HOUSE DOCKET, NO. 3320 FILED ON: 1/20/2023

HOUSE . . . . . No. 274

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:
Tackey Chan	*2nd Norfolk*	*1/20/2023*

HOUSE DOCKET, NO. 3320 FILED ON: 1/20/2023

HOUSE . . . . . No. 274

By Representative Chan of Quincy, a petition (accompanied by bill, House, No. 274) of Tackey Chan relative to genetic counselors. Consumer Protection and Professional Licensure.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *4238* OF 2021-2022.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

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:

SECTION 1. Chapter 112 of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by striking out section 252, and inserting in place thereof the following section:-

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

"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” is bestowed upon 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 MD, who has the overall responsibility to assess the work of a provisional 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:

(a) 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;

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

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

(d) 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;

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

(f) evaluating the client's or family's responses to the condition or risk of recurrence and provide client-centered counseling and anticipatory guidance;

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

(h) providing written documentation of medical, genetic, and counseling information for families and health care professionals; or

(i) any other criteria the board deems appropriate and consistent with provisions above.

"Provisional licensed genetic counselor", a person with a provisional license issued under section 255.

SECTION 2. Said chapter 112, as so appearing, is hereby further amended by striking out sections 254 through 257, inclusive, and inserting in place thereof the following 4 new sections:-

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

(a) 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;

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

(c) completed such experience as my be required by the board; and provided further that the board shall require continuing education as a condition for license renewals.

Section 255. A person who meets the qualifications for licensure as a genetic counselor, except certification and who has been granted Active Candidate Status by the ABGC, may apply to practice as a provisional licensed genetic counselor by filing an approved application with the board and payment of a fee to be determined by the secretary of administration and finance. The board may grant a provisional license to a person who successfully completes a genetic counseling education program approved by the board and is qualified to be admitted to the examination. Such license shall be valid for 2 years from the date of its issue and may be renewed for an additional 1 year as long as the applicant has active candidate status according to ACGC or if the applicant fails the first sitting of the ABMGG exam, as applicable. Such provisional license shall expire automatically upon the earliest of the following:

(a) issuance of a full license; or

(b) the date printed on the temporary license.

An application for extension shall be signed by a supervising licensed genetic counselor. A provisional licensed genetic counselor shall be under the general supervision of a licensed genetic counselor or a licensed physician with current ABMGG certification in clinical genetics

at all times during which the provisional licensed genetic counselor performs clinical genetic counseling. The board shall adopt rules governing such supervision and direction which may not require the immediate physical presence of the supervising licensed genetic counselor.

Section 256. (a) The board shall examine applicants for certification as genetic counselors at such times and places as it may determine. The examination shall meet the standards established by the ACGC. The examination shall test an applicant's knowledge of basic and clinical sciences as they relate to genetic counseling theory and practice and other subjects as the board may deem useful to determine the applicant's fitness to act as a genetic counselor. The board may utilize a national examination that meets the requirements of this section.

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

Section 257. No person shall hold himself out as a genetic counselor unless he is licensed in accordance with sections 255 or 256, or under section 105 of chapter 13. No person who is not so licensed may use in connection with his name or place of business, the title "genetic counselor", "licensed genetic counselor", "gene counselor", "genetic consultant", "genetic associate" or any words, letters, abbreviations or insignia indicating or implying a person holds a genetic counseling license.

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

(a) any person licensed, certified, or registered in the commonwealth, by any other statute other than as a genetic counselor from engaging in activities within the scope of practice of the profession or occupation for which he is licensed provided that he does not represent to the public, directly or indirectly, that he is licensed under sections 255 or 256, or under section 105 of chapter 13, and that he does not use any name, title or designation indicating that the person is licensed under those sections;

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

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

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

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