

No. 2011-125

AN ACT

HB 332

Amending the act of December 20, 1985 (P.L.457, No.112), entitled "An act relating to the right to practice medicine and surgery and the right to practice medically related acts; reestablishing the State Board of Medical Education and Licensure as the State Board of Medicine and providing for its composition, powers and duties; providing for the issuance of licenses and certificates and the suspension and revocation of licenses and certificates; providing penalties; and making repeals," further providing for definitions; and providing for regulation of genetic counselors.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 2 of the act of December 20, 1985 (P.L. 457, No.112), known as the Medical Practice Act of 1985, is amended by adding definitions to read:

Section 2. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"ABGC." The American Board of Genetic Counseling.

"ABMG." The American Board of Medical Genetics.

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

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

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

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Section 2. The act is amended by adding a section to read:

Section 13.4. Genetic counselor.

(a) License required.—Two years after the effective date of this section, it shall be unlawful for any person to hold himself out to the public as a genetic counselor or to practice or offer to practice genetic counseling unless the person holds a license issued by the board.

(b) Use of title.—An individual who holds an active license as provided by this act may hold himself out to the public by any title or description of services incorporating the term "genetic counselor" or use any words or

symbols indicating that the individual is a genetic counselor, except as otherwise provided by this act.

(c) Scope of practice.—

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

(i) Obtain and evaluate individual and family medical histories to determine genetic risk for genetic or medical conditions and diseases in a patient and other family members.

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

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

(iv) Integrate the genetic laboratory test results and other diagnostic studies with personal and family medical history to assess and communicate risk factors for genetic or medical conditions and diseases.

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

(vi) Evaluate the client's or family's responses to the condition or risk of the recurrence and provide client-centered counseling.

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

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

(2) When in the course of providing genetic counseling services to a client, if a genetic counselor finds any indication of a disease or condition that requires diagnosis and treatment outside the scope of practice defined in this section, the genetic counselor shall refer the client to a licensed physician or appropriate health care practitioner.

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

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

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

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

(3) A student enrolled in an ABGC-accredited or ABMG-accredited genetic counseling educational program, an ABMG-accredited medical genetics educational program or a graduate nursing education program in genetics, if the counseling is an integral part of the student's course of study and is performed under the direct supervision of a genetic counselor, licensed physician, certified registered nurse practitioner

with a specialty or subspecialty in genetics or clinical nurse specialist with a specialty or subspecialty in genetics.

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

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

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

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

(2) The person is of good moral character.

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

(4) The person has passed the examination for certification as a genetic counselor by ABGC or ABMG or has passed the examination for certification as a Ph.D. medical geneticist by ABMG, as approved by the board.

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

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

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

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

(g) Provisional license.—

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

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

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

(h) *Licensure fees.—All application and licensure fees shall be set by the board by regulation. Until such a time as the board adopts a fee by regulation, applicants shall pay a biennial fee of \$125.*

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

(j) *Continuing education.—*

(1) *For each license renewal, a licensee shall complete within the immediately preceding two-year period at least 30 hours of continuing education as approved by the board. The licensee shall provide the board with evidence of the completion of the continuing education. No credit shall be given for any course in office management or practice building.*

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

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

(4) *Continuing education programs and program providers under this subsection shall be approved by the board in accordance with standards and criteria established by the board by regulation. The regulation shall include any fees necessary to implement this provision and provide for waiver of the continuing education requirement due to illness or hardship in any licensing renewal period.*

(k) *Liability insurance.—*

(1) *A licensee under this section, practicing in this Commonwealth, shall maintain a level of professional liability insurance coverage in the minimum amount of \$1,000,000 per occurrence or claims made. Failure to maintain insurance coverage as required shall subject the licensee to disciplinary proceedings. The board shall accept as satisfactory evidence of insurance coverage any of the following:*

- (i) *self-insurance;*
- (ii) *personally purchased liability insurance; or*
- (iii) *professional liability insurance coverage provided by the genetic counselor's employer or similar insurance coverage acceptable to the board.*

(2) An applicant shall provide proof that the applicant has obtained professional liability insurance in accordance with paragraph (1). It is sufficient if the applicant files with the application a copy of a letter from the applicant's professional liability insurance carrier indicating that the applicant will be covered against professional liability in the required amounts effective upon the issuance of the applicant's license to practice genetic counseling in this Commonwealth.

(3) Upon issuance of a license, a licensee has 30 days to submit to the board the certificate of insurance or a copy of the policy declaration page.

(4) The board shall adopt by regulation standards and procedures established by the Insurance Commissioner for self-insurance. In the absence of these standards and procedures, the board, after consultation with the Insurance Commissioner, shall establish standards and procedures by regulation for self-insurance under this subsection.

Section 3. The State Board of Medicine shall promulgate regulations to carry out the provisions of this act within 12 months of the effective date of this section. Pending the promulgation of regulations, the board shall promulgate a statement of policy setting forth the application form for initial licensure under this act. The statement of policy shall expire upon the approval of the final regulations.

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

APPROVED—The 22nd day of December, A.D. 2011

TOM CORBETT