

SENATE BILL 34

J2

(PRE-FILED)

11r0567
CF HB 299

By: **Senator Lam**

Requested: July 9, 2020

Introduced and read first time: January 13, 2021

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 14, 2021

CHAPTER _____

1 AN ACT concerning

2 **State Board of Physicians – Genetic Counselors – Licensing**

3 FOR the purpose of requiring the State Board of Physicians to license genetic counselors;
4 providing that provisions of this Act do not limit the right of certain individuals to
5 practice certain occupations; requiring the Board to adopt certain regulations;
6 requiring the Board to set certain fees for certain services; requiring the Board to
7 pay certain fees to the Comptroller; requiring the Comptroller to distribute the fees
8 to the Board; requiring that the fees be used to cover certain costs; establishing the
9 Genetic Counseling Advisory Committee within the Board; providing for the
10 composition, appointment, qualifications, and terms of the Committee members;
11 requiring the Committee to elect a chair every certain number of years; providing for
12 a quorum of the Committee; establishing certain powers and duties of the
13 Committee; requiring the Board to consider certain recommendations and provide
14 the Committee with a certain annual report; requiring individuals, on or after a
15 certain date, to be licensed by the Board as genetic counselors before practicing
16 genetic counseling in the State except under certain circumstances; establishing
17 certain qualification and application requirements for certain applicants;
18 ~~authorizing the Board to waive a certain certification requirement under certain~~
19 ~~circumstances~~; providing for the issuance, terms, renewal, and reinstatement of a
20 certain license; authorizing the Board to establish certain continuing education and
21 competency requirements; prohibiting the Board from issuing a license if certain
22 criminal history records information has not been received; providing that a genetic
23 counseling license authorizes the licensee to practice genetic counseling in the State
24 while the license is effective; requiring a licensed genetic counselor to refer a patient

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 to a certain health care practitioner under certain circumstances; requiring the
 2 Board, on and after a certain date, to issue a supervised genetic counselor license to
 3 certain applicants except under certain circumstances; requiring a supervised
 4 genetic counselor to work under the supervision of a qualified supervisor as a
 5 condition of licensure; requiring the supervised genetic counselor and the qualified
 6 supervisor to enter into a certain contract; prohibiting a supervised genetic counselor
 7 from making a certain representation; establishing the term of a supervised genetic
 8 counselor license; prohibiting a certain supervised genetic counselor from continuing
 9 to practice under the license; providing that a supervised genetic counselor is subject
 10 to certain discipline; requiring a licensee to notify the Board of a change of name or
 11 address within a certain time period; prohibiting the surrender and lapse of a certain
 12 license under certain circumstances; authorizing a certain disciplinary panel to issue
 13 a cease and desist order under certain circumstances; authorizing a certain
 14 disciplinary panel, on a certain vote, to take certain actions against an applicant or
 15 a licensee under certain circumstances; establishing certain criminal, civil, and
 16 administrative penalties; establishing certain hearing and appeal procedures;
 17 requiring a disciplinary panel to order the suspension or revocation of a license under
 18 certain circumstances; requiring certain hospitals, related institutions, alternative
 19 health systems, and employers to file certain reports and report certain information
 20 concerning certain genetic counselors to the Board under certain circumstances and
 21 within a certain time period; establishing certain requirements for certain genetic
 22 counselors who enter or consider entering certain treatment programs; providing
 23 that a certain report is not subject to subpoena or discovery in any civil action other
 24 than a certain proceeding; requiring the Board to disclose certain information on the
 25 Board's website; requiring the Board to establish and maintain certain profiles that
 26 include certain information and a certain statement; requiring the Board to forward
 27 a certain copy of a profile to a certain person under certain circumstances and
 28 maintain a certain website; requiring the Board to provide a mechanism for the
 29 notification of prompt correction of certain inaccuracies; prohibiting the
 30 unauthorized practice of genetic counseling in the State unless licensed by the Board
 31 except under certain circumstances; prohibiting an individual from making certain
 32 misrepresentations to the public; prohibiting a person from providing, attempting to
 33 provide, offering to provide, or representing that the person provides certain services
 34 except under certain circumstances; prohibiting licensed genetic counselors and
 35 licensed physicians from employing or supervising certain unlicensed individuals;
 36 prohibiting certain facilities from employing certain unlicensed individuals;
 37 establishing a certain short title; providing that the Committee is subject to the
 38 provisions of the Maryland Program Evaluation Act and certain termination
 39 provisions; defining certain terms; providing for a delayed effective date; specifying
 40 the initial terms of the members of the Committee; and generally relating to the
 41 licensing of genetic counselors.

42 BY adding to

43 Article – Health Occupations

44 Section 14-5G-01 through ~~14-5G-28~~ 14-5G-29 to be under the new subtitle

45 “Subtitle 5G. Genetic Counselors”

46 Annotated Code of Maryland

1 (2014 Replacement Volume and 2020 Supplement)

2 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
3 That the Laws of Maryland read as follows:

4 **Article – Health Occupations**

5 **SUBTITLE 5G. GENETIC COUNSELORS.**

6 **14-5G-01.**

7 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
8 INDICATED.

9 (B) “BOARD” MEANS THE STATE BOARD OF PHYSICIANS.

10 (C) “CERTIFIED GENETIC COUNSELOR” MEANS AN INDIVIDUAL CERTIFIED
11 AS A GENETIC COUNSELOR BY A NATIONAL CERTIFYING BOARD.

12 (D) “COMMITTEE” MEANS THE GENETIC COUNSELORS ADVISORY
13 COMMITTEE.

14 (E) “GENETIC ASSESSMENT” MEANS THE INTEGRATION OF GENETIC
15 LABORATORY TEST RESULTS AND OTHER DIAGNOSTIC STUDIES WITH THE MEDICAL
16 HISTORIES OF A PATIENT AND THE PATIENT’S FAMILY MEMBERS TO ASSESS THE
17 RISK FOR THE PATIENT OR THE PATIENT’S FAMILY MEMBERS OF:

18 (1) A GENETIC OR MEDICAL CONDITION OR DISEASE; AND

19 (2) THE RECURRENCE OF A GENETIC OR MEDICAL CONDITION OR
20 DISEASE.

21 (F) “LICENSE” MEANS A LICENSE ISSUED BY THE BOARD TO PRACTICE
22 GENETIC COUNSELING.

23 (G) “LICENSED GENETIC COUNSELOR” MEANS AN INDIVIDUAL WHO IS
24 LICENSED UNDER THIS SUBTITLE TO PRACTICE GENETIC COUNSELING.

25 (H) “LICENSEE” MEANS A LICENSED GENETIC COUNSELOR.

26 (I) “NATIONAL ACCREDITING COUNCIL” MEANS THE ACCREDITATION
27 COUNCIL FOR GENETIC COUNSELING, OR ITS SUCCESSOR, THAT ACCREDITS
28 EDUCATION PROGRAMS FOR GENETIC COUNSELORS.

1 **(J) “NATIONAL CERTIFYING BOARD” MEANS THE AMERICAN BOARD OF**
2 **GENETIC COUNSELING, OR ITS SUCCESSOR, THAT CERTIFIES GENETIC**
3 **COUNSELORS.**

4 **(K) (1) “PRACTICE GENETIC COUNSELING” MEANS:**

5 **(I) OBTAINING AND EVALUATING THE MEDICAL HISTORIES OF**
6 **A PATIENT AND THE PATIENT’S FAMILY MEMBERS FOR PURPOSES OF A GENETIC**
7 **ASSESSMENT;**

8 **(II) DISCUSSING THE FEATURES, NATURAL HISTORY, MEANS OF**
9 **DIAGNOSIS, GENETIC AND ENVIRONMENTAL FACTORS, AND MANAGEMENT OF RISK**
10 **FOR GENETIC OR MEDICAL CONDITIONS OR DISEASES;**

11 **(III) IDENTIFYING, ORDERING, AND COORDINATING GENETIC**
12 **LABORATORY TESTS AND OTHER DIAGNOSTIC STUDIES, AS APPROPRIATE, FOR**
13 **PURPOSES OF A GENETIC ASSESSMENT;**

14 **(IV) USING THE MEDICAL HISTORIES OBTAINED UNDER ITEM (I)**
15 **OF THIS PARAGRAPH AND THE RESULTS OF GENETIC LABORATORY TESTS AND**
16 **OTHER DIAGNOSTIC STUDIES ORDERED UNDER ITEM (III) OF THIS PARAGRAPH FOR**
17 **PURPOSES OF A GENETIC ASSESSMENT;**

18 **(V) EXPLAINING THE CLINICAL IMPLICATIONS OF GENETIC**
19 **LABORATORY TESTS AND OTHER DIAGNOSTIC STUDIES AND THE RESULTS OF THE**
20 **TESTS AND STUDIES AND COMMUNICATING THE RISK FACTORS FOR GENETIC OR**
21 **MEDICAL CONDITIONS OR DISEASES IDENTIFIED BY A GENETIC ASSESSMENT;**

