

# SENATE . . . . . No. 3002

---

## The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court  
(2021-2022)

1 be amended by inserting after section 4 the following section:-

2 “SECTION 4A. Section 105 of chapter 13 of the General Laws, as amended by section  
3 23 of chapter 39 of the acts of 2021, is hereby further amended by adding the following 2  
4 paragraphs:-

5 Notwithstanding any general or special law to the contrary, a person licensed under this  
6 section or in accordance with sections 255 or 256 of chapter 112 shall not be subject to discipline  
7 by the board, including the revocation, suspension or cancellation of the certificate of registration  
8 or reprimand, censure or monetary fine, for providing or assisting in the provision of  
9 reproductive health care services or gender-affirming health care services, as those terms are  
10 defined in section 11I½ of chapter 12, or for any judgment, discipline or other sanction arising  
11 from such health care services if the services as provided would have been lawful and consistent  
12 with the standards of conduct for genetic counselors if they occurred entirely in the  
13 commonwealth; provided further, that the board shall not take adverse action on an application  
14 for registration of a qualified genetic counselor based on a criminal or civil action or disciplinary  
15 action by a licensing board of another state that arises from such health care services that, as

provided, would have been lawful and consistent with the standards of conduct for genetic counselors if they occurred entirely in the commonwealth.

Nothing in this section shall be construed to regulate the practice of genetic counselors in any other state.”; and

by inserting after section 13 the following 2 sections:-

“SECTION 13A. Said chapter 112 is hereby further amended by striking out section 252, as so appearing, and inserting in place thereof the following section:-

Section 252. As used in sections 252 to 258, inclusive, the following words shall have the following meanings unless the context clearly requires otherwise:

"ABGC", the American Board of Genetic Counseling, a national agency for certification and recertification of genetic counselors or its successor agency.

"ABMGG", American Board of Medical Genetics and Genomics, a national agency for certification and recertification of genetic counselors, MD geneticists and PhD geneticists or its successor agency.

"ACGC", Accreditation Council for Genetic Counseling, a national agency for accreditation of genetic counselor training programs or its successor agency.

“Active Candidate Status”, status of an individual who meets the requirements to sit for the ABGC genetic counselor certification exam.

“Board”, the board of registration of genetic counselors.

“General supervision”, a supervisor, whether a licensed genetic counselor or medical doctor, who has the overall responsibility to assess the work of a provisionally licensed genetic counselor, including regular meetings and chart review; provided, however, that an annual supervision contract signed by the supervisor and supervisee shall be on file with both parties.

“Licensed genetic counselor”, a person licensed under section 105 of chapter 13 to engage in the practice of genetic counseling.

“Practice of genetic counseling”, a communication process, conducted by 1 or more appropriately trained individuals, that may include:

(i) obtaining and evaluating individual, family and medical histories to determine genetic risk for genetic-medical conditions and diseases in a patient, their offspring and other family members;

(ii) discussing the features, natural history, means of diagnosis, genetic and environmental factors and management of risk for genetic-medical conditions and diseases;

(iii) identifying, ordering and coordinating genetic laboratory tests and other diagnostic studies as appropriate for the genetic assessment;

(iv) integrating genetic laboratory test results and other diagnostic studies with personal and family medical history to assess and communicate risk factors for genetic-medical conditions and diseases;

(v) explaining the clinical implications of genetic laboratory tests and other diagnostic studies and their results;

- (vi) evaluating the client's, or their family's, responses to the condition or risk of recurrence and provide client-centered counseling and anticipatory guidance;
- (vii) identifying and utilizing community resources that provide medical, educational, financial and psychosocial support and advocacy;
- (viii) providing written documentation of medical, genetic and counseling information for families and health care professionals; and
- (ix) any other criteria the board deems appropriate and consistent with this section.

“Provisionally licensed genetic counselor”, a person with a provisional license issued under section 255.

SECTION 13B. Said chapter 112 is hereby further amended by striking out sections 254 through 257, inclusive, as so appearing, and inserting in place thereof the following 4 sections:-

Section 254. An applicant for registration as a genetic counselor shall have:

- (i) earned a master's degree from a genetic counseling training program that is accredited by the ACGC or an equivalent as determined by the ACGC, or a doctoral degree from a medical genetics training program that is accredited by the ABMGG or an equivalent as determined by the ABMGG;
- (ii) successfully achieved ABGC certification as a genetic counselor by examination or the ABMGG certification by examination as a Ph.D. medical geneticist; and
- (iii) completed such experience as may be required by the board; provided, however, that the board shall require continuing education as a condition for license renewals.

