

SB 240-FN – AS INTRODUCED

2012 SESSION

12-2898

10/01

SENATE BILL        **240-FN**

AN ACT            relative to the regulation of the practice of genetic counseling.

SPONSORS:        Sen. Carson, Dist 14; Sen. Odell, Dist 8; Rep. Harding, Graf 11; Rep. Gile,  
Merr 10; Rep. Griffin, Rock 4

COMMITTEE:      Executive Departments and Administration

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ANALYSIS

This bill establishes the genetic counselors governing board in the office of licensed allied health professionals for the regulation of the practice of genetic counseling in this state.

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Explanation:        Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears [~~in brackets and struckthrough~~].  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twelve*

AN ACT relative to the regulation of the practice of genetic counseling.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 1 New Chapter; Genetic Counselors. Amend RSA by inserting after chapter 326-J the following  
2 new chapter:

3 CHAPTER 326-K

4 GENETIC COUNSELORS

5 326-K:1 Definitions. In this chapter and RSA 328-F:

6 I. “ABGC” means the American Board of Genetic Counseling, its equivalent, or successor.

7 II. “ABMG” means the American Board of Medical Genetics, its equivalent, or successor.

8 III. “Board” means the genetic counselors governing board established in RSA 328-F.

9 IV. “Genetic counselor” means an individual, who is licensed by the board under this  
10 chapter, to engage in the competent practice of genetic counseling.

11 V. “NSGC” means the National Society of Genetic Counselors, its equivalent, or successor.

12 VI. “Practice of genetic counseling” means, but shall not be limited to:

13 (a) Obtaining and evaluating individual, family, and medical histories to determine  
14 genetic risk for genetic or medical conditions and diseases in a patient, his or her offspring, and other  
15 family members;

16 (b) Discussing the features, natural history, means of diagnosis, genetic and  
17 environmental factors, and management of risk for genetic or medical conditions and diseases;

18 (c) Identifying and coordinating genetic laboratory tests and other diagnostic studies as  
19 appropriate for the genetic assessment;

20 (d) Integrating genetic laboratory test results and other diagnostic studies with personal  
21 and family medical history to assess and communicate risk factors for genetic or medical conditions  
22 and diseases;

23 (e) Explaining the clinical implications of genetic laboratory tests and other diagnostic  
24 studies and their results;

25 (f) Evaluating the client’s or family’s responses to the condition or risk of recurrence and  
26 provide client-centered counseling and anticipatory guidance;

27 (g) Identifying and utilizing community resources that provide medical, educational,  
28 financial, and psychosocial support and advocacy; and

29 (h) Providing written documentation of medical, genetic, and counseling information for  
30 families and health care professionals.

1 326-K:2 Exemptions from Licensure. The requirements for licensure under this chapter shall  
2 not apply to:

3 I. Any person licensed by the state to practice in a profession other than that of genetic  
4 counseling when acting within the scope of the person’s profession and doing work of a nature  
5 consistent with the person’s training. Such person shall not hold himself or herself out to the public  
6 as a genetic counselor.

7 II. Any person employed as a genetic counselor by the federal government or an agency  
8 thereof if such person provides genetic counseling services solely under the direction and control of  
9 the organization by which he or she is employed.

10 III. A student, if the following conditions apply:

11 (a) The student is enrolled in an ABGC accredited genetic counseling educational program;

12 (b) The genetic counseling services performed by the student are an integral part of the  
13 student’s course of study;

14 (c) The genetic counseling services are performed under the direct supervision of a  
15 licensed genetic counselor; and

16 (d) The student is designated by the title, “genetic counseling intern.”

17 IV. A genetic counselor working for an out-of-state employer or organization providing occasional  
18 genetic counseling services in this state who is not licensed in the state of New Hampshire, and:

19 (a) Is licensed as a genetic counselor in the state where he or she is employed; or

20 (b) If licensure is not available in the genetic counselor’s state of employment, the genetic  
21 counselor shall be certified or have active candidate status conferred by the ABGC or the ABMG.

22 326-K:3 Eligibility for Initial Licensure. In addition to requirements under RSA 328-F, the  
23 board shall require the following as a minimum to qualify for licensure. Each applicant shall:

24 I. Comply with the NSGC Code of Ethics.

25 II. Provide satisfactory evidence of having fulfilled the following criteria:

26 (a) Genetic counselor certified by ABGC or ABMG; or

27 (b) Medical geneticist certified by ABMG; or

28 (c) An individual who has worked as a genetic counselor for a minimum of 10 years  
29 preceding the effective date of this chapter and who provides the following documentation:

30 (1) A master’s or higher degree in genetics or related field of study; and

31 (2) Proof of having never failed the ABMG/ABGC certification examination; and

32 (3) Three letters of recommendation from at least one genetic counselor who qualifies  
33 for licensure under this chapter, and either a clinical geneticist certified by ABMG or medical  
34 geneticist certified by ABMG. The board shall consider a letter from a supervising physician if  
35 clinical or medical geneticist is not available. All individuals submitting letters of recommendation  
36 shall have worked with the applicant in an employment setting during the last 10 years and can  
37 attest to the applicant’s competency in providing genetic counseling services; and

1                   (4) Proof of attending ABGC approved continuing education programs within the  
2 last 5 years.