22 **(VI) EVALUATING THE RESPONSES OF A PATIENT AND THE**
23 **PATIENT’S FAMILY MEMBERS TO THE RESULTS OF A GENETIC ASSESSMENT AND**
24 **PROVIDING COUNSELING AND ANTICIPATORY GUIDANCE FOR A GENETIC OR**
25 **MEDICAL CONDITION OR DISEASE;**

26 **(VII) IDENTIFYING AND USING COMMUNITY RESOURCES THAT**
27 **PROVIDE MEDICAL, EDUCATIONAL, FINANCIAL, AND PSYCHOSOCIAL SUPPORT AND**
28 **ADVOCACY FOR A GENETIC OR MEDICAL CONDITION OR DISEASE; OR**

29 **(VIII) PROVIDING WRITTEN DOCUMENTATION OF MEDICAL,**
30 **GENETIC, AND COUNSELING INFORMATION FOR A PATIENT, A PATIENT’S FAMILY**
31 **MEMBERS, OR APPROPRIATE HEALTH CARE PROFESSIONALS.**

32 **(2) “PRACTICE GENETIC COUNSELING” DOES NOT INCLUDE**
33 **DIAGNOSING OR TREATING AN ILLNESS, A DISEASE, OR A CONDITION.**

1 **14-5G-02.**

2 **THIS SUBTITLE DOES NOT LIMIT THE RIGHT OF AN INDIVIDUAL TO PRACTICE**
3 **A HEALTH OCCUPATION THAT THE INDIVIDUAL IS AUTHORIZED TO PRACTICE UNDER**
4 **THIS ARTICLE.**

5 **14-5G-03.**

6 **THE BOARD SHALL ADOPT REGULATIONS FOR THE LICENSURE AND PRACTICE**
7 **OF GENETIC COUNSELING.**

8 **14-5G-04.**

9 **(A) (1) THE BOARD SHALL SET REASONABLE FEES FOR THE ISSUANCE**
10 **AND RENEWAL OF LICENSES AND THE OTHER SERVICES THE BOARD PROVIDES TO**
11 **GENETIC COUNSELORS.**

12 **(2) THE FEES CHARGED SHALL BE SET SO AS TO PRODUCE FUNDS TO**
13 **APPROXIMATE THE COST OF MAINTAINING THE LICENSURE PROGRAM AND THE**
14 **OTHER SERVICES PROVIDED TO GENETIC COUNSELORS.**

15 **(B) (1) THE BOARD SHALL PAY ALL FEES COLLECTED UNDER THE**
16 **PROVISIONS OF THIS SUBTITLE TO THE COMPTROLLER.**

17 **(2) THE COMPTROLLER SHALL DISTRIBUTE ALL FEES TO THE**
18 **BOARD.**

19 **(C) THE FEES SHALL BE USED TO COVER THE ACTUAL DOCUMENTED**
20 **DIRECT AND INDIRECT COSTS OF FULFILLING THE STATUTORY AND REGULATORY**
21 **DUTIES OF THE BOARD AS PROVIDED BY THIS SUBTITLE.**

22 **14-5G-05.**

23 **THERE IS A GENETIC COUNSELING ADVISORY COMMITTEE WITHIN THE**
24 **BOARD.**

25 **14-5G-06.**

26 **(A) THE COMMITTEE CONSISTS OF MEMBERS APPOINTED BY THE BOARD AS**
27 **FOLLOWS:**

28 **(1) ~~FOUR~~ THREE SHALL BE INDIVIDUALS WHO PRACTICE GENETIC**
29 **COUNSELING AND WHO:**

1 (I) ON OR BEFORE ~~SEPTEMBER 30, 2023~~ DECEMBER 31, 2023,
2 ARE CERTIFIED GENETIC COUNSELORS; AND

3 (II) ON OR AFTER ~~OCTOBER 1, 2023~~ JANUARY 1, 2024, ARE
4 LICENSED GENETIC COUNSELORS;

5 (2) THREE SHALL BE PRACTICING LICENSED PHYSICIANS; AND

6 (3) ONE SHALL BE A CONSUMER MEMBER.

7 (B) EACH GENETIC COUNSELOR MEMBER OF THE COMMITTEE MUST BE:

8 (1) IN GOOD STANDING WITH THE BOARD; AND

9 (2) A RESIDENT OF THE STATE WHO HAS AT LEAST 1 YEAR OF ACTIVE
10 GENETIC COUNSELING EXPERIENCE WITHIN THE 5-YEAR PERIOD IMMEDIATELY
11 PRECEDING THE DATE OF THE APPOINTMENT.

12 (C) THE LICENSED PHYSICIAN MEMBERS OF THE COMMITTEE MUST:

13 (1) BE IN GOOD STANDING WITH THE BOARD; AND

14 (2) HAVE EXPERIENCE WORKING WITH GENETIC COUNSELORS.

15 (D) THE CONSUMER MEMBER OF THE COMMITTEE:

16 (1) MUST BE A MEMBER OF THE GENERAL PUBLIC;

17 (2) MAY NOT BE OR EVER HAVE BEEN:

18 (I) A GENETIC COUNSELOR;

19 (II) ANY HEALTH CARE PROFESSIONAL; OR

20 (III) IN TRAINING TO BE A GENETIC COUNSELOR OR OTHER
21 HEALTH PROFESSIONAL; AND

22 (3) MAY NOT:

23 (I) PARTICIPATE OR EVER HAVE PARTICIPATED IN A
24 COMMERCIAL OR PROFESSIONAL FIELD RELATED TO GENETIC COUNSELING;

25 (II) HAVE A HOUSEHOLD MEMBER WHO PARTICIPATES IN A
26 COMMERCIAL OR PROFESSIONAL FIELD RELATED TO GENETIC COUNSELING; OR

1 (III) HAVE HAD WITHIN 2 YEARS BEFORE APPOINTMENT A
2 FINANCIAL INTEREST IN A PERSON REGULATED BY THE BOARD.

3 (E) (1) THE TERM OF A MEMBER IS 3 YEARS.

4 (2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE
5 TERMS PROVIDED FOR MEMBERS OF THE COMMITTEE ON ~~OCTOBER 1, 2021~~
6 JANUARY 1, 2022.

7 (3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL
8 A SUCCESSOR IS APPOINTED AND QUALIFIES.

9 (4) A MEMBER MAY NOT SERVE MORE THAN TWO CONSECUTIVE FULL
10 TERMS.

11 (5) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES
12 ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND
13 QUALIFIES.

14 (F) FROM AMONG ITS MEMBERS, THE COMMITTEE SHALL ELECT A CHAIR
15 EVERY 2 YEARS.

16 (G) A QUORUM OF THE COMMITTEE CONSISTS OF FIVE MEMBERS.

17 14-5G-07.

18 (A) IN ADDITION TO THE POWERS SET FORTH ELSEWHERE IN THIS
19 SUBTITLE, THE COMMITTEE SHALL:

20 (1) DEVELOP AND RECOMMEND TO THE BOARD REGULATIONS TO
21 CARRY OUT THIS SUBTITLE;

22 (2) DEVELOP AND RECOMMEND TO THE BOARD A CODE OF ETHICS
23 FOR THE PRACTICE OF GENETIC COUNSELING;

24 (3) DEVELOP AND RECOMMEND TO THE BOARD CONTINUING
25 EDUCATION REQUIREMENTS FOR LICENSE RENEWAL;

26 (4) DEVELOP AND RECOMMEND TO THE BOARD CRITERIA FOR
27 INDIVIDUALS WHO ARE LICENSED TO PRACTICE GENETIC COUNSELING IN ANOTHER
28 STATE OR TERRITORY OF THE UNITED STATES TO BECOME LICENSED IN THIS
29 STATE;

1 **(5) EVALUATE THE CREDENTIALS OF APPLICANTS AS NECESSARY**
2 **AND RECOMMEND LICENSURE OF APPLICANTS WHO FULFILL THE REQUIREMENTS**
3 **FOR A LICENSE TO PRACTICE GENETIC COUNSELING;**

