

2022 -- H 6643 SUBSTITUTE A

LC003344/SUB A/4

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

RELATING TO BUSINESSES AND PROFESSIONS -- GENETIC COUNSELORS
LICENSING ACT

Introduced By: Representatives McEntee, Ruggiero, Kazarian, Caldwell, and Craven

Date Introduced: January 06, 2022

Referred To: House Corporations

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 91

4 GENETIC COUNSELORS LICENSING ACT

5 **5-91-1. Short title.**

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

7 **5-91-2. 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 **5-91-3. 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) "ACGC" means the Accreditation Council for Genetic Counseling (ACGC).

1 accreditation board for genetic counselor training programs or its successor agency.

2 (4) "Department" means the department of health.

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

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

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

9 (i) Obtaining and evaluating individual, family and medical histories to determine genetic
10 risk for genetic/medical conditions and diseases in a patient, his/her offspring, and other family
11 members;

12 (ii) Discussing the features, natural history, means of diagnosis, genetic and environmental
13 factors, and management of risk for genetic/medical conditions and diseases;

14 (iii) Identifying, ordering and coordinating genetic laboratory tests as appropriate for the
15 genetic assessment;

16 (iv) Integrating genetic laboratory test results and other diagnostic studies with personal and
17 family medical history to assess and communicate risk factors for genetic/medical conditions and
18 diseases;

19 (v) Explaining the clinical implications of genetic laboratory tests and other diagnostic
20 studies and their results;

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

23 (vii) Identifying and utilizing community resources that provide medical, educational,
24 financial, and psychosocial support and advocacy;

25 (viii) Providing written documentation of medical, genetic, and counseling information for
26 families and health care professionals; and

27 (ix) When necessary, referring patients to a physician for diagnosis and treatment.

28 (8) "Provisional licensed genetic counselor" means a person with a provisional license
29 issued under § 5-91-7.

30 **5-91-4. Genetic counselor license required.**

31 Effective July 1, 2023, a license shall be required to engage in the practice of genetic
32 counseling. No person shall hold themselves out as a genetic counselor unless they are licensed in
33 accordance with the provisions of this chapter. No person who is not so licensed may use in
34 connection with their name or place of business the title genetic counselor, licensed genetic

1 counselor, gene counselor, genetic consultant, genetic associate or any words, letters, abbreviations
2 or insignia indicating or implying that a person holds a genetic counselor license unless such person
3 holds a genetic counselor license.

4 **5-91-5. Powers and duties of department regarding licensing of genetic counselors.**

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

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

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

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

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

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

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

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

27 (8) To conduct hearings upon charges calling for the discipline of a licensed genetic
28 counselor or for revocation of a license pursuant to § 5-91-9. The department has the power to issue
29 subpoenas and compel the attendance of witnesses and administer oaths to persons giving testimony
30 at hearings. The department shall cause the prosecution of all persons violating this chapter and has
31 the power to incur the necessary expenses for the prosecution;

32 (9) To summarily suspend the license of a licensee who poses an imminent danger to the
33 public, but a hearing shall be afforded to the licensee within seven (7) days of an action by the
34 department to determine whether such summary action is warranted;

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

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

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

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

10 **5-91-6. Genetic counselors; License applications; Fee; Educational and professional**
11 **requirements.**

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

17 (1) Meet educational experience qualifications as follows:

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

22 (ii) Earned a master's degree from a genetic counseling training program that is accredited
23 by the ACGC or an equivalent as determined by the ACGC, or a doctoral degree from a medical
24 genetics training program that is accredited by the ABMG or an equivalent as determined by the
25 ABMG.

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

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

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

31 (3) Within six (6) months after licensure applications being available, an applicant for a
32 license as a genetic counselor may, in lieu of the requirements set forth in subsection (2) of this
33 section, submit evidence satisfactory to the department, prior to the date of passage of this chapter,
34 of the following:

- 1 (i) Acquisition of eight (8) years of experience in the practice of genetic counseling;
2 (ii) Award, from an accredited institution of higher education, of a master's or doctoral
3 degree in genetics or a related field; and
4 (iii) Attendance at a continuing education program approved by the National Society of
5 Genetic Counselors within the five (5) year period prior to the date of application.

6 **5-91-7. Practice as provisional licensed genetic counselor; Expiration; Extension;**
7 **Supervision by professional licensed genetic counselor.**

8 (a) A person who meets the qualifications for licensure except for the requirement in § 5-
9 91-6(2) may practice as a provisional licensed genetic counselor upon filing an approved
10 application with the department and payment of a fee of eighty-five dollars (\$85.00). Such license
11 shall be valid for one year from the date of its issue and may be renewed for an additional one year
12 if an applicant fails the ABGC or ABMG certification exam. Such provisional license shall expire
13 automatically upon the earliest of the following:

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

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

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

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

25 **5-91-8. Exceptions.**

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

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

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

1 of the organization by which such person is employed;

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

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

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

20 **5-91-9. Grounds for denial; Refusal to renew; Revocation; Suspension or cancellation**
21 **of genetic counselor license.**

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

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

26 (2) Been convicted of an offense warranting disqualification in accordance with the
27 standards and procedures established in § 28-5.1-14;

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 **5-91-10. Privileged communications.**

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

4 **5-91-11. 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.

=====
LC003344/SUB A/4
=====

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.

=====
LC003344/SUB A/4
=====