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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO BUSINESSES AND PROFESSIONS -- LICENSING OF GENETIC  
COUNSELORS

Introduced By: Representatives Naughton, E Coderre, and Ferri

Date Introduced: February 15, 2012

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" is  
2 hereby amended by adding thereto the following chapter:

3 CHAPTER 86

4 GENETIC COUNSELORS

5 **5-86-1. Statement of policy.** -- The State of Rhode Island has an interest in regulating  
6 the practice of genetic counseling and in licensing genetic counselors in order to protect the  
7 public health, safety and welfare.

8 **5-86-2. Definitions.** -- As used in this chapter, the following words, shall, unless the  
9 context requires otherwise, have the following meanings:

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

12 (2) "ABMG", means American Board of Medical Genetics, a national agency for  
13 certification and recertification of genetic counselors, MD and DO geneticists and PhD  
14 geneticists or its successor agency.

15 (3) "Department", means the department of health.

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

18 (5) "Practice of genetic counseling", means a communication process, conducted by one

1 or more appropriately trained individuals that may include:

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

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

5 (B) Reviewing pertinent medical records;

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

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

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

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

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

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

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

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

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

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

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

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

25 (6) "Provisional licensed genetic counselor", a person with a provisional license issued  
26 under section 5-86-5.

27 **5-86-3. Powers and duties of department regarding licensing of genetic counselors. -**

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

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

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

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

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

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

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

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

17          (8) To conduct hearings upon charges calling for the discipline of a licensed genetic  
18          counselor or for revocation of a license pursuant to section 5-86-7. The department has the power  
19          to issue subpoenas and compel the attendance of witnesses and administer oaths to persons giving  
20          testimony at hearings. The department shall cause the prosecution of all persons violating this  
21          chapter and has the power to incur the necessary expenses for the prosecution;

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

25          (10) To perform such other functions and duties as may be required to carry out this  
26          chapter; and

27          (11) The department shall maintain an online directory of licensed genetic counselors.

28          **5-86-4. Genetic counselors; license applications; fee; proof of age; and educational**  
29          **and professional requirements. -- An application for an original license or license renewal shall**  
30          **be made on forms approved by the department. The initial fee for application for licensure is one**  
31          **hundred and seventy dollars (\$170). Licenses shall be renewed every twenty-four (24) months**  
32          **after initial licensure upon payment of a fee of one hundred and seventy dollars (\$170) and in**  
33          **compliance with any additional requirements that the department promulgates. An applicant for**  
34          **an original license shall furnish satisfactory evidence to the department that:**

1           (1) He or she is at least eighteen (18) years old;

2           (2) Meets educational experience qualifications as follows:

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

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

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

12           (3) Passed the examination for certification as:

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

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

17           **5-86-5. Practice as provisional licensed genetic counselor; expiration; extension;**  
18 **supervision by professional licensed genetic counselor. -- A person who meets the**  
19 **qualifications for licensure except for the requirement in subdivision 5-86-4(3) may practice as a**  
20 **provisional licensed genetic counselor upon filing an approved application with the department**  
21 **and payment of a fee of eighty-five dollars (\$85.00). Such license shall be valid for one year from**  
22 **the date of its issue and may be renewed for an additional one year if an applicant fails the ABGC**  
23 **or ABMG certification exam. Such provisional license shall expire automatically upon the**  
24 **earliest of the following:**

25           (1) Issuance of a full license;

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

28           (3) The date printed on the temporary license. An application for extension shall be  
29 signed by a supervising licensed genetic counselor. A provisional licensed genetic counselor shall  
30 be under the general supervision of a licensed genetic counselor or a licensed physician at all  
31 times during which the provisional licensed genetic counselor performs clinical genetic  
32 counseling. The department shall adopt rules governing such supervision and direction which  
33 may not require the immediate physical presence of the supervising licensed genetic counselor.

34           **5-86-6. Practice of genetic counseling by unlicensed persons; exceptions. -- No**

1 person shall hold oneself out as a genetic counselor unless he or she is licensed in accordance  
2 with this chapter. No person who is not so licensed may use in connection with his or her name or  
3 place of business, the title “genetic counselor”, “licensed genetic counselor”, “gene counselor”,  
4 “genetic consultant”, “genetic associate” or any words, letters, abbreviations or insignia  
5 indicating or implying a person holds a genetic counseling license. Nothing in this section shall  
6 be construed to prevent or restrict the practice, service or activities of:

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

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

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

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

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

33 **5-86-7. Grounds for denial; refusal to renew; revocation; suspension or cancellation**  
34 **of genetic counselor license. --** The department may deny or refuse to renew a license or, after a

1 hearing, revoke, suspend or cancel the license or place on probation, reprimand, censure or  
2 otherwise discipline a licensee upon proof satisfactory to the department that the person has:

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

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

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

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

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

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

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

14 **5-86-8. Counseling concerning abortion. --** Nothing in this chapter may be construed to  
15 require any genetic counselor to participate in counseling with respect to abortion, nor shall  
16 licensing of any genetic counselor be contingent upon participation in such counseling with  
17 respect to abortion, and the refusal of the genetic counselor to participate in such counseling with  
18 respect to abortion shall not form the basis for any claim of damages on account of the refusal or  
19 for any disciplinary or recriminatory action against the genetic counselor; provided, that the  
20 genetic counselor informs the patient that he or she will not participate in counseling with respect  
21 to abortion and offers to direct the patient to the online directory of licensed genetic counselors  
22 maintained by the department of health.

23 **5-86-9. Privileged communications. --** The provisions of section 9-17-24 shall apply to  
24 persons licensed pursuant to this chapter.

25 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 -- LICENSING OF GENETIC  
COUNSELORS

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

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