4 **(6) ON REQUEST, DEVELOP AND RECOMMEND TO THE BOARD**
5 **STANDARDS OF CARE FOR THE PRACTICE OF GENETIC COUNSELING;**

6 **(7) PROVIDE THE BOARD WITH RECOMMENDATIONS CONCERNING**
7 **THE PRACTICE OF GENETIC COUNSELING;**

8 **(8) KEEP A RECORD OF ITS PROCEEDINGS; AND**

9 **(9) SUBMIT AN ANNUAL REPORT TO THE BOARD.**

10 **(B) THE BOARD SHALL:**

11 **(1) CONSIDER ALL RECOMMENDATIONS OF THE COMMITTEE; AND**

12 **(2) PROVIDE TO THE COMMITTEE AN ANNUAL REPORT ON THE**
13 **DISCIPLINARY MATTERS INVOLVING LICENSEES.**

14 **14-5G-08.**

15 **(A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, ON OR AFTER**
16 **~~OCTOBER 1, 2023~~ JANUARY 1, 2024, AN INDIVIDUAL SHALL BE LICENSED BY THE**
17 **BOARD BEFORE THE INDIVIDUAL MAY PRACTICE GENETIC COUNSELING IN THE**
18 **STATE.**

19 **(B) THIS SECTION DOES NOT APPLY TO:**

20 **(1) AN INDIVIDUAL WHO IS EMPLOYED BY THE UNITED STATES**
21 **GOVERNMENT TO PRACTICE GENETIC COUNSELING WHILE PRACTICING WITHIN THE**
22 **SCOPE OF THAT EMPLOYMENT;**

23 ~~**(2) A CERTIFIED GENETIC COUNSELOR WHO IS LICENSED IN**~~
24 ~~**ANOTHER STATE AND PRACTICES GENETIC COUNSELING IN THE STATE FOR A**~~
25 ~~**PERIOD OF LESS THAN 30 DAYS EACH YEAR;**~~

26 **(2) AN INDIVIDUAL WHO RESIDES IN AND HOLDS AN ACTIVE LICENSE**
27 **IN ANOTHER STATE IF THE INDIVIDUAL IS ENGAGED IN CONSULTATION WITH A**
28 **PHYSICIAN OR GENETIC COUNSELOR LICENSED IN THE STATE ABOUT A PARTICULAR**
29 **PATIENT AND THE INDIVIDUAL;**

1 **(I) DOES NOT ORDER OR COORDINATE GENETIC LABORATORY**
2 **TESTS OR OTHER DIAGNOSTIC STUDIES; AND**

3 **(II) DOES NOT PROVIDE CONSULTATION IN THE STATE FOR**
4 **MORE THAN A TOTAL OF 10 PATIENTS WITHIN A CALENDAR YEAR; OR**

5 **(3) A STUDENT ENROLLED IN A GENETIC COUNSELING TRAINING**
6 **PROGRAM THAT IS ACCREDITED BY A NATIONAL ACCREDITING ORGANIZATION**
7 **RECOGNIZED BY THE BOARD IN REGULATIONS WHILE THE STUDENT IS PRACTICING**
8 **GENETIC COUNSELING IN THE PROGRAM AND DOING THE ASSIGNED DUTIES AT ANY**
9 **OFFICE OF A LICENSED PHYSICIAN OR GENETIC COUNSELOR, HOSPITAL, CLINIC, OR**
10 **SIMILAR FACILITY;~~OR~~**

11 ~~**(4) AN INDIVIDUAL WHILE PRACTICING UNDER THE SUPERVISION OF**~~
12 ~~**A LICENSED PHYSICIAN OR LICENSED GENETIC COUNSELOR DURING THE 12 MONTH**~~
13 ~~**PERIOD IMMEDIATELY FOLLOWING THE INDIVIDUAL'S GRADUATION FROM A**~~
14 ~~**GENETIC COUNSELING TRAINING PROGRAM ACCREDITED BY A NATIONAL**~~
15 ~~**ACCREDITING ORGANIZATION.**~~

16 **14-5G-09.**

17 **(A) TO QUALIFY FOR A LICENSE TO PRACTICE GENETIC COUNSELING, AN**
18 **APPLICANT SHALL BE AN INDIVIDUAL WHO MEETS THE REQUIREMENTS OF THIS**
19 **SECTION.**

20 **(B) THE APPLICANT MUST BE OF GOOD MORAL CHARACTER.**

21 **(C) THE APPLICANT MUST BE AT LEAST 18 YEARS OLD.**

22 **(D) THE APPLICANT MUST BE A GRADUATE OF AN APPROPRIATE**
23 **EDUCATION PROGRAM APPROVED BY THE BOARD.**

24 **(E) ~~THE~~ EXCEPT AS PROVIDED IN SUBSECTION (F) OF THIS SECTION, THE**
25 **APPLICANT SHALL SUBMIT TO THE BOARD SATISFACTORY EVIDENCE OF**
26 **CERTIFICATION BY A NATIONAL CERTIFYING ORGANIZATION APPROVED BY THE**
27 **BOARD.**

28 **(F) IF AN APPLICANT DOES NOT MEET THE REQUIREMENT UNDER**
29 **SUBSECTION (E) OF THIS SECTION, THE APPLICANT MAY QUALIFY FOR LICENSURE**
30 **IF THE APPLICANT:**

31 **(1) HAS WORKED AS A GENETIC COUNSELOR FOR:**

32 **(I) AT LEAST 10 YEARS BEFORE JANUARY 1, 2024; AND**

1 **(II) AT LEAST 5 CONSECUTIVE YEARS IMMEDIATELY**
2 **PRECEDING THE DATE ON WHICH THE APPLICANT SUBMITS THE APPLICATION FOR**
3 **LICENSURE;**

4 **(2) HAS GRADUATED FROM AN EDUCATION PROGRAM APPROVED BY**
5 **THE BOARD;**

6 **(3) SUBMITS TO THE BOARD THREE LETTERS OF RECOMMENDATION**
7 **FROM LICENSED PHYSICIANS WHO HAVE BEEN LICENSED FOR AT LEAST 5 YEARS OR**
8 **CERTIFIED GENETIC COUNSELORS ELIGIBLE FOR LICENSURE AND WHO:**

9 **(I) HAVE WORKED WITH THE APPLICANT IN AN EMPLOYMENT**
10 **OR PROFESSIONAL SETTING FOR 3 YEARS BEFORE THE APPLICANT SUBMITS THE**
11 **APPLICATION FOR LICENSURE; AND**

12 **(II) CAN ATTEST TO THE APPLICANT'S COMPETENCY IN**
13 **PROVIDING GENETIC COUNSELING SERVICES; AND**

14 **(4) APPLIES FOR INITIAL LICENSURE ON OR BEFORE DECEMBER 31,**
15 **2024.**

16 **~~(F)~~ (G) THE APPLICANT SHALL COMPLETE A CRIMINAL HISTORY**
17 **RECORDS CHECK IN ACCORDANCE WITH § 14-308.1 OF THIS TITLE.**

18 **~~(G)~~ (H) THE APPLICANT SHALL MEET ANY ADDITIONAL EDUCATION,**
19 **TRAINING, OR EXAMINATION REQUIREMENTS ESTABLISHED BY THE BOARD.**

20 **~~(H) THE BOARD MAY WAIVE THE CERTIFICATION REQUIREMENT~~**
21 **~~ESTABLISHED IN ACCORDANCE WITH SUBSECTION (E) OF THIS SECTION IF THE~~**
22 **~~APPLICANT;~~**

23 **~~(1) HAS PRACTICED GENETIC COUNSELING FOR A MINIMUM OF 5~~**
24 **~~YEARS BEFORE OCTOBER 1, 2021;~~**

25 **~~(2) HOLDS A MASTER'S DEGREE OR HIGHER IN GENETIC~~**
26 **~~COUNSELING, OR A RELATED FIELD OF STUDY, FROM A PROGRAM ACCREDITED BY A~~**
27 **~~NATIONAL ACCREDITING COUNCIL AT THE TIME OF GRADUATION;~~**

28 **~~(3) SUBMITS TO THE BOARD THREE LETTERS OF RECOMMENDATION~~**
29 **~~FROM LICENSED PHYSICIANS OR CERTIFIED GENETIC COUNSELORS WHO:~~**

~~(I) HAVE WORKED WITH THE APPLICANT IN AN EMPLOYMENT OR OTHER PROFESSIONAL SETTING WITHIN THE IMMEDIATELY PRECEDING 3 YEARS; AND~~

~~(H) CAN ATTEST TO THE APPLICANT'S COMPETENCY IN PROVIDING GENETIC COUNSELING SERVICES; AND~~

~~(4) HAS COMPLETED CONTINUING EDUCATION UNITS APPROVED BY THE NATIONAL SOCIETY OF GENETIC COUNSELORS WITHIN 5 YEARS BEFORE OCTOBER 1, 2021.~~

14-5G-10.

TO APPLY FOR A LICENSE, AN APPLICANT SHALL:

(1) COMPLETE A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 14-308.1 OF THIS TITLE;

(2) SUBMIT AN APPLICATION TO THE BOARD ON A FORM THAT THE BOARD REQUIRES; AND

(3) PAY TO THE BOARD AN APPLICATION FEE SET BY THE BOARD.

