

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

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

1 applicants who have received approval from the American Board of
2 Genetic Counseling or the American Board of Medical Genetics to
3 sit for their respective certification examinations.

4 * * *

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

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

14 * * *

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

17 (a) License required.--Two years after the effective date of
18 this section, it shall be unlawful for any person to hold
19 himself out to the public as a genetic counselor or to practice
20 or offer to practice genetic counseling unless the person holds
21 an active A license issued by the board ~~or the State Board of~~ ←
22 Medicine.

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

29 (c) Scope of practice.--

30 (1) A genetic counselor may provide genetic counseling

1 to clients, which includes:

2 (i) Obtain and evaluate individual, AND family and ←
3 medical histories to determine genetic risk for genetic
4 or medical conditions and diseases in a patient, the ←
5 patient's offspring and other family members.

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

10 (iii) Identify and coordinate genetic laboratory
11 tests and other diagnostic studies as appropriate for the
12 genetic assessment.

13 (iv) Integrate THE genetic laboratory test results ←
14 and other diagnostic studies with personal and family
15 medical histories to assess and communicate risk factors
16 for genetic or medical conditions and diseases.

17 (v) Explain the clinical implications of genetic
18 laboratory tests and other diagnostic studies and their
19 results.

20 (vi) Evaluate the client's or family's responses to
21 the condition or risk of the recurrence and provide
22 client-centered counseling and anticipatory guidance. ←

23 (vii) Identify and utilize community resources that
24 provide medical, educational, financial and psychosocial
25 support and advocacy.

26 (viii) Provide written documentation of medical,
27 genetic and counseling information for families and
28 health care professionals.

29 (2) When in the course of providing genetic counseling
30 services to a client, if a genetic counselor finds any

1 indication of a disease or condition that requires
2 ~~professional service~~ DIAGNOSIS AND TREATMENT outside the ←
3 scope of practice defined in this section, the genetic
4 counselor shall refer the client to a licensed physician OR ←
5 APPROPRIATE HEALTH CARE PRACTITIONER.

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

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

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

17 (2) A person employed by the Federal Government to
18 provide genetic counseling while in the discharge of the
19 person's official duties.

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

26 (4) A person trained as a genetic counselor who
27 reapplies for the ABGC certification examination and is
28 working under general supervision in an approved genetic
29 counseling training site.

30 (5) A person trained as a Ph.D. medical geneticist who

1 ~~reapplies for the ABMG certification examination and gathers~~ ←
2 ~~logbook cases~~ DOCUMENTS THE NUMBER OF CASES IN A LOGBOOK ←
3 under a supervisor identified in the training program's ABMG
4 accreditation documents as a member of the training faculty.

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

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

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

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

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

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

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

27 (1) The person has received a master's degree or higher
28 degree in genetics or a related field of study and has worked
29 as a genetic counselor for a minimum of three CONTINUOUS ←
30 years preceding the enactment of this section or has received

1 a bachelor of science degree in genetics or a related field
2 of study and has been employed as a genetic counselor for at
3 least ten CONTINUOUS years prior to the enactment of this ←
4 section.

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

14 (g) Provisional license.--

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

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

27 (3) Under no circumstances shall a person continue to
28 practice on a provisional license upon notification that the
29 person has not passed the examination within two examination
30 cycles after receiving the provisional license.

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

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

10 (j) Continuing education.--

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

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

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

26 (3) The board may waive all or a portion of the
27 continuing education requirement for biennial renewal for a
28 licensee who shows to the satisfaction of the board that the
29 licensee was unable to complete the requirements due to
30 serious illness, military service or other demonstrated

1 hardship.

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

9 (K) LIABILITY INSURANCE.--

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

18 (I) SELF-INSURANCE;

19 (II) PERSONALLY PURCHASED LIABILITY INSURANCE; OR

20 (III) PROFESSIONAL LIABILITY INSURANCE COVERAGE

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

23 (2) AN APPLICANT SHALL PROVIDE PROOF THAT THE APPLICANT
24 HAS OBTAINED PROFESSIONAL LIABILITY INSURANCE IN ACCORDANCE
25 WITH PARAGRAPH (1). IT IS SUFFICIENT IF THE APPLICANT FILES
26 WITH THE APPLICATION A COPY OF A LETTER FROM THE APPLICANT'S
27 PROFESSIONAL LIABILITY INSURANCE CARRIER INDICATING THAT THE
28 APPLICANT WILL BE COVERED AGAINST PROFESSIONAL LIABILITY IN
29 THE REQUIRED AMOUNTS EFFECTIVE UPON THE ISSUANCE OF THE
30 APPLICANT'S LICENSE TO PRACTICE GENETIC COUNSELING IN THIS

1 COMMONWEALTH.

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

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

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

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