75           Section 255. A person who meets the qualifications for licensure as a genetic counselor  
76   except for certification and who has been granted Active Candidate Status by the ABGC may  
77   apply to practice as a provisionally licensed genetic counselor by filing an approved application  
78   with the board and payment of a fee to be determined by the secretary of administration and  
79   finance. The board may grant a provisional license to a person who successfully completes a  
80   genetic counseling education program approved by the board and is qualified to be admitted to  
81   the examination. The provisional license shall be valid for 2 years from the date of issue and may  
82   be renewed for an additional 1-year period if the applicant maintains Active Candidate Status  
83   with the ABGC or if the applicant fails the first sitting of the ABMGG exam, as applicable. The  
84   provisional license shall expire automatically upon the earlier of: (i) issuance of a full license; or  
85   (ii) date printed on the temporary license.

86           An application for extension shall be signed by a supervising licensed genetic counselor.  
87   A provisionally licensed genetic counselor shall be under the general supervision of a licensed  
88   genetic counselor or a licensed physician with a current ABMGG certification in clinical  
89   genetics at all times during which the provisionally licensed genetic counselor performs clinical  
90   genetic counseling. The board shall adopt rules governing such supervision and direction;  
91   provided, however, that such rules shall not require the immediate physical presence of the  
92   supervising licensed genetic counselor.

93           Section 256. (a) The board shall examine applicants for certification as genetic  
94   counselors at such times and places as it may determine. The examination shall meet the  
95   standards established by the ACGC. The examination shall test an applicant's knowledge of  
96   basic and clinical sciences as they relate to genetic counseling theory and practice and other  
97   subjects as the board may deem useful to determine the applicant's fitness to engage in the

98 practice of genetic counseling The board may utilize a national examination that meets the  
99 requirements of this section.

100 (b) The board shall examine applicants for certification as Ph.D. medical geneticists at  
101 such times and places as it may determine. The examination shall meet the standards established  
102 by the ABMGG. The examination shall test an applicant's knowledge of basic and clinical  
103 sciences as they relate to genetic counseling theory and practice and other subjects as the board  
104 may deem useful to determine the applicant's fitness to engage in the practice of genetic  
105 counseling. The board may utilize a national examination that meets the requirements of this  
106 section.

107 Section 257. No person shall hold himself out as a genetic counselor unless he is licensed  
108 pursuant to sections 255 or 256 of this chapter or section 105 of chapter 13. A person who is not  
109 so licensed shall not use in connection with his name or place of business the title "genetic  
110 counselor", "licensed genetic counselor", "gene counselor", "genetic consultant", "genetic  
111 associate" or any other words, letters, abbreviations or insignia indicating or implying a person  
112 holds a genetic counseling license.

113 Nothing in this section shall prevent or restrict the practice, service or activities of:

114 (i) a person licensed, certified or registered in the commonwealth by any other law other  
115 than as a genetic counselor from engaging in activities within the scope of practice of the  
116 profession or occupation for which the person is licensed; provided, however, that the person  
117 does not represent to the public, directly or indirectly, that they are licensed pursuant to sections  
118 255 or 256 of this chapter or section 105 of chapter 13 and does not use any name, title or  
119 designation indicating that the person is licensed under those sections;

120           (ii) a person employed as a genetic counselor by the federal government or an agency  
121 thereof if such person provides genetic counseling services solely under the direction and control  
122 of the organization by which they are employed;

123           (iii) a student or intern enrolled in an approved genetic counseling education program if:

124       (i) the genetic counseling services performed by the student are: (A) an integral part of the  
125 student's course of study; and (B) under the direct supervision of a licensed genetic counselor  
126 assigned to supervise the student, who is on duty and available in the assigned patient care area;  
127 and (ii) the student or intern is designated by a title which clearly indicates their status as a  
128 student or intern;

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

132           (v) a visiting genetics counselor certified by the ABGC or ABMGG from outside the  
133 commonwealth operating as consultants; or

134           (vi) the use of occasional services of organizations from outside the commonwealth  
135 employing genetic counselors certified by the ABGC or ABMGG.”.