14-5G-11.

(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE BOARD SHALL ISSUE A LICENSE TO ANY APPLICANT WHO MEETS THE REQUIREMENTS OF THIS SUBTITLE.

(B) (1) ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION OF AN APPLICANT FOR LICENSURE FORWARDED TO THE BOARD IN ACCORDANCE WITH § 14-308.1 OF THIS TITLE, IN DETERMINING WHETHER TO ISSUE A LICENSE, THE BOARD SHALL CONSIDER:

(I) THE AGE AT WHICH THE CRIME WAS COMMITTED;

(II) THE NATURE OF THE CRIME;

(III) THE CIRCUMSTANCES SURROUNDING THE CRIME;

(IV) THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;

(V) SUBSEQUENT WORK HISTORY;

(VI) EMPLOYMENT AND CHARACTER REFERENCES; AND

1 (VII) OTHER EVIDENCE THAT DEMONSTRATES WHETHER THE
2 APPLICANT POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.

3 (2) THE BOARD MAY NOT ISSUE A LICENSE IF THE CRIMINAL HISTORY
4 RECORD INFORMATION REQUIRED UNDER § 14-308.1 OF THIS TITLE HAS NOT BEEN
5 RECEIVED.

6 14-5G-12.

7 (A) A GENETIC COUNSELOR LICENSE AUTHORIZES A LICENSEE TO
8 PRACTICE GENETIC COUNSELING IN THE STATE WHILE THE LICENSE IS EFFECTIVE.

9 (B) IF, WHILE PRACTICING GENETIC COUNSELING, A LICENSED GENETIC
10 COUNSELOR DETERMINES THAT A PATIENT REQUIRES A DIAGNOSIS OR TREATMENT,
11 THE GENETIC COUNSELOR SHALL REFER THE PATIENT TO A LICENSED PHYSICIAN
12 OR ANOTHER APPROPRIATE HEALTH CARE PRACTITIONER.

13 14-5G-13.

14 (A) (1) THE TERM OF A LICENSE ISSUED BY THE BOARD MAY NOT EXCEED
15 3 YEARS.

16 (2) A LICENSE EXPIRES ON A DATE SET BY THE BOARD, UNLESS THE
17 LICENSE IS RENEWED FOR AN ADDITIONAL TERM AS PROVIDED IN THIS SECTION.

18 (B) AT LEAST 1 MONTH BEFORE A LICENSE EXPIRES, THE BOARD SHALL
19 SEND TO THE LICENSED GENETIC COUNSELOR A RENEWAL NOTICE THAT STATES:

20 (1) THE DATE ON WHICH THE CURRENT LICENSE EXPIRES;

21 (2) THE DATE BY WHICH THE RENEWAL APPLICATION MUST BE
22 RECEIVED BY THE BOARD FOR THE RENEWAL TO BE ISSUED AND SENT BEFORE THE
23 LICENSE EXPIRES; AND

24 (3) THE AMOUNT OF THE RENEWAL FEE.

25 (C) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, BEFORE A
26 LICENSE EXPIRES, A LICENSED GENETIC COUNSELOR PERIODICALLY MAY RENEW IT
27 FOR AN ADDITIONAL TERM IF THE LICENSEE:

28 (1) IS OF GOOD MORAL CHARACTER;

29 (2) PAYS TO THE BOARD A RENEWAL FEE SET BY THE BOARD;

1 **(3) SUBMITS TO THE BOARD:**

2 **(I) A RENEWAL APPLICATION ON THE FORM THAT THE BOARD**
3 **REQUIRES; AND**

4 **(II) SATISFACTORY EVIDENCE OF COMPLIANCE WITH ANY**
5 **CONTINUING EDUCATION OR COMPETENCY REQUIREMENTS AND OTHER**
6 **REQUIREMENTS SET UNDER THIS SECTION FOR LICENSE RENEWAL; AND**

7 **(4) MEETS ANY ADDITIONAL RENEWAL REQUIREMENTS**
8 **ESTABLISHED BY THE BOARD.**

9 **(D) (1) IN ADDITION TO ANY OTHER QUALIFICATIONS AND**
10 **REQUIREMENTS ESTABLISHED BY THE BOARD, THE BOARD MAY ESTABLISH**
11 **CONTINUING EDUCATION OR COMPETENCY REQUIREMENTS AS A CONDITION TO THE**
12 **RENEWAL OF LICENSES UNDER THIS SECTION.**

13 **(2) A DISCIPLINARY PANEL MAY IMPOSE A CIVIL PENALTY OF UP TO**
14 **\$100 PER CONTINUING EDUCATION CREDIT IN LIEU OF A SANCTION UNDER §**
15 **~~14-5G-17~~ § 14-5G-18 OF THIS SUBTITLE, FOR A FIRST OFFENSE, FOR THE FAILURE**
16 **OF A LICENSEE TO OBTAIN THE CONTINUING EDUCATION CREDITS REQUIRED BY**
17 **THE BOARD.**

18 **(E) (1) THE BOARD SHALL RENEW THE LICENSE OF EACH LICENSED**
19 **GENETIC COUNSELOR WHO MEETS THE REQUIREMENTS OF THIS SECTION.**

20 **(2) A LICENSE MAY NOT BE RENEWED FOR A TERM LONGER THAN 2**
21 **YEARS.**

22 **(F) THE BOARD SHALL REINSTATE THE LICENSE OF A GENETIC COUNSELOR**
23 **WHO HAS FAILED TO RENEW A LICENSE FOR ANY REASON IF THE GENETIC**
24 **COUNSELOR:**

25 **(1) MEETS THE RENEWAL REQUIREMENTS OF THIS SECTION;**

26 **(2) SUBMITS TO THE BOARD:**

27 **(I) A REINSTATEMENT APPLICATION ON THE FORM THAT THE**
28 **BOARD REQUIRES; AND**

29 **(II) SATISFACTORY EVIDENCE OF COMPLIANCE WITH ANY**
30 **CONTINUING EDUCATION OR COMPETENCY REQUIREMENTS; AND**

1 **(3) MEETS ANY ADDITIONAL REQUIREMENTS ESTABLISHED BY THE**
2 **BOARD FOR REINSTATEMENT.**

3 **(G) (1) THE BOARD SHALL REQUIRE A CRIMINAL HISTORY RECORDS**
4 **CHECK IN ACCORDANCE WITH § 14-308.1 OF THIS TITLE FOR:**

5 **(I) RENEWAL APPLICANTS AS DETERMINED BY REGULATIONS**
6 **ADOPTED BY THE BOARD; AND**

7 **(II) EACH FORMER LICENSED GENETIC COUNSELOR WHO FILES**
8 **FOR REINSTATEMENT UNDER SUBSECTION (F) OF THIS SECTION.**

9 **(2) ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION**
10 **OF A LICENSED GENETIC COUNSELOR FORWARDED TO THE BOARD IN ACCORDANCE**
11 **WITH § 14-308.1 OF THIS TITLE, IN DETERMINING WHETHER DISCIPLINARY ACTION**
12 **SHOULD BE TAKEN, BASED ON THE CRIMINAL HISTORY RECORD INFORMATION,**
13 **AGAINST A LICENSED GENETIC COUNSELOR WHO RENEWED OR REINSTATED A**
14 **LICENSE, THE BOARD SHALL CONSIDER:**

15 **(I) THE AGE AT WHICH THE CRIME WAS COMMITTED;**

16 **(II) THE NATURE OF THE CRIME;**

17 **(III) THE CIRCUMSTANCES SURROUNDING THE CRIME;**

18 **(IV) THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;**

19 **(V) SUBSEQUENT WORK HISTORY;**

20 **(VI) EMPLOYMENT AND CHARACTER REFERENCES; AND**

21 **(VII) OTHER EVIDENCE THAT DEMONSTRATES WHETHER THE**
22 **LICENSEE POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.**

23 **(3) THE BOARD MAY RENEW OR REINSTATE A LICENSE ONLY IF THE**
24 **LICENSED GENETIC COUNSELOR OR APPLICANT ATTESTS THAT THE LICENSED**
25 **GENETIC COUNSELOR OR APPLICANT HAS SUBMITTED A CRIMINAL HISTORY**
26 **RECORDS CHECK UNDER § 14-308.1 OF THIS TITLE.**

