINICAL IMPLICATIONS OF GENETIC
9 LABORATORY TESTS AND OTHER DIAGNOSTIC STUDIES AND THEIR
10 RESULTS.

11 (VI) EVALUATE THE CLIENT'S OR FAMILY'S RESPONSES TO
12 THE CONDITION OR RISK OF THE RECURRENCE AND PROVIDE
13 CLIENT-CENTERED COUNSELING AND ANTICIPATORY GUIDANCE.

14 (VII) IDENTIFY AND UTILIZE COMMUNITY RESOURCES THAT
15 PROVIDE MEDICAL, EDUCATIONAL, FINANCIAL AND PSYCHOSOCIAL
16 SUPPORT AND ADVOCACY.

17 (VIII) PROVIDE WRITTEN DOCUMENTATION OF MEDICAL,
18 GENETIC AND COUNSELING INFORMATION FOR FAMILIES AND
19 HEALTH CARE PROFESSIONALS.

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

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

29 (d) Exemptions.--The following persons may provide genetic
30 counseling without holding the license required by this section

1 as indicated:

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (2) The person submits at least three letters of
25 recommendation, one of which must be from a genetic counselor
26 certified by ABGC or ABMG and one must be from either a
27 clinical geneticist certified by ABMG or a medical geneticist
28 certified by ABMG. A person who submits a letter of
29 recommendation must have worked with the applicant in an
30 employment setting during the previous ten years and can

1 attest to the applicant's competency in providing genetic
2 counseling services.

3 (g) Provisional license.--

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

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

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

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

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

27 (j) Continuing education.--

28 (1) The board shall promulgate regulations establishing
29 requirements of continuing education to be met by persons
30 licensed as genetic counselors under this section as a

1 condition for renewal of their licenses.

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

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

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

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