AN ACT

RELATING TO BUSINESSES AND PROFESSIONS -- GENETIC COUNSELORS LICENSING ACT

Introduced By: Representatives McEntee, Ackerman, Craven, Caldwell, and Speakman

Date Introduced: February 05, 2020

Referred To: House Corporations

It is enacted by the General Assembly as follows:

SECTION 1. Title 5 of the General Laws entitled "BUSINESSES AND PROFESSIONS"

is hereby amended by adding thereto the following chapter:

CHAPTER 90

GENETIC COUNSELORS LICENSING ACT

5-90-1. Short title.

This chapter shall be known and may be cited as the "Genetic Counselors Licensing Act".


The state of Rhode Island has an interest in regulating the practice of genetic counseling

and in licensing genetic counselors in order to protect the public health, safety and welfare.

5-90-3. Definitions.

As used in this chapter, the following words, shall, unless the context requires otherwise,

have the following meanings:

(1) "ABGC" means the American Board of Genetic Counseling, a national agency for

certification and recertification of genetic counselors or its successor agency.

(2) "ABMG" means the American Board of Medical Genetics, a national agency for

certification and recertification of genetic counselors, MD and DO geneticists and Ph.D.

geneticists or its successor agency.

(3) "Department" means the department of health.
(4) "Licensed genetic counselor" means a person licensed under this chapter to engage in the practice of genetic counseling.

(5) "Person" means an individual and does not mean an association of individuals or a legal entity.

(6) "Practice of genetic counseling" means a communication process, conducted by one or more appropriately trained individuals that may include:

(i) Estimating the likelihood of occurrence or recurrence of a birth defect or of any potentially inherited or genetically influenced condition. This assessment may involve:

(A) Obtaining and analyzing a complete health history of the person and family;

(B) Reviewing pertinent medical records;

(C) Evaluating the risks from exposure to possible mutagens or teratogens; and

(D) Recommending genetic testing or other evaluations to diagnose a condition or determine the carrier status of one or more family members;

(ii) Helping the individual, family, health care provider or public to:

(A) Appreciate the medical, psychological and social implications of a disorder, including its features, variability, usual course and management options;

(B) Learn how genetic factors contribute to the disorder and affect the chance for recurrence of the condition in other family members;

(C) Understand available options for coping with, preventing or reducing the chance of occurrence or recurrence of a condition;

(D) Select the most appropriate, accurate and cost-effective methods of a diagnosis; and

(E) Understand genetic or prenatal tests, coordinate testing for inherited disorders, and interpret complex genetic test results; and

(iii) Facilitating an individual's or family's:

(A) Exploration of the perception of risk and challenge associated with the disorder;

(B) Decision-making regarding testing or medical interventions consistent with their beliefs, goals, needs, resources, culture and ethical or moral views; and

(C) Adjustment and adaptation to the condition or their genetic risk by addressing needs for psychological, social and medical support.

(7) "Provisional licensed genetic counselor" means a person with a provisional license issued under § 5-90-7.

5-90-4. Genetic counselor license required.

Effective July 1, 2021, a license shall be required to engage in the practice of genetic counseling. No person shall hold themselves out as a genetic counselor unless they are licensed in
accordance with the provisions of this chapter. No person who is not so licensed may use in connection with their name or place of business the title genetic counselor, licensed genetic counselor, gene counselor, genetic consultant, genetic associate or any words, letters, abbreviations or insignia indicating or implying that a person holds a genetic counselor license unless such person holds a genetic counselor license.

5-90-5. Powers and duties of department regarding licensing of genetic counselors.