27 **14-5G-14.**

28 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
29 **INDICATED.**

1 **(2) “QUALIFIED SUPERVISOR” MEANS:**

2 **(I) AN INDIVIDUAL WHO:**

3 **1. IS LICENSED TO PRACTICE AS A GENETIC COUNSELOR**
4 **UNDER THIS SUBTITLE; AND**

5 **2. HAS PRACTICED FOR A MINIMUM OF 3 YEARS AFTER**
6 **PASSING THE NATIONAL CERTIFYING EXAMINATION; OR**

7 **(II) A PHYSICIAN WHO HAS BEEN LICENSED IN THE STATE FOR**
8 **A MINIMUM OF 5 YEARS.**

9 **(3) “SUPERVISION” MEANS THE ONGOING, DIRECT, CLINICAL REVIEW**
10 **FOR THE PURPOSES OF TRAINING OR TEACHING BY A QUALIFIED SUPERVISOR WHO**
11 **MONITORS THE PERFORMANCE OF A SUPERVISED GENETIC COUNSELOR’S**
12 **SUPERVISED INTERACTION WITH A PATIENT AND PROVIDES REGULAR**
13 **DOCUMENTED FACE-TO-FACE MEETINGS AND CONSULTATION, CHART REVIEWS,**
14 **GUIDANCE, AND INSTRUCTIONS WITH RESPECT TO THE CLINICAL SKILLS AND**
15 **COMPETENCIES OF THE SUPERVISED GENETIC COUNSELOR.**

16 **(B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, ON OR**
17 **AFTER JANUARY 1, 2024, THE BOARD SHALL ISSUE A SUPERVISED GENETIC**
18 **COUNSELOR LICENSE TO AN APPLICANT WHO:**

19 **(1) HAS GRADUATED FROM A GENETIC COUNSELING PROGRAM**
20 **ACCREDITED BY THE ACCREDITATION COUNCIL FOR GENETIC COUNSELORS;**

21 **(2) HAS MET ALL QUALIFICATIONS FOR LICENSURE EXCEPT FOR**
22 **CERTIFICATION FROM THE AMERICAN BOARD OF GENETIC COUNSELORS; AND**

23 **(3) HAS APPLIED FOR THE FIRST AVAILABLE NATIONAL CERTIFYING**
24 **EXAMINATION.**

25 **(C) THE BOARD MAY NOT ISSUE A LICENSE UNDER SUBSECTION (B) OF THIS**
26 **SECTION IF THE APPLICANT HAS FAILED THE AMERICAN BOARD OF GENETIC**
27 **COUNSELING CERTIFICATION EXAMINATION TWO OR MORE TIMES.**

28 **(D) (1) AS A CONDITION OF LICENSURE, THE SUPERVISED GENETIC**
29 **COUNSELOR SHALL WORK UNDER THE SUPERVISION OF A QUALIFIED SUPERVISOR.**

30 **(2) THE SUPERVISED GENETIC COUNSELOR AND THE QUALIFIED**
31 **SUPERVISOR SHALL ENTER INTO A SUPERVISION CONTRACT THAT:**

1 **(I) SPECIFIES THE MANNER OF SUPERVISION AS REQUIRED BY**
2 **THE BOARD;**

3 **(II) IS SIGNED BY THE SUPERVISED GENETIC COUNSELOR AND**
4 **THE QUALIFIED SUPERVISOR; AND**

5 **(III) IS MAINTAINED BY BOTH THE SUPERVISED GENETIC**
6 **COUNSELOR AND THE QUALIFIED SUPERVISOR AND MADE AVAILABLE TO THE**
7 **BOARD.**

8 **(E) THE SUPERVISED GENETIC COUNSELOR MAY NOT REPRESENT TO THE**
9 **PUBLIC, BY DESCRIPTION OF SERVICES, METHODS, OR PROCEDURES, OR**
10 **OTHERWISE, THAT THE SUPERVISED GENETIC COUNSELOR IS A LICENSED GENETIC**
11 **COUNSELOR.**

12 **(F) (1) A SUPERVISED GENETIC COUNSELOR LICENSE MAY NOT BE VALID**
13 **FOR MORE THAN 1 YEAR AFTER THE DATE OF ISSUANCE.**

14 **(2) A SUPERVISED GENETIC COUNSELOR LICENSE EXPIRES ON THE**
15 **EARLIEST OF:**

16 **(i) THE ISSUANCE OF A GENETIC COUNSELOR LICENSE TO THE**
17 **SUPERVISED GENETIC COUNSELOR;**

18 **(ii) THE EXPIRATION DATE PRINTED ON THE SUPERVISED**
19 **GENETIC COUNSELOR LICENSE; OR**

20 **(iii) ON NOTICE OF THE SECOND FAILURE OF THE SUPERVISED**
21 **GENETIC COUNSELOR TO PASS THE CERTIFICATION EXAMINATION.**

22 **(G) A SUPERVISED GENETIC COUNSELOR WHO HAS NOT PASSED THE**
23 **EXAMINATION WITHIN TWO EXAMINATION CYCLES MAY NOT CONTINUE PRACTICING**
24 **UNDER THE SUPERVISED GENETIC COUNSELOR LICENSE.**

25 **(H) A SUPERVISED GENETIC COUNSELOR IS SUBJECT TO DISCIPLINE UNDER**
26 **§ 14-5G-19 OF THIS SUBTITLE TO THE SAME EXTENT AS A GENETIC COUNSELOR.**

27 ~~14-5G-14.~~ 14-5G-15.

28 **(A) A LICENSEE SHALL NOTIFY THE BOARD IN WRITING OF A CHANGE OF**
29 **NAME OR ADDRESS WITHIN 60 DAYS AFTER THE CHANGE.**

30 **(B) A LICENSEE WHO FAILS TO COMPLY WITH SUBSECTION (A) OF THIS**
31 **SECTION IS SUBJECT TO AN ADMINISTRATIVE PENALTY OF \$100.**

1 ~~14-5G-15.~~ 14-5G-16.

2 UNLESS A DISCIPLINARY PANEL AGREES TO ACCEPT THE SURRENDER OF A
3 LICENSE, A LICENSEE MAY NOT SURRENDER THE LICENSE NOR MAY THE LICENSE
4 LAPSE BY OPERATION OF LAW WHILE THE LICENSEE IS UNDER INVESTIGATION OR
5 WHILE CHARGES ARE PENDING AGAINST THE LICENSEE.

6 ~~14-5G-16.~~ 14-5G-17.

7 A DISCIPLINARY PANEL MAY ISSUE A CEASE AND DESIST ORDER FOR:

8 (1) PRACTICING GENETIC COUNSELING WITHOUT A LICENSE OR WITH
9 AN UNAUTHORIZED PERSON; OR

10 (2) SUPERVISING OR AIDING AN UNAUTHORIZED PERSON IN THE
11 PRACTICE OF GENETIC COUNSELING.

12 ~~14-5G-17.~~ 14-5G-18.

13 (A) SUBJECT TO THE HEARING PROVISIONS OF § 14-405 OF THIS TITLE, A
14 DISCIPLINARY PANEL, ON THE AFFIRMATIVE VOTE OF A MAJORITY OF THE QUORUM
15 OF THE DISCIPLINARY PANEL, MAY DENY A LICENSE TO ANY APPLICANT,
16 REPRIMAND ANY LICENSEE, PLACE ANY LICENSEE ON PROBATION, OR SUSPEND OR
17 REVOKE A LICENSE, IF THE APPLICANT OR LICENSEE:

18 (1) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO
19 OBTAIN A LICENSE FOR THE APPLICANT OR LICENSEE OR FOR ANOTHER;

20 (2) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE;

21 (3) IS GUILTY OF UNPROFESSIONAL OR IMMORAL CONDUCT WHILE
22 PRACTICING GENETIC COUNSELING;

23 (4) IS PROFESSIONALLY, PHYSICALLY, OR MENTALLY INCOMPETENT;

24 (5) ABANDONS A PATIENT;

25 (6) IS HABITUALLY INTOXICATED;

26 (7) IS ADDICTED TO OR HABITUALLY ABUSES ANY NARCOTIC OR
27 CONTROLLED DANGEROUS SUBSTANCE AS DEFINED IN § 5-101 OF THE CRIMINAL
28 LAW ARTICLE;

29 (8) PROVIDES PROFESSIONAL SERVICES WHILE:

1 (I) UNDER THE INFLUENCE OF ALCOHOL; OR

2 (II) USING ANY NARCOTIC OR CONTROLLED DANGEROUS
3 SUBSTANCE AS DEFINED IN § 5-101 OF THE CRIMINAL LAW ARTICLE OR ANY OTHER
4 DRUG THAT IS IN EXCESS OF THERAPEUTIC AMOUNTS OR WITHOUT VALID MEDICAL
5 INDICATION;

6 (9) PROMOTES THE SALE OF SERVICES, DRUGS, DEVICES,
7 APPLIANCES, OR GOODS TO A PATIENT SO AS TO EXPLOIT THE PATIENT FOR
8 FINANCIAL GAIN;

9 (10) WILLFULLY MAKES OR FILES A FALSE REPORT OR RECORD IN THE
10 PRACTICE OF GENETIC COUNSELING;

