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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

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A N A C T

RELATING TO BUSINESSES AND PROFESSIONS -- GENETIC COUNSELORS  
LICENSING ACT

Introduced By: Representatives McEntee, Ackerman, Craven, Caldwell, and Speakman

Date Introduced: February 05, 2020

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 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.  
17 geneticists 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  
4 legal entity.

5 (6) "Practice of genetic counseling" means a communication process, conducted by one  
6 or 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,  
16 including 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, 2021, 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,  
4 abbreviations or insignia indicating or implying that a person holds a genetic counselor license  
5 unless such person 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  
10 as consultants to the department; the Rhode Island or New England chapter or affiliate of the  
11 National Society of Genetic Counselors, if existing, or their successors or equivalent, is  
12 designated as the appropriate body with which the department shall consult for referral of  
13 consultants and other 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  
22 laws;

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

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

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

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

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

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

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

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

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

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

20 (1) Meet educational experience qualifications as follows:

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

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

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

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

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

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

1           (3) An applicant for a license as a genetic counselor may, in lieu of the requirements set  
2 forth in subsection (2) of this section, submit evidence satisfactory to the department, prior to the  
3 date of passage of this chapter, of the following:

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

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

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

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

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

17           (1) Issuance of a full license;

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

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

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

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

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

28           **5-90-8. Exceptions.**

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

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

1 does not use any name, title or designation indicating that the person is licensed under this  
2 chapter;

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

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

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

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

23 **5-90-9. Grounds for denial; Refusal to renew; Revocation; Suspension or**  
24 **cancellation of genetic counselor license.**

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

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

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

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

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

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

1           (6) Violated any lawful order, rule or regulation rendered or adopted by the department;  
2 or  
3           (7) Been refused issuance or been disciplined in connection with a license issued by any  
4 other state or country.

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

6           The provisions of § 9-17-24 shall apply to persons licensed pursuant to this chapter.

7           **5-90-11. Certain acts prohibited.**

8           It shall be unlawful and a misdemeanor for any person to engage in any of the following  
9 acts:

10           (1) To practice genetic counseling or to represent themselves to be a licensed genetic  
11 counselor as defined in this chapter without having at the time of so doing, a valid license issued  
12 under this chapter; or

13           (2) To use in connection with their name or place of business, the title genetic counselor  
14 or any words indicating or implying that the person holds a genetic counselor license unless they  
15 are licensed in accordance with this chapter.

16           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

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- 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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