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SENATE BILL NO. 330

Offered January 8, 2014

Prefiled January 6, 2014

A *BILL to amend the Code of Virginia by adding in Title 54.1 a chapter numbered 35.1, consisting of sections numbered 54.1-3516 through 54.1-3520, relating to genetic counseling; licensure.*

Patron—Howell

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 54.1 a chapter numbered 35.1, consisting of sections numbered 54.1-3516 through 54.1-3520, as follows:

*CHAPTER 35.1.**GENETIC COUNSELING.***§ 54.1-3516. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"ABGC" means the American Board of Genetic Counseling or its successor or equivalent.

"ABMG" means the American Board of Medical Genetics or its successor or equivalent.

"ACGC" means the Accreditation Council for Genetic Counseling or its successor or equivalent.

"Active Candidate Status" means a designation granted by the ABGC to a person who meets the requirements to take the genetic counseling certification examination.

"Board" means the Board of Medicine.

"Certified Genetic Counselor" means a person who holds a current, valid certificate issued by the ABGC or ABMG to practice genetic counseling.

"Genetic counselor" means a person licensed under this chapter who engages in the competent practice of genetic counseling.

"NSGC" means the National Society of Genetic Counselors or its successor or equivalent.

"Practice of genetic counseling" means the provision of services by an individual who qualifies for a license under this chapter, including (i) obtaining and evaluating individual and family medical histories to assess the risk of genetic medical conditions and diseases in a patient, his offspring, and other family members; (ii) discussing the features, history, diagnosis, environmental factors, and risk management of genetic medical conditions and diseases; (iii) ordering genetic laboratory tests and other diagnostic studies necessary for genetic assessment; (iv) integrating the results with personal and family medical history to assess and communicate risk factors for genetic medical conditions and diseases; (v) evaluating the patient's and family's responses to the medical condition or risk of recurrence and providing client-centered counseling and anticipatory guidance; (vi) identifying and utilizing community resources that provide medical, educational, financial, and psychosocial support and advocacy; and (vii) providing written documentation of medical, genetic, and counseling information for families and health care professionals.

"Supervision" means the direct review of a supervisee for the purpose of teaching, training, administration, accountability, or clinical review by a supervisor in the same area of specialized practice.

§ 54.1-3517. Regulation of the practice of genetic counseling; license required; licensure; temporary license; renewal and suspension.

A. The Board shall adopt regulations governing the practice of genetic counseling, upon consultation with the Advisory Board on Genetic Counseling. The regulations shall (i) set forth the requirements for licensure to practice genetic counseling, (ii) provide for appropriate application and renewal fees, (iii) include requirements for licensure renewal and continuing education, (iv) be consistent with the ABGC's current job description for the profession and the NSGC's standards of practice, and (v) allow for independent practice.

B. It shall be unlawful for a person to practice or hold himself out as practicing genetic counseling in the Commonwealth without a valid, unrevoked license issued by the Board. No unlicensed person may use in connection with his name or place of business the title "genetic counselor," "licensed genetic counselor," "gene counselor," "genetic consultant," or "genetic associate" or any words, letters, abbreviations, or insignia indicating or implying a person holds a genetic counseling license.

C. An applicant for licensure as a genetic counselor shall submit evidence satisfactory to the Board that the applicant (i) has earned a master's degree from a genetic counseling training program that is accredited by the ACGC and (ii) holds a current, valid certification as a Genetic Counselor issued by

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SB330

59 the ABGC or ABMG. A license issued pursuant to this subsection shall be valid for a period of up to
60 two years.

61 D. The Board shall waive the requirements of a master's degree and ABGC or ABMG certification
62 for license applicants who (i) apply for licensure before July 1, 2016; (ii) comply with the Board's
63 regulations relating to the NSGC Code of Ethics; (iii) have at least 20 years of documented work
64 experience as a genetic counselor; (iv) submit two letters of recommendation, one of which is from a
65 genetic counselor who qualifies for licensure under this chapter and another from a physician; and (v)
66 have completed 25 hours of NSGC-approved or ABGC-approved continuing education within the last
67 five years.

68 E. The Board may, upon application and payment of applicable fees, grant a license as a genetic
69 counselor to a person who, at the time of application, holds a valid license or certification as a genetic
70 counselor issued by another jurisdiction if the requirements for such certification or license are equal
71 to, or more stringent than, the requirements of this chapter, as determined by the Board.

72 F. The Board may grant a temporary license to an applicant who has been granted Active Candidate
73 Status by the ABGC and has paid the temporary license fee. Temporary licenses shall be valid for a
74 period of up to one year. An applicant shall not be eligible for temporary license renewal upon
75 expiration of Active Candidate Status as defined by the ABGC. A person practicing genetic counseling
76 under a temporary license shall be supervised by a licensed genetic counselor or physician.