11 (11) WILLFULLY FAILS TO FILE OR RECORD ANY REPORT AS REQUIRED
12 UNDER LAW, WILLFULLY IMPEDES OR OBSTRUCTS THE FILING OR RECORDING OF A
13 REPORT, OR INDUCES ANOTHER TO FAIL TO FILE OR RECORD A REPORT;

14 (12) BREACHES PATIENT CONFIDENTIALITY;

15 (13) PAYS OR AGREES TO PAY ANY SUM OR PROVIDE ANY FORM OF
16 REMUNERATION OR MATERIAL BENEFIT TO ANY PERSON FOR BRINGING OR
17 REFERRING A PATIENT OR ACCEPTS OR AGREES TO ACCEPT ANY SUM OR ANY FORM
18 OF REMUNERATION OR MATERIAL BENEFIT FROM AN INDIVIDUAL FOR BRINGING OR
19 REFERRING A PATIENT;

20 (14) KNOWINGLY MAKES A MISREPRESENTATION WHILE PRACTICING
21 GENETIC COUNSELING;

22 (15) KNOWINGLY PRACTICES GENETIC COUNSELING WITH AN
23 UNAUTHORIZED INDIVIDUAL OR AIDS AN UNAUTHORIZED INDIVIDUAL IN
24 PRACTICING GENETIC COUNSELING;

25 (16) KNOWINGLY DELEGATES A GENETIC COUNSELING DUTY TO AN
26 UNLICENSED INDIVIDUAL;

27 (17) GROSSLY OVERUTILIZES HEALTH CARE SERVICES;

28 ~~(17)~~ (18) OFFERS, UNDERTAKES, OR AGREES TO CURE OR TREAT
29 DISEASE BY A SECRET METHOD, TREATMENT, OR MEDICINE;

30 ~~(18)~~ (19) IS DISCIPLINED BY A LICENSING OR DISCIPLINARY
31 AUTHORITY OR IS CONVICTED OR DISCIPLINED BY A COURT OF ANY STATE OR

1 COUNTRY OR IS DISCIPLINED BY ANY BRANCH OF THE UNITED STATES UNIFORMED
2 SERVICES OR THE U.S. DEPARTMENT OF VETERANS AFFAIRS FOR AN ACT THAT
3 WOULD BE GROUNDS FOR DISCIPLINARY ACTION UNDER THE BOARD'S
4 DISCIPLINARY STATUTES;

5 ~~(19)~~ (20) FAILS TO MEET APPROPRIATE STANDARDS FOR THE
6 DELIVERY OF GENETIC COUNSELING SERVICES;

7 ~~(20)~~ (21) KNOWINGLY SUBMITS FALSE STATEMENTS TO COLLECT
8 FEES FOR WHICH SERVICES ARE NOT PROVIDED;

9 ~~(21)~~ (22) (I) HAS BEEN SUBJECT TO INVESTIGATION OR
10 DISCIPLINARY ACTION BY A LICENSING OR DISCIPLINARY AUTHORITY OR BY A
11 COURT OF ANY STATE OR COUNTRY FOR AN ACT THAT WOULD BE GROUNDS FOR
12 DISCIPLINARY ACTION UNDER THE BOARD'S DISCIPLINARY STATUTES; AND

13 (II) HAS:

14 1. SURRENDERED THE LICENSE, IF ANY, ISSUED BY THE
15 STATE OR COUNTRY; OR

16 2. ALLOWED THE LICENSE, IF ANY, ISSUED BY THE
17 STATE OR COUNTRY TO EXPIRE OR LAPSE;

18 ~~(22)~~ (23) KNOWINGLY FAILS TO REPORT SUSPECTED CHILD ABUSE IN
19 VIOLATION OF § 5-704 OF THE FAMILY LAW ARTICLE;

20 ~~(23)~~ ~~SELLS, PRESCRIBES, GIVES AWAY, OR ADMINISTERS DRUGS FOR~~
21 ~~ILLEGAL OR ILLEGITIMATE MEDICAL PURPOSES;~~

22 (24) PRACTICES OR ATTEMPTS TO PRACTICE BEYOND THE
23 AUTHORIZED SCOPE OF PRACTICE;

24 (25) REFUSES, WITHHOLDS FROM, DENIES, OR DISCRIMINATES
25 AGAINST AN INDIVIDUAL WITH REGARD TO THE PROVISION OF PROFESSIONAL
26 SERVICES FOR WHICH THE LICENSEE IS LICENSED AND QUALIFIED TO RENDER
27 BECAUSE THE INDIVIDUAL IS HIV POSITIVE;

28 (26) PRACTICES OR ATTEMPTS TO PRACTICE GENETIC COUNSELING
29 PROCEDURES OR USES OR ATTEMPTS TO USE GENETIC ASSESSMENTS IF THE
30 APPLICANT OR LICENSEE HAS NOT RECEIVED EDUCATION AND TRAINING IN THE
31 PERFORMANCE OF THE PROCEDURE OR THE USE OF THE GENETIC ASSESSMENT;

1 **(27) FAILS TO COOPERATE WITH A LAWFUL INVESTIGATION OF THE**
2 **BOARD OR A DISCIPLINARY PANEL; ~~OR~~**

3 **(28) FAILS TO COMPLETE A CRIMINAL HISTORY RECORDS CHECK**
4 **UNDER § 14-308.1 OF THIS TITLE; OR**

5 **(29) VIOLATES ANY PROVISION OF THIS TITLE OR ANY RULE OR**
6 **REGULATION PERTAINING TO GENETIC COUNSELING THAT IS ADOPTED BY THE**
7 **BOARD, THE STATE, OR THE FEDERAL GOVERNMENT.**

8 **(B) EXCEPT AS OTHERWISE PROVIDED IN THE ADMINISTRATIVE**
9 **PROCEDURE ACT, BEFORE THE BOARD OR A DISCIPLINARY PANEL TAKES ANY**
10 **ACTION UNDER SUBSECTION (A) OF THIS SECTION, IT SHALL GIVE THE INDIVIDUAL**
11 **AGAINST WHOM THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING**
12 **BEFORE THE BOARD OR THE DISCIPLINARY PANEL IN ACCORDANCE WITH THE**
13 **HEARING REQUIREMENTS OF § 14-405 OF THIS TITLE.**

14 **(C) (1) ON THE FILING OF CERTIFIED DOCKET ENTRIES WITH THE BOARD**
15 **BY THE OFFICE OF THE ATTORNEY GENERAL, A DISCIPLINARY PANEL SHALL ORDER**
16 **THE SUSPENSION OF A LICENSE IF THE LICENSEE IS CONVICTED OF OR PLEADS**
17 **GUILTY OR NOLO CONTENDERE WITH RESPECT TO A CRIME INVOLVING MORAL**
18 **TURPITUDE, WHETHER OR NOT ANY APPEAL OR OTHER PROCEEDING IS PENDING TO**
19 **HAVE THE CONVICTION OR PLEA SET ASIDE.**

20 **(2) AFTER COMPLETION OF THE APPELLATE PROCESS, IF THE**
21 **CONVICTION HAS NOT BEEN REVERSED OR THE PLEA HAS NOT BEEN SET ASIDE WITH**
22 **RESPECT TO A CRIME INVOLVING MORAL TURPITUDE, A DISCIPLINARY PANEL**
23 **SHALL ORDER THE REVOCATION OF A LICENSE ON THE CERTIFICATION BY THE**
24 **OFFICE OF THE ATTORNEY GENERAL.**

25 **(D) (1) IF, AFTER A HEARING UNDER § 14-405 OF THIS TITLE, A**
26 **DISCIPLINARY PANEL FINDS THAT THERE ARE GROUNDS UNDER SUBSECTION (A) OF**
27 **THIS SECTION TO SUSPEND OR REVOKE A LICENSE, TO REPRIMAND A LICENSEE, OR**
28 **TO PLACE A LICENSEE ON PROBATION, THE DISCIPLINARY PANEL MAY IMPOSE A**
29 **FINE SUBJECT TO THE BOARD'S REGULATIONS IN ADDITION TO SUSPENDING OR**
30 **REVOKING THE LICENSE, REPRIMANDING THE LICENSEE, OR PLACING THE**
31 **LICENSEE ON PROBATION.**

32 **(2) THE BOARD SHALL PAY ANY FINES COLLECTED UNDER THIS**
33 **SECTION INTO THE GENERAL FUND OF THE STATE.**

34 **(E) IN ADDITION TO ANY SANCTION AUTHORIZED UNDER THIS SECTION, A**
35 **DISCIPLINARY PANEL MAY REQUIRE A LICENSEE TO COMPLY WITH SPECIFIED**
36 **TERMS AND CONDITIONS DETERMINED BY THE DISCIPLINARY PANEL.**

1 ~~14-5G-18.~~ 14-5G-19.

