

HOUSE No. 4458

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, February 26, 2020.

The committee on Consumer Protection and Professional Licensure, to whom was referred the petition (accompanied by bill, House, No. 3827) of Tackey Chan relative to genetic counselors, reports recommending that the accompanying bill (House, No. 4458) ought to pass.

For the committee,

TACKEY CHAN.

HOUSE No. 4458

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to genetic counselors.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 112 is hereby amended by striking out section 252, as appearing in
2 the 2018 Official Edition, and inserting in place thereof the following section:-

3 Section 252. As used in sections 252 to 258, inclusive, the following words, shall unless
4 the context requires otherwise, have the following meanings:-

5 "ABGC", the American Board of Genetic Counseling, a national agency for certification
6 and recertification of genetic counselors or its successor agency.

7 "ABMGG", American Board of Medical Genetics and Genomics, a national agency for
8 certification and recertification of genetic counselors, MD geneticists and PhD geneticists or its
9 successor agency.

10 "ACGC", Accreditation Council for Genetic Counseling, a national agency for
11 accreditation of genetic counselor training programs or its successor agency.

12 “Active Candidate Status” is bestowed upon an individual who meets the requirements to
13 sit for the ABGC genetic counselor certification exam.

14 "Board", the board of registration of genetic counselors.

15 "General supervision", a supervisor, whether a licensed genetic counselor or MD, who
16 has the overall responsibility to assess the work of a provisional licensed genetic counselor,
17 including regular meetings and chart review; provided, however, that an annual supervision
18 contract signed by the supervisor and supervisee shall be on file with both parties.

19 "Licensed genetic counselor", a person licensed under section 105 of chapter 13 to
20 engage in the practice of genetic counseling.

21 "Practice of genetic counseling", a communication process, conducted by 1 or more
22 appropriately trained individuals, that may include:

23 (a) obtaining and evaluating individual, family, and medical histories to determine
24 genetic risk for genetic-medical conditions and diseases in a patient, their offspring, and other
25 family members;

26 (b) discussing the features, natural history, means of diagnosis, genetic and
27 environmental factors, and management of risk for genetic-medical conditions and diseases;

28 (c) identifying, ordering, and coordinating genetic laboratory tests and other diagnostic
29 studies as appropriate for the genetic assessment;

30 (d) integrating genetic laboratory test results and other diagnostic studies with personal
31 and family medical history to assess and communicate risk factors for genetic-medical conditions
32 and diseases;

33 (e) explaining the clinical implications of genetic laboratory tests and other diagnostic
34 studies and their results;

35 (f) evaluating the client's or family's responses to the condition or risk of recurrence and
36 provide client-centered counseling and anticipatory guidance;

37 (g) identifying and utilizing community resources that provide medical, educational,
38 financial, and psychosocial support and advocacy;

39 (h) providing written documentation of medical, genetic, and counseling information for
40 families and health care professionals; or

41 (i) any other criteria the board deems appropriate and consistent with provisions above.

42 "Provisional licensed genetic counselor", a person with a provisional license issued
43 under section 255.

44 SECTION 2. Section 254 of said chapter 112, as so appearing, is hereby amended by
45 striking out the section in its entirety and inserting in place thereof the following section:-

46 Section 254. An applicant for registration as a genetic counselor shall have:

47 (a) earned a master's degree from a genetic counseling training program that is accredited
48 by the ACGC or an equivalent as determined by the ACGC, or a doctoral degree from a medical
49 genetics training program that is accredited by the ABMGG or an equivalent as determined by
50 the ABMGG;

51 (b) Successfully achieved ABGC certification by examination as a genetic counselor or
52 the ABMGG certification examination as a Ph.D. medical geneticist; and

53 (c) completed such experience as may be required by the board; and provided further that
54 the board shall require continuing education as a condition for license renewals.