For the purposes of conducting its responsibilities under this chapter, the department shall have the following powers and duties:

(1) To engage persons of established reputation and known ability in genetic counseling as consultants to the department; the Rhode Island or New England chapter or affiliate of the National Society of Genetic Counselors, if existing, or their successors or equivalent, is designated as the appropriate body with which the department shall consult for referral of consultants and other assistance to the department;

(2) To promulgate regulations and adopt such rules as are necessary to regulate genetic counselors;

(3) To receive, review, approve or disapprove applications for licensing, renewal and reinstatement and to issue those licenses;

(4) To establish administrative procedures for processing applications for licenses and license renewals and to hire or appoint such agents as are appropriate for processing applications for licenses and license renewals;

(5) To retain records of its actions and proceedings in accordance with public records laws;

(6) To define, by regulation, the appropriate standards for education and experience necessary to qualify for licensing, including, but not limited to, continuing professional education requirements for licensed genetic counselors and provisional licensed genetic counselors, which shall be consistent with those of the American Board of Genetic Counseling, or its successor, and for the conduct and ethics which shall govern the practice of genetic counseling;

(7) To establish standards of supervision for students or persons in training to become qualified to obtain a license in the occupation or profession it represents;

(8) To conduct hearings upon charges calling for the discipline of a licensed genetic counselor or for revocation of a license pursuant to § 5-90-9. The department has the power to issue subpoenas and compel the attendance of witnesses and administer oaths to persons giving testimony at hearings. The department shall cause the prosecution of all persons violating this chapter and has the power to incur the necessary expenses for the prosecution.
(9) To summarily suspend the license of a licensee who poses an imminent danger to the public, but a hearing shall be afforded to the licensee within seven (7) days of an action by the department to determine whether such summary action is warranted;

(10) To recover the actual costs and fees, including attorneys' fees, incurred by the department in the investigation and prosecution of a licensee upon the finding of a violation of this chapter or a rule adopted or an order issued by the department under this chapter;

(11) To take such action as may be necessary to enforce the provisions of this chapter and to regulate the practice of genetic counseling;

(12) To impose a civil penalty not to exceed one thousand dollars ($1,000) for each violation by a licensee of this chapter or of rules adopted by the department; and

(13) To perform such other functions and duties as may be required to carry out this chapter.

5-90-6. Genetic counselors; License applications; Fee; Educational and professional requirements.

An application for an original license or license renewal shall be made on forms approved by the department. The initial fee for application for licensure is one hundred seventy dollars ($170). Licenses shall be renewed every twenty-four (24) months after initial licensure upon payment of a fee of one hundred seventy dollars ($170) and in compliance with any additional requirements that the department promulgates. An applicant for an original license shall:

(1) Meet educational experience qualifications as follows:

(i) Successfully completed a genetic counseling education program approved by the department; provided, however, that the program shall meet the educational standards established by the ABGC or its successor; and provided, further, that the genetic counselor remains certified in accordance with the ABGC or ABMG, or their successors;

(ii) Earned a master’s degree from a genetic counseling training program that is accredited by the ABGC or an equivalent as determined by the ABGC, or a doctoral degree from a medical genetics training program that is accredited by the ABMG or an equivalent as determined by the ABMG;

(iii) Completed such experience as may be required by the department;

(2) Have passed the examination for certification as:

(i) A genetic counselor by the American Board of Genetic Counseling or the American Board of Medical Genetics, or successor or equivalent; or

(ii) A medical geneticist by the American Board of Medical Genetics, or successor or equivalent.
(3) An applicant for a license as a genetic counselor may, in lieu of the requirements set
forth in subsection (2) of this section, submit evidence satisfactory to the department, prior to the
date of passage of this chapter, of the following:
  (i) Acquisition of eight (8) years of experience in the practice of genetic counseling;
  (ii) Award, from an accredited institution of higher education, of a master's or doctoral
degree in genetics or a related field; and
  (iii) Attendance at a continuing education program approved by the National Society of
      Genetic Counselors within the five (5) year period prior to the date of application.

5-90-7. Practice as provisional licensed genetic counselor; Expiration; Extension:

Supervision by professional licensed genetic counselor:

(a) A person who meets the qualifications for licensure except for the requirement in § 5-
90-6(2) may practice as a provisional licensed genetic counselor upon filing an approved
application with the department and payment of a fee of eighty-five dollars ($85.00). Such license
shall be valid for one year from the date of its issue and may be renewed for an additional one
year if an applicant fails the ABGC or ABMG certification exam. Such provisional license shall
expire automatically upon the earliest of the following:

(1) Issuance of a full license;
(2) Thirty (30) days after the applicant fails to pass the complete examination on the last
   permitted attempt as provided by the ABGC or ABMG, or their successors; or
(3) The date printed on the temporary license,

(b) An application for extension shall be signed by a supervising licensed genetic
counselor.