2 (A) (1) ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD OR
3 A DISCIPLINARY PANEL UNDER THIS SUBTITLE MAY TAKE A DIRECT JUDICIAL
4 APPEAL.

5 (2) THE APPEAL SHALL BE MADE AS PROVIDED FOR JUDICIAL
6 REVIEW OF FINAL DECISIONS IN THE ADMINISTRATIVE PROCEDURE ACT.

7 (B) AN ORDER OF THE BOARD OR A DISCIPLINARY PANEL MAY NOT BE
8 STAYED PENDING REVIEW.

9 (C) THE BOARD MAY APPEAL FROM ANY DECISION THAT REVERSES OR
10 MODIFIES AN ORDER OF THE BOARD OR A DISCIPLINARY PANEL.

11 ~~14-5G-19.~~ 14-5G-20.

12 (A) EXCEPT AS PROVIDED IN SUBSECTIONS (B) AND (D) OF THIS SECTION,
13 HOSPITALS, RELATED INSTITUTIONS, ALTERNATIVE HEALTH SYSTEMS AS DEFINED
14 IN § 1-401 OF THIS ARTICLE, AND EMPLOYERS SHALL FILE WITH THE BOARD A
15 REPORT THAT THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH
16 SYSTEM, OR EMPLOYER LIMITED, REDUCED, OTHERWISE CHANGED, OR
17 TERMINATED ANY LICENSED GENETIC COUNSELOR FOR ANY REASON THAT MIGHT
18 BE GROUNDS FOR DISCIPLINARY ACTION UNDER ~~§ 14-5G-17~~ § 14-5G-18 OF THIS
19 SUBTITLE.

20 (B) A HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM,
21 OR EMPLOYER THAT HAS REASON TO KNOW THAT A LICENSED GENETIC COUNSELOR
22 HAS COMMITTED AN ACT OR HAS A CONDITION THAT MIGHT BE GROUNDS FOR
23 REPRIMAND OR PROBATION OF THE LICENSED GENETIC COUNSELOR OR
24 SUSPENSION OR REVOCATION OF THE LICENSE BECAUSE THE LICENSED GENETIC
25 COUNSELOR IS ALCOHOL-IMPAIRED OR DRUG-IMPAIRED IS NOT REQUIRED TO
26 REPORT THE LICENSED GENETIC COUNSELOR TO THE BOARD IF:

27 (1) THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH
28 SYSTEM, OR EMPLOYER KNOWS THAT THE LICENSED GENETIC COUNSELOR IS:

29 (i) IN AN ALCOHOL OR DRUG TREATMENT PROGRAM THAT IS
30 ACCREDITED BY THE JOINT COMMISSION ON ACCREDITATION OF HEALTHCARE
31 ORGANIZATIONS OR THAT IS CERTIFIED BY THE DEPARTMENT; OR

1 **(II) UNDER THE CARE OF A HEALTH CARE PRACTITIONER WHO**
2 **IS COMPETENT AND CAPABLE OF DEALING WITH ALCOHOLISM AND DRUG ABUSE;**
3 **AND**

4 **(2) (I) THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE**
5 **HEALTH SYSTEM, OR EMPLOYER IS ABLE TO VERIFY THAT THE LICENSED GENETIC**
6 **COUNSELOR REMAINS IN THE TREATMENT PROGRAM UNTIL DISCHARGE; AND**

7 **(II) THE ACTION OR CONDITION OF THE LICENSED GENETIC**
8 **COUNSELOR HAS NOT CAUSED INJURY TO ANY PERSON WHILE THE GENETIC**
9 **COUNSELOR IS PRACTICING GENETIC COUNSELING.**

10 **(C) (1) IF THE LICENSED GENETIC COUNSELOR ENTERS, OR IS**
11 **CONSIDERING ENTERING, AN ALCOHOL OR DRUG TREATMENT PROGRAM THAT IS**
12 **ACCREDITED BY THE JOINT COMMISSION ON ACCREDITATION OF HEALTHCARE**
13 **ORGANIZATIONS OR THAT IS CERTIFIED BY THE DEPARTMENT, THE LICENSED**
14 **GENETIC COUNSELOR SHALL NOTIFY THE HOSPITAL, RELATED INSTITUTION,**
15 **ALTERNATIVE HEALTH SYSTEM, OR EMPLOYER OF THE LICENSED GENETIC**
16 **COUNSELOR'S DECISION TO ENTER THE TREATMENT PROGRAM.**

17 **(2) IF THE LICENSED GENETIC COUNSELOR FAILS TO PROVIDE THE**
18 **NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION, AND THE**
19 **HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM, OR EMPLOYER**
20 **LEARNS THAT THE LICENSED GENETIC COUNSELOR HAS ENTERED A TREATMENT**
21 **PROGRAM, THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM,**
22 **OR EMPLOYER SHALL REPORT TO THE BOARD THAT THE LICENSED GENETIC**
23 **COUNSELOR HAS ENTERED A TREATMENT PROGRAM AND HAS FAILED TO PROVIDE**
24 **THE REQUIRED NOTICE.**

25 **(3) IF THE LICENSED GENETIC COUNSELOR IS FOUND TO BE**
26 **NONCOMPLIANT WITH THE TREATMENT PROGRAM'S POLICIES AND PROCEDURES**
27 **WHILE IN THE TREATMENT PROGRAM, THE TREATMENT PROGRAM SHALL NOTIFY**
28 **THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM, OR**
29 **EMPLOYER OF THE LICENSED GENETIC COUNSELOR'S NONCOMPLIANCE.**

30 **(4) ON RECEIPT OF THE NOTIFICATION REQUIRED UNDER**
31 **PARAGRAPH (3) OF THIS SUBSECTION, THE HOSPITAL, RELATED INSTITUTION,**
32 **ALTERNATIVE HEALTH SYSTEM, OR EMPLOYER OF THE LICENSED GENETIC**
33 **COUNSELOR SHALL REPORT THE LICENSED GENETIC COUNSELOR'S**
34 **NONCOMPLIANCE TO THE BOARD.**

35 **(D) A PERSON IS NOT REQUIRED UNDER THIS SECTION TO MAKE ANY**
36 **REPORT THAT WOULD BE IN VIOLATION OF ANY FEDERAL OR STATE LAW, RULE, OR**

1 REGULATION CONCERNING THE CONFIDENTIALITY OF ALCOHOL- AND DRUG
2 ABUSE-RELATED PATIENT RECORDS.

3 (E) THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM,
4 OR EMPLOYER SHALL SUBMIT THE REPORT WITHIN 10 DAYS AFTER ANY ACTION
5 DESCRIBED IN THIS SECTION.

6 (F) A REPORT MADE UNDER THIS SECTION IS NOT SUBJECT TO SUBPOENA
7 OR DISCOVERY IN ANY CIVIL ACTION OTHER THAN A PROCEEDING ARISING OUT OF
8 A HEARING AND DECISION OF THE BOARD OR A DISCIPLINARY PANEL UNDER THIS
9 TITLE.

10 (G) (1) A DISCIPLINARY PANEL MAY IMPOSE A CIVIL PENALTY OF UP TO
11 \$1,000 FOR FAILURE TO REPORT UNDER THIS SECTION.

12 (2) THE BOARD SHALL REMIT ANY PENALTY COLLECTED UNDER THIS
13 SUBSECTION INTO THE GENERAL FUND OF THE STATE.

14 ~~14-5G-20.~~ 14-5G-21.

15 (A) FOLLOWING THE FILING OF CHARGES OR NOTICE OF INITIAL DENIAL OF
16 LICENSE APPLICATION, THE BOARD SHALL DISCLOSE THE FILING TO THE PUBLIC
17 ON THE BOARD'S WEBSITE.

