

**HOUSE . . . . . No. 3827**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Tackey Chan*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to genetic counselors.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Tackey Chan</i>	<i>2nd Norfolk</i>	<i>3/22/2019</i>

**HOUSE . . . . . No. 3827**

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By Mr. Chan of Quincy, a petition (subject to Joint Rule 12) of Tackey Chan relative to genetic counselors. Public Health.

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**The Commonwealth of Massachusetts**

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**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 2016 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, his/her 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; and

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

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

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

- 65 (a) issuance of a full license; or
- 66 (b) the date printed on the temporary license.

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

73 SECTION 4. Section 256 of said chapter 112 is hereby repealed.

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

76 Section 257. No person shall hold himself out as a genetic counselor unless he is licensed  
77 in accordance with section 253, 254 or 255 or under section 105 of chapter 13. No person who is  
78 not so licensed may use in connection with his name or place of business, the title "genetic  
79 counselor", "licensed genetic counselor", "gene counselor", "genetic consultant", "genetic  
80 associate" or any words, letters, abbreviations or insignia indicating or implying a person holds a  
81 genetic counseling license.

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

84 (a) any person licensed, certified, or registered in the commonwealth, by any other statute  
85 other than as a genetic counselor from engaging in activities within the scope of practice of the  
86 profession or occupation for which he is licensed provided that he does not represent to the  
87 public, directly or indirectly, that he is licensed under section 253, 254 or 255 or under section  
88 105 of chapter 13, and that he does not use any name, title or designation indicating that the  
89 person is licensed under those sections;

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

93 (c) a student or intern enrolled in an approved genetic counseling education program if  
94 genetic counseling services performed by the student are an integral part of the student's course  
95 of study and are performed under the direct supervision of a licensed genetic counselor assigned

96 to supervise the student and who is on duty and available in the assigned patient care area and if  
97 the person is designated by a title which clearly indicates his status as a student or intern;

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

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

104 SECTION 6. Chapter 112 is hereby further amended by inserting after section 258 the  
105 following sections:-

106 Section 258A. Notwithstanding sections 252 to 258, inclusive, of chapter 112 of the  
107 General Laws, the initial appointment of genetic counselors to the board of registration of  
108 genetic counselors, in accordance with section 105 of chapter 13 of the General Laws, shall  
109 consist of persons eligible for licensing as genetic counselors who shall apply for and receive  
110 such licenses as genetic counselors within 90 days after the board has issued its first license. The  
111 initial appointments to the board shall be for terms of 3 years.

112 Section 258B. Notwithstanding sections 252 to 258, inclusive, of chapter 112 of the  
113 General Laws, a person shall be eligible until 1 year from the effective date of this act to make  
114 application to the board and to receive a license if the person is actively engaged in the practice  
115 of genetic counseling consistent with said sections 252 to 258, inclusive, of said chapter 112.