3                   III. An individual who submits the documentation required in subparagraph II(c) not later  
4 than 180 days after licensure under this chapter is first available or no later than 180 days after  
5 accepting a position in New Hampshire may apply to the board for licensure without meeting the  
6 certification requirement.

7                   326-K:4 Provisional License.

8                   I. A provisional license may be issued by the board to an applicant who meets all of the  
9 requirements for licensure except for the certification component and has been granted active  
10 candidate status by ABGC.

11                  II. A provisional license shall be valid for the ABGC examination cycle for which active  
12 candidate status by the ABGC has been granted. Such provisional license shall expire automatically  
13 upon the earliest of the following:

- 14                   (a) Issuance of a full license;  
15                   (b) Thirty days after the applicant fails to pass the certification examination; or  
16                   (c) The date printed on the provisional license.

17                  III. A provisional licensed genetic counselor shall work under the general supervision of a  
18 licensed genetic counselor or a licensed physician at all times during which the provisional licensed  
19 genetic counselor performs genetic counseling. An application for extension of the provisional license  
20 shall be signed by a supervisor.

21                  326-K:5 Prohibition on Unlicensed Practice; Professional Identification.

22                  I. No person shall practice or represent himself or herself as a genetic counselor in this state  
23 without first applying for and receiving a license or provisional license from the board to practice as  
24 a licensed genetic counselor.

25                  II. A genetic counselor whose license is suspended or revoked or whose surrender of license  
26 with or without prejudice has been accepted by the board, shall promptly deliver the original license  
27 to the board.

28                  III. Individuals holding currently valid licenses issued under this chapter may use the title  
29 “genetic counselor” and write the designation “licensed genetic counselor” following his or her  
30 written name.

31                  IV. No person shall represent himself or herself or the services offered by using the term  
32 genetic counselor unless he or she is licensed in accordance with this chapter. No person, who is not  
33 so licensed may use in connection with his or her name or place of business, the title “genetic  
34 counselor,” “licensed genetic counselor,” “gene counselor,” “genetic consultant,” “genetic associate,” or  
35 any words, letters, abbreviations or insignia indicating or implying a person holds a genetic  
36 counseling license, or any similar words if the intent of such use is to imply that the person is  
37 licensed, unless licensed under this chapter.

1 V. Any person who states or implies by word or act that he or she is currently licensed to  
2 practice genetic counseling at a time when he or she does not hold a currently valid license shall be  
3 guilty of a misdemeanor.

4 326-K:6 Reciprocity. An applicant who satisfies the board that he or she is licensed under the  
5 laws of another state, territory, or jurisdiction of the United States, which in the opinion of the board  
6 imposes substantially the same licensing requirements as required by RSA 328-F, RSA 326-K:3, and  
7 the rules of the board, may be granted a license pursuant to this chapter.

8 2 Allied Health Professionals; Definition; Governing Board. Amend RSA 328-F:2, II to read as  
9 follows:

10 II. "Governing boards" means individual licensing boards of athletic trainers, occupational  
11 therapy assistants, occupational therapists, recreational therapists, physical therapists, physical  
12 therapist assistants, respiratory care practitioners, ~~and~~ speech-language pathologists, **and genetic**  
13 **counselors**.

14 3 New Paragraph; Allied Health Professionals; Genetic Counseling. Amend RSA 328-F:2 by  
15 inserting after paragraph IX the following new paragraph:

16 X. "Genetic counseling" means genetic counseling as defined in RSA 326-K:2.

17 4 Governing Board; Establishment. Amend RSA 328-F:3, I to read as follows:

18 I. There shall be established governing boards of athletic trainers, occupational therapists,  
19 recreational therapists, respiratory care practitioners, physical therapists, ~~and~~ speech-language  
20 pathologists, **and genetic counselors**.

21 5 New Paragraph; Genetic Counselors; Governing Board; Appointment. Amend RSA 328-F:4 by  
22 inserting after paragraph IX the following new paragraph:

23 X. The genetic counselors governing board shall consist of 4 licensed genetic counselors, who  
24 have actively engaged in the practice of genetic counseling in this state for at least 2 years, and one  
25 public member. Initial appointment of professional members by the governor and council shall be  
26 qualified persons practicing genetic counseling in this state. All subsequent appointments or  
27 reappointments shall require licensure.

28 6 Renewals; Dental Hygienists Added. Amend RSA 328-F:19, I to read as follows:

29 I. Initial licenses and renewals shall be valid for 2 years, except that timely and complete  
30 application for license renewal by eligible applicants shall continue the validity of the licenses being  
31 renewed until the governing board has acted on the renewal application. Licenses issued pursuant  
32 to RSA 328-A, RSA 326-G, and RSA 326-J shall expire in even-numbered years and licenses issued  
33 pursuant to RSA 326-C, RSA 326-E, ~~and~~ RSA 326-F, **and RSA 326-K** shall expire in odd-numbered  
34 years.

35 7 Effective Date. This act shall take effect July 1, 2012.

LBAO  
12-2898  
12/05/11

**SB 240-FN - FISCAL NOTE**

AN ACT                    relative to the regulation of the practice of genetic counseling.

**FISCAL IMPACT:**

The Legislative Budget Assistant has determined that this legislation has a total fiscal impact of less than \$10,000 in each of the fiscal years 2012 through 2016.