18 (B) THE BOARD SHALL CREATE AND MAINTAIN A PUBLIC INDIVIDUAL
19 PROFILE ON EACH LICENSEE THAT INCLUDES THE FOLLOWING INFORMATION:

20 (1) A SUMMARY OF CHARGES FILED AGAINST THE LICENSEE,
21 INCLUDING A COPY OF THE CHARGING DOCUMENT, UNTIL A DISCIPLINARY PANEL
22 HAS TAKEN ACTION UNDER ~~§ 14-5G-17~~ § 14-5G-18 OF THIS SUBTITLE BASED ON
23 THE CHARGES OR HAS RESCINDED THE CHARGES;

24 (2) A DESCRIPTION OF ANY DISCIPLINARY ACTION TAKEN BY THE
25 BOARD OR A DISCIPLINARY PANEL AGAINST THE LICENSEE WITHIN THE MOST
26 RECENT 10-YEAR PERIOD THAT INCLUDES A COPY OF THE PUBLIC ORDER;

27 (3) A DESCRIPTION IN SUMMARY FORM OF ANY FINAL DISCIPLINARY
28 ACTION TAKEN BY A LICENSING BOARD IN ANY OTHER STATE OR JURISDICTION
29 AGAINST THE LICENSEE WITHIN THE MOST RECENT 10-YEAR PERIOD;

30 (4) A DESCRIPTION OF A CONVICTION OR ENTRY OF A PLEA OF
31 GUILTY OR NOLO CONTENDERE BY THE LICENSEE FOR A CRIME INVOLVING MORAL
32 TURPITUDE THAT IS THE BASIS FOR DISCIPLINARY ACTION TAKEN UNDER ~~§~~
33 ~~14-5G-17(c)~~ § 14-5G-18(C) OF THIS SUBTITLE; AND

1 **(5) THE PUBLIC ADDRESS OF THE LICENSEE.**

2 **(C) IN ADDITION TO THE REQUIREMENTS OF SUBSECTION (B) OF THIS**
3 **SECTION, THE BOARD SHALL INCLUDE ON EACH LICENSEE'S PROFILE A STATEMENT**
4 **OF INFORMATION TO BE TAKEN INTO CONSIDERATION BY A CONSUMER WHEN**
5 **VIEWING A LICENSEE'S PROFILE, INCLUDING A DISCLAIMER STATING THAT A**
6 **CHARGING DOCUMENT DOES NOT INDICATE A FINAL FINDING OF GUILT BY A**
7 **DISCIPLINARY PANEL.**

8 **(D) THE BOARD:**

9 **(1) ON RECEIPT OF A WRITTEN REQUEST FOR A LICENSEE'S PROFILE**
10 **FROM ANY PERSON, SHALL FORWARD A WRITTEN COPY OF THE PROFILE TO THE**
11 **PERSON; AND**

12 **(2) SHALL MAINTAIN A WEBSITE THAT SERVES AS A SINGLE POINT OF**
13 **ENTRY WHERE ALL LICENSEE PROFILE INFORMATION IS AVAILABLE TO THE PUBLIC**
14 **ON THE INTERNET.**

15 **(E) THE BOARD SHALL PROVIDE A MECHANISM FOR THE NOTIFICATION**
16 **AND PROMPT CORRECTION OF ANY FACTUAL INACCURACIES IN A LICENSEE'S**
17 **PROFILE.**

18 **(F) THE BOARD SHALL INCLUDE INFORMATION RELATING TO CHARGES**
19 **FILED AGAINST A LICENSEE BY A DISCIPLINARY PANEL AND ANY FINAL**
20 **DISCIPLINARY ACTION TAKEN BY A DISCIPLINARY PANEL AGAINST A LICENSEE IN**
21 **THE LICENSEE'S PROFILE WITHIN 10 DAYS AFTER THE CHARGES ARE FILED OR THE**
22 **ACTION BECOMES FINAL.**

23 ~~14-5C-21.~~ 14-5G-22.

24 **(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, ON THE APPLICATION**
25 **OF AN INDIVIDUAL WHOSE LICENSE HAS BEEN REVOKED, A DISCIPLINARY PANEL,**
26 **ON THE AFFIRMATIVE VOTE OF A MAJORITY OF ITS FULL AUTHORIZED**
27 **MEMBERSHIP, MAY REINSTATE A REVOKED LICENSE.**

28 **(B) A DISCIPLINARY PANEL MAY NOT REINSTATE A REVOKED LICENSE THAT**
29 **HAS BEEN REVOKED FOR A PERIOD OF MORE THAN 1 YEAR UNLESS THE LICENSEE:**

30 **(1) MEETS THE REQUIREMENTS FOR REINSTATEMENT AS**
31 **ESTABLISHED UNDER THIS TITLE; AND**

1 **(2) COMPLETES A CRIMINAL HISTORY RECORDS CHECK IN**
2 **ACCORDANCE WITH § 14-308.1 OF THIS TITLE.**

3 ~~14-5G-22.~~ 14-5G-23.

4 **EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A PERSON MAY NOT**
5 **PRACTICE, ATTEMPT TO PRACTICE, OR OFFER TO PRACTICE GENETIC COUNSELING**
6 **IN THIS STATE UNLESS LICENSED TO PRACTICE GENETIC COUNSELING BY THE**
7 **BOARD.**

8 ~~14-5G-23.~~ 14-5G-24.

9 **(A) UNLESS AUTHORIZED TO PRACTICE GENETIC COUNSELING UNDER THIS**
10 **SUBTITLE, A PERSON MAY NOT REPRESENT TO THE PUBLIC BY TITLE, BY**
11 **DESCRIPTION OF SERVICES, METHODS, OR PROCEDURES, OR OTHERWISE, THAT THE**
12 **PERSON IS AUTHORIZED TO PRACTICE GENETIC COUNSELING IN THIS STATE.**

13 **(B) UNLESS AUTHORIZED TO PRACTICE GENETIC COUNSELING UNDER THIS**
14 **SUBTITLE, A PERSON MAY NOT USE THE TITLES “GENETIC COUNSELOR”, “LICENSED**
15 **GENETIC COUNSELOR”, “CERTIFIED GENETIC COUNSELOR”, “GENE COUNSELOR”,**
16 **“GENETIC CONSULTANT”, “GENETIC ASSOCIATE”, OR ANY WORDS, LETTERS, OR**
17 **SYMBOLS WITH THE INTENT TO IMPLY THAT THE PERSON PRACTICES GENETIC**
18 **COUNSELING OR IS A CERTIFIED GENETIC COUNSELOR OR LICENSED GENETIC**
19 **COUNSELOR.**

20 ~~14-5G-24.~~ 14-5G-25.

21 **A PERSON MAY NOT PROVIDE, ATTEMPT TO PROVIDE, OFFER TO PROVIDE, OR**
22 **REPRESENT THAT THE PERSON PROVIDES GENETIC COUNSELING SERVICES UNLESS**
23 **THE GENETIC COUNSELING IS PROVIDED BY AN INDIVIDUAL WHO IS AUTHORIZED TO**
24 **PRACTICE GENETIC COUNSELING UNDER THIS SUBTITLE.**

25 ~~14-5G-25.~~ 14-5G-26.

26 **(A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A LICENSED**
27 **GENETIC COUNSELOR OR A LICENSED PHYSICIAN MAY NOT EMPLOY OR SUPERVISE**
28 **AN INDIVIDUAL PRACTICING GENETIC COUNSELING WITHOUT A LICENSE.**

29 **(B) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A HOSPITAL,**
30 **RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM, OR EMPLOYER MAY NOT**
31 **EMPLOY AN INDIVIDUAL PRACTICING GENETIC COUNSELING WITHOUT A LICENSE.**

32 **(C) A DISCIPLINARY PANEL MAY IMPOSE A CIVIL PENALTY OF UP TO \$1,000**
33 **FOR A VIOLATION OF THIS SECTION.**

(D) THE BOARD SHALL REMIT ANY PENALTY COLLECTED UNDER THIS SECTION INTO THE GENERAL FUND OF THE STATE.

~~14-5G-26.~~ 14-5G-27.

(A) A PERSON WHO VIOLATES ANY PROVISION OF ~~§§ 14-5G-22 THROUGH 14-5G-25~~ §§ 14-5G-23 THROUGH 14-5G-26 OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.

(B) A PERSON WHO VIOLATES ANY PROVISION OF ~~§§ 14-5G-22 THROUGH 14-5G-25~~ §§ 14-5G-23 THROUGH 14-5G-26 OF THIS SUBTITLE IS SUBJECT TO A CIVIL FINE OF NOT MORE THAN \$5,000 TO BE LEVIED BY A DISCIPLINARY PANEL.

(C) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS SECTION INTO THE BOARD OF PHYSICIANS FUND.

~~14-5G-27.~~ 14-5G-28.

THIS SUBTITLE MAY BE CITED AS THE MARYLAND GENETIC COUNSELING ACT.

~~14-5G-28.~~ 14-5G-29.

SUBJECT TO THE EVALUATION AND REESTABLISHMENT PROVISIONS OF THE MARYLAND PROGRAM EVALUATION ACT AND SUBJECT TO THE TERMINATION OF THIS TITLE UNDER § 14-702 OF THIS TITLE, THIS SUBTITLE AND ALL REGULATIONS ADOPTED UNDER THIS SUBTITLE SHALL TERMINATE AND BE OF NO EFFECT AFTER JULY 1, 2031.

SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial members of the Genetic Counseling Advisory Committee shall expire as follows:

(1) one member who is a certified genetic counselor and one physician member in ~~2023~~ 2024;

(2) one member who is a certified genetic counselor, one physician member, and the consumer member in ~~2024~~ 2025; and

(3) two members who are certified genetic counselors and one physician member in ~~2025~~ 2026.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October 1, 2021~~ January 1, 2022.