55 SECTION 3. Section 255 of said chapter 112, as so appearing, is hereby amended by
56 striking out the section in its entirety and inserting in place thereof the following section:-

57 Section 255. A person who meets the qualifications for licensure as a genetic counselor,
58 except certification and who has been granted Active Candidate Status by the ABGC, may apply
59 to practice as a provisional licensed genetic counselor by filing an approved application with the
60 board and payment of a fee to be determined by the secretary of administration and finance. The
61 board may grant a provisional license to a person who successfully completes a genetic
62 counseling education program approved by the board and is qualified to be admitted to the
63 examination. Such license shall be valid for 2 years from the date of its issue and may be
64 renewed for an additional 1 year as long as the applicant has active candidate status according to
65 ACGC or if the applicant fails the first sitting of the ABMGG exam, as applicable. Such
66 provisional license shall expire automatically upon the earliest of the following:

67 (a) issuance of a full license; or

68 (b) the date printed on the temporary license.

69 An application for extension shall be signed by a supervising licensed genetic counselor.
70 A provisional licensed genetic counselor shall be under the general supervision of a licensed
71 genetic counselor or a licensed physician with current ABMGG certification in clinical genetics
72 at all times during which the provisional licensed genetic counselor performs clinical genetic
73 counseling. The board shall adopt rules governing such supervision and direction which may not
74 require the immediate physical presence of the supervising licensed genetic counselor.

75 SECTION 4. Section 256 of said chapter 112, as so appearing, is hereby amended by
76 striking out the section in its entirety and inserting in place thereof the following section:-

77 Section 256. (a) The board shall examine applicants for certification as genetic
78 counselors at such times and places as it may determine. The examination shall meet the
79 standards established by the ACGC. The examination shall test an applicant's knowledge of basic
80 and clinical sciences as they relate to genetic counseling theory and practice and other subjects as
81 the board may deem useful to determine the applicant's fitness to act as a genetic counselor. The
82 board may utilize a national examination that meets the requirements of this section.

83 (b) The board shall examine applicants for certification as Ph.D. medical geneticists at
84 such times and places as it may determine. The examination shall meet the standards established
85 by the ABMGG. The examination shall test an applicant's knowledge of basic and clinical
86 sciences as they relate to genetic counseling theory and practice and other subjects as the board
87 may deem useful to determine the applicant's fitness to act as a genetic counselor. The board may
88 utilize a national examination that meets the requirements of this section.

89 SECTION 5. Section 257 of said chapter 112, as so appearing, is hereby amended by
90 striking out the section in its entirety and inserting in place thereof the following section:-

91 Section 257. No person shall hold himself out as a genetic counselor unless he is licensed
92 in accordance with sections 255 or 256, or under section 105 of chapter 13. No person who is not
93 so licensed may use in connection with his name or place of business, the title "genetic
94 counselor", "licensed genetic counselor", "gene counselor", "genetic consultant", "genetic
95 associate" or any words, letters, abbreviations or insignia indicating or implying a person holds a
96 genetic counseling license.

97 Nothing in this section shall be construed to prevent or restrict the practice, service or
98 activities of:

99 (a) any person licensed, certified, or registered in the commonwealth, by any other statute
100 other than as a genetic counselor from engaging in activities within the scope of practice of the
101 profession or occupation for which he is licensed provided that he does not represent to the
102 public, directly or indirectly, that he is licensed under sections 255 or 256, or under section 105
103 of chapter 13, and that he does not use any name, title or designation indicating that the person is
104 licensed under those sections;

105 (b) any person employed as a genetic counselor by the federal government or an agency
106 thereof if such person provides genetic counseling services solely under the direction and control
107 of the organization by which he is employed;

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

113 (d) an individual trained as a Ph.D. medical geneticist who is reapplying for the ABMGG
114 certification examination and is gathering logbook cases under a supervisor identified in the
115 training program's ABMGG accreditation documents as a member of the training faculty; and

116 (e) visiting ABGC or ABMGG-certified genetic counselors from outside the
117 commonwealth operating as consultants or the use of occasional services of organizations from
118 outside the commonwealth employing ABGC or ABMGG-certified genetic counselors.