(c) A provisional licensed genetic counselor shall be under the general supervision of a
licensed genetic counselor or a licensed physician at all times during which the provisional
licensed genetic counselor performs clinical genetic counseling.

(d) The department shall adopt rules governing such supervision and direction which may
not require the immediate physical presence of the supervising licensed genetic counselor.


(a) Nothing in this section shall be construed to prevent or restrict the practice, service or
activities of:

(1) Any person licensed, certified, or registered in the state, by any other statute other
than as a genetic counselor from engaging in activities within the scope of practice of the
profession or occupation for which he or she is licensed provided that he or she does not represent
the public, directly or indirectly, that he or she is licensed under this chapter, and that he or she

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does not use any name, title or designation indicating that the person is licensed under this chapter;

(2) Any person employed as a genetic counselor by the federal government or an agency thereof if such person provides genetic counseling services solely under the direction and control of the organization by which such person is employed;

(3) A student or intern enrolled in an approved genetic counseling education program if genetic counseling services performed by the student are an integral part of the student's course of study and are performed under the direct supervision of a licensed genetic counselor assigned to supervise the student and who is on duty and available in the assigned patient care area and if the person is designated by a title which clearly indicates his or her status as a student or intern;

(4) An individual trained as a Ph.D. or medical geneticist who is reapplying for the ABMG certification examination and is gathering logbook cases under a supervisor identified in the training program’s ABMG accreditation documents as a member of the training faculty; and

(5) An out-of-state genetic counselor from working as a consultant, or out-of-state employer or other organization from employing genetic counselors providing occasional services, who are not licensed pursuant to this chapter, from engaging in the practice of genetic counseling, subject to the stated circumstances and limitations as defined by the department, by regulation, provided that the genetic counselor holds a license, if available, in the genetic counselor’s state of employment. If licensure is not available in the genetic counselor’s state of employment, the genetic counselor shall be certified by the American Board of Genetic Counseling or the American Board of Medical Genetics, or their successors, in order to practice genetic counseling without a state license in accordance with this section.

5-90-9. Grounds for denial; Refusal to renew; Revocation; Suspension or cancellation of genetic counselor license.

The department may deny or refuse to renew a license or, after a hearing, revoke, suspend or cancel the license or place on probation, reprimand, censure or otherwise discipline a licensee upon proof satisfactory to the department that the person has:

(1) Obtained or attempted to obtain a license by fraud or deception;

(2) Been convicted of one or more of the offenses set forth in § 23-17-37;

(3) Been adjudged mentally ill or incompetent by a court of competent jurisdiction;

(4) Used illicit drugs or intoxicating liquors to the extent which adversely affects his or her practice;

(5) Engaged in unethical or unprofessional conduct including, but not limited to, willful acts, negligence or incompetence in the course of professional practice;
(6) Violated any lawful order, rule or regulation rendered or adopted by the department;

or

(7) Been refused issuance or been disciplined in connection with a license issued by any other state or country.

5-90-10. Privileged communications.

The provisions of § 9-17-24 shall apply to persons licensed pursuant to this chapter.


It shall be unlawful and a misdemeanor for any person to engage in any of the following acts:

(1) To practice genetic counseling or to represent themselves to be a licensed genetic counselor as defined in this chapter without having at the time of so doing, a valid license issued under this chapter; or

(2) To use in connection with their name or place of business, the title genetic counselor or any words indicating or implying that the person holds a genetic counselor license unless they are licensed in accordance with this chapter.

SECTION 2. This act shall take effect upon passage.
EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
AN ACT
RELATING TO BUSINESSES AND PROFESSIONS -- GENETIC COUNSELORS LICENSING ACT

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1 This act would provide a statutory framework for the licensing and regulation of genetic
2 counselors.
3 This act would take effect upon passage.