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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

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A N A C T

RELATING TO BUSINESSES AND PROFESSIONS -- GENETIC COUNSELORS
LICENSING ACT

Introduced By: Senators Sosnowski, Coyne, Goodwin, McCaffrey, Gallo, Miller, and
Euer

Date Introduced: January 26, 2021

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 5 of the General Laws entitled "BUSINESSES AND PROFESSIONS"
2 is hereby amended by adding thereto the following chapter:

3 CHAPTER 90

4 GENETIC COUNSELORS LICENSING ACT

5 **5-90-1. Short title.**

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

7 **5-90-2. Statement of policy.**

8 The state of Rhode Island has an interest in regulating the practice of genetic counseling
9 and in licensing genetic counselors in order to protect the public health, safety and welfare.

10 **5-90-3. Definitions.**

11 As used in this chapter, the following words, shall, unless the context requires otherwise,
12 have the following meanings:

13 (1) "ABGC" means the American Board of Genetic Counseling, a national agency for
14 certification and recertification of genetic counselors or its successor agency.

15 (2) "ABMG" means the American Board of Medical Genetics, a national agency for
16 certification and recertification of genetic counselors, MD and DO geneticists and Ph.D. geneticists
17 or its successor agency.

18 (3) "Department" means the department of health.

1 (4) "Licensed genetic counselor" means a person licensed under this chapter to engage in
2 the practice of genetic counseling.

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

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

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

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

10 (B) Reviewing pertinent medical records;

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

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

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

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

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

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

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

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

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

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

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

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

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

32 **5-90-4. Genetic counselor license required.**

33 Effective July 1, 2022, a license shall be required to engage in the practice of genetic
34 counseling. No person shall hold themselves out as a genetic counselor unless they are licensed in

1 accordance with the provisions of this chapter. No person who is not so licensed may use in
2 connection with their name or place of business the title genetic counselor, licensed genetic
3 counselor, gene counselor, genetic consultant, genetic associate or any words, letters, abbreviations
4 or insignia indicating or implying that a person holds a genetic counselor license unless such person
5 holds a genetic counselor license.

6 **5-90-5. Powers and duties of department regarding licensing of genetic counselors.**

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

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

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

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

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

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

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

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

29 (8) To conduct hearings upon charges calling for the discipline of a licensed genetic
30 counselor or for revocation of a license pursuant to § 5-90-9. The department has the power to issue
31 subpoenas and compel the attendance of witnesses and administer oaths to persons giving testimony
32 at hearings. The department shall cause the prosecution of all persons violating this chapter and has
33 the power to incur the necessary expenses for the prosecution;

34 (9) To summarily suspend the license of a licensee who poses an imminent danger to the

1 public, but a hearing shall be afforded to the licensee within seven (7) days of an action by the
2 department to determine whether such summary action is warranted;

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

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

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

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

12 **5-90-6. Genetic counselors; License applications; Fee; Educational and professional**
13 **requirements.**

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

19 (1) Meet educational experience qualifications as follows:

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

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

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

29 (2) Have passed the examination for certification as:

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

32 (ii) A medical geneticist by the American Board of Medical Genetics, or successor or
33 equivalent.

34 (3) An applicant for a license as a genetic counselor may, in lieu of the requirements set

1 forth in subsection (2) of this section, submit evidence satisfactory to the department, prior to the
2 date of passage of this chapter, of the following:

3 (i) Acquisition of eight (8) years of experience in the practice of genetic counseling;

4 (ii) Award, from an accredited institution of higher education, of a master's or doctoral
5 degree in genetics or a related field; and

6 (iii) Attendance at a continuing education program approved by the National Society of
7 Genetic Counselors within the five (5) year period prior to the date of application.

8 **5-90-7. Practice as provisional licensed genetic counselor; Expiration; Extension;**
9 **Supervision by professional licensed genetic counselor.**

10 (a) A person who meets the qualifications for licensure except for the requirement in § 5-
11 90-6(2) may practice as a provisional licensed genetic counselor upon filing an approved
12 application with the department and payment of a fee of eighty-five dollars (\$85.00). Such license
13 shall be valid for one year from the date of its issue and may be renewed for an additional one year
14 if an applicant fails the ABGC or ABMG certification exam. Such provisional license shall expire
15 automatically upon the earliest of the following:

16 (1) Issuance of a full license;

17 (2) Thirty (30) days after the applicant fails to pass the complete examination on the last
18 permitted attempt as provided by the ABGC or ABMG, or their successors; or

19 (3) The date printed on the temporary license.

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

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

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

27 **5-90-8. Exceptions.**

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

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

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

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

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

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

21 **5-90-9. Grounds for denial; Refusal to renew; Revocation; Suspension or cancellation**
22 **of genetic counselor license.**

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

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

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

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

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

31 (5) Engaged in unethical or unprofessional conduct including, but not limited to, willful
32 acts, negligence or incompetence in the course of professional practice;

33 (6) Violated any lawful order, rule or regulation rendered or adopted by the department; or

34 (7) Been refused issuance or been disciplined in connection with a license issued by any

1 [other state or country.](#)

2 **5-90-10. Privileged communications.**

3 [The provisions of § 9-17-24 shall apply to persons licensed pursuant to this chapter.](#)

4 **5-90-11. Certain acts prohibited.**

5 [It shall be unlawful and a misdemeanor for any person to engage in any of the following](#)

6 [acts:](#)

7 [\(1\) To practice genetic counseling or to represent themselves to be a licensed genetic](#)
8 [counselor as defined in this chapter without having at the time of so doing, a valid license issued](#)
9 [under this chapter; or](#)

10 [\(2\) To use in connection with their name or place of business, the title genetic counselor or](#)
11 [any words indicating or implying that the person holds a genetic counselor license unless they are](#)
12 [licensed in accordance with this chapter.](#)

13 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO BUSINESSES AND PROFESSIONS -- GENETIC COUNSELORS
LICENSING ACT

- 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.

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