77 G. An applicant for renewal of a license shall present evidence satisfactory to the Board that in the
78 period since the license was issued or last renewed the applicant has completed 25 NSGC or ABMG
79 continuing education contact hours or has otherwise met the continuing education requirements for
80 recertification by the NSGC or ABMG, prorated for the length of the license. The Board shall waive the
81 continuing education requirements for an applicant seeking renewal of a license upon a finding of good
82 cause and receipt of a written request for exemption based upon an emergency or hardship. For the
83 purposes of this subsection, "emergency or hardship" means (i) long-term personal illness, (ii) illness of
84 a close relative or person for whom the licensee has caregiving responsibilities, (iii) demonstration by
85 the licensee that a required course is not reasonably available, or (iv) other demonstrated economic,
86 technological, or legal hardships that substantially relate to the licensee's ability to perform or complete
87 the continuing education requirements.

88 H. The Board shall suspend the license of any licensee who fails to meet the requirements of
89 subsection G. Suspended licenses may be restored within six months of the date upon which the license
90 was suspended upon payment of renewal and penalty fees, as determined by the Board. Failure to
91 restore a license within six months of the date of suspension shall result in the automatic termination of
92 the license, and the Board shall process a subsequent application for relicensure under the same
93 provisions and requirements as an original application.

94 **§ 54.1-3518. Exemptions.**

95 The provisions of this chapter shall not prohibit:

96 1. A licensed and qualified health care provider from practicing within his scope of practice,
97 provided he does not use the title "genetic counselor" or any other title tending to indicate he is a
98 genetic counselor unless licensed in the Commonwealth;

99 2. A student from performing genetic counseling as part of an approved academic program in
100 genetic counseling, provided he is supervised by a licensed genetic counselor and designated by a title
101 clearly indicating his status as a student or trainee; or

102 3. A Certified Genetic Counselor who is employed by a rare disease organization located in another
103 jurisdiction and who complies with the licensure requirements of that jurisdiction from providing genetic
104 counseling in the Commonwealth fewer than 10 days per year.

105 **§ 54.1-3519. Abortion.**

106 Nothing in this chapter shall be construed to require any genetic counselor to participate in
107 counseling with respect to abortion, nor shall licensing of any genetic counselor be contingent upon
108 participation in such counseling. Refusal to participate in counseling related to abortion shall not form
109 the basis for any claim of damages or for any disciplinary or recriminatory action against the genetic
110 counselor, provided the genetic counselor informs the patient that he will not participate in such
111 counseling and offers to direct the patient to the online directory of licensed genetic counselors
112 maintained by the Board.

113 **§ 54.1-3520. Advisory Board on Genetic Counseling established; membership; terms; officers;
114 quorum.**

115 A. The Advisory Board on Genetic Counseling (Advisory Board) is established as an advisory board
116 in the executive branch of state government. The Advisory Board shall assist the Board of Medicine in
117 formulating regulations related to the practice of genetic counseling. The Advisory Board shall also
118 assist in such other matters relating to the practice of genetic counseling as the Board may require.

119 B. The Advisory Board shall consist of five nonlegislative citizen members to be appointed by the
120 Governor, subject to confirmation by the General Assembly, and shall include three licensed genetic

counselors, one doctor of medicine or osteopathy who has experience with genetic counseling services, and one nonlegislative citizen member who has used genetic counseling services. Members of the Advisory Board shall be citizens of the Commonwealth.

After the initial staggering of terms, members shall be appointed for a term of four years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. All members may be reappointed. However, no member shall serve more than two consecutive four-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment. Vacancies shall be filled in the same manner as the original appointments.

C. The Advisory Board shall elect a chairman and vice-chairman from among its membership. A majority of the members shall constitute a quorum. The meetings of the Advisory Board shall be held at the call of the chairman or upon request by a majority of the members.

D. The Department of Health Professions shall provide staff support to the Advisory Board. All agencies of the Commonwealth shall provide assistance to the Advisory Board, upon request.

E. The Advisory Board shall submit an annual report to the Governor and the General Assembly for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports. The chairman shall submit to the Governor and the General Assembly an annual executive summary of the interim activity and work of the Advisory Board no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

2. That the initial appointments of nonlegislative citizen members shall be staggered as follows: three licensed genetic counselor members appointed for a term of two years; one doctor of medicine or osteopathy member appointed for a term of three years; and one nonlegislative citizen member who has used genetic counseling services appointed for a term of four years. Until the licensure system for genetic counselors is established, Certified Genetic Counselors shall qualify for appointment as the licensed genetic counselor members.