

STATE OF NEW YORK

S. 1858

A. 3556

2007-2008 Regular Sessions

SENATE - ASSEMBLY

January 26, 2007

IN SENATE -- Introduced by Sens. LAVALLE, FUSCHILLO, LARKIN, MORAHAN, RATH -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

IN ASSEMBLY -- Introduced by M. of A. SWEENEY, DESTITO, CAHILL, AUBERTINE, FIELDS, LAFAYETTE, MILLMAN, PAULIN, GALEF, LUPARDO, D. GORDON, BING, ZEBROWSKI -- Multi-Sponsored by -- M. of A. BENEDETTO, CHRISTENSEN, DINOWITZ, JOHN, MARKEY, MAYERSOHN, PHEFFER, WEISENBERG, YOUNG -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to licensing of genetic counselors

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The education law is amended by adding a new article 142
2 to read as follows:

3 **ARTICLE 142**
4 **GENETIC COUNSELING**

5 **Section 7050. Introduction.**

6 **7051. Definitions.**

7 **7052. Scope of the practice of genetic counseling.**

8 **7053. Use of title "genetic counselor".**

9 **7054. State board for genetic counseling.**

10 **7055. Requirements for a professional license.**

11 **7056. Exempt persons.**

12 **7057. Limited permits.**

13 **7058. Renewal of license; continuing education.**

14 **7059. Special provision.**

15 **§ 7050. Introduction. This article applies to the licensing of genetic**
16 **counselors. The general provisions for all professions contained in**
17 **article one hundred thirty of this title apply to this article.**

18 **§ 7051. Definitions. As used in this article:**

EXPLANATION--Matter in **italics** (underscored) is new; matter in brackets
[-] is old law to be omitted.

LBD04973-01-7

1 1. The term "genetic counselor" shall mean a health professional who
2 is either a genetic counselor or a Ph.D. clinical geneticist certified
3 by either the American Board of Genetic Counseling or the American Board
4 of Medical Genetics, and who is academically and clinically prepared to
5 provide genetic counseling services to individuals and families seeking
6 information about the occurrence, risk of occurrence or recurrence, of a
7 genetic or hereditary condition or birth defect.
8 2. The term "licensed genetic counselor" shall mean a genetic counse-
9 lor licensed pursuant to this article.
10 § 7052. Scope of the practice of genetic counseling. 1. The "practice
11 of genetic counseling" shall mean the communication to and education of
12 clients and their families with regards to genetic, medical, and techni-
13 cal information associated with the occurrence, risk of occurrence or
14 recurrence, of a genetic or hereditary condition or birth defect in a
15 comprehensive, understandable, ethical manner. The practitioner shall
16 seek to promote client-specific decision-making in an unbiased non-coer-
17 cive manner which respects the client's culture, language, tradition,
18 lifestyle, religion, beliefs and values. Genetic counseling shall
19 include, but not be limited to, the following:
20 (a) eliciting and interpreting individual and family medical, develop-
21 mental, and reproductive histories;
22 (b) determining the likely course or mode of inheritance and risk of
23 occurrence or recurrence of a genetic or hereditary condition or birth
24 defect;
25 (c) explaining the etiology, natural history, diagnosis, and manage-
26 ment of these conditions;
27 (d) explaining the results of genetic tests and interpreting and
28 explaining other diagnostic studies;
29 (e) performing a psychosocial assessment to identify emotional,
30 social, educational, and cultural issues related to genetic testing;
31 (f) evaluating the client's and/or family's responses to the condition
32 or risk of occurrence or recurrence;
33 (g) providing counseling and promoting informed decision-making about
34 testing, management, reproduction, and communication with family
35 members;
36 (h) identifying and facilitating access to resources that provide
37 community outreach, medical, educational, financial, and psychosocial
38 support and advocacy; and
39 (i) providing written documentation of medical, genetic, and coun-
40 seling information for families and health professionals, including the
41 recommendation to seek medical attention from a licensed physician. Any
42 written notice shall be provided to a referring physician with the
43 informed consent of the client.
44 2. Nothing in this article shall be construed to authorize a licensed
45 genetic counselor to order genetic tests, diagnose or treat any genetic
46 or other disease or condition.
47 § 7053. Use of title "genetic counselor". The title "licensed genetic
48 counselor" and the use of the letters "L.G.C." after the name shall be
49 reserved exclusively to persons licensed pursuant to this article.
50 § 7054. State board for genetic counseling. A state board for genetic
51 counseling shall be appointed by the board of regents on recommendation
52 of the commissioner for the purpose of assisting the board of regents
53 and the department on matters of professional licensing and professional
54 conduct in accordance with section sixty-five hundred eight of this
55 title. The board of regents, when selecting board members, shall seek
56 to ensure statewide geographic representation and maintain the propor-

1 tion of representation of professional disciplines and lay-persons. The
2 board shall be composed of not less than eleven members, of which seven
3 shall be licensed genetic counselors, two shall be licensed physicians
4 with an extensive knowledge based in genetics, and at least two members
5 of the public. The licensure requirements for professional licensed
6 genetic counselor shall be waived for two years for the initial commit-
7 tee appointees. Board members shall be appointed for terms of four
8 years, except during the first four years appointments shall be stag-
9 gered as follows: four appointments shall be for four years; four
10 appointments shall be for three years; and three appointments shall be
11 for two years. Vacancies short of a full term shall be filled to
12 complete the time remaining in the term of the member vacating the
13 board. All appointees, except the appointees from the public and/or
14 licensed physicians with extensive knowledge based in genetics, shall
15 have received national certification by the American Board of Genetic
16 Counseling or the American Board of Medical Genetics. Advisory board
17 members should be required to have a minimum of five years of experience
18 in their respective professional fields. An executive secretary to the
19 board shall be appointed by the board of regents on the recommendation
20 of the commissioner.

21 § 7055. Requirements for a professional license. To qualify for a
22 license as a professional genetic counselor, an applicant shall fulfill
23 the following requirements:

- 24 1. Application: file an application with the department;
- 25 2. Education: have received a master's or doctoral degree from a
26 training program accredited by the American Board of Genetic Counseling,
27 or an equivalent accreditation or course of study in accordance with the
28 commissioner's regulations;
- 29 3. Experience: have genetic counseling experience satisfactory to the
30 state board as defined in section seven thousand fifty-four of this
31 article and in accordance with the commissioner's regulations;
- 32 4. Examination: pass an examination for certification by the American
33 Board of Genetic Counseling, American Board of Medical Genetics or other
34 examination deemed satisfactory to the department, in genetic counseling
35 and/or general genetics. The examination requirement may be waived on a
36 case by case basis by the board on recommendation of the commissioner
37 for certain applicants pursuant to section seven thousand fifty-nine of
38 this article, such decisions shall be made in a timely manner;
- 39 5. Age: be at least twenty-one years of age;
- 40 6. Character: be of good moral character as determined by the depart-
41 ment;
- 42 7. Fees: pay a fee of three hundred dollars to the department for an
43 initial license and one hundred fifty dollars for each subsequent
44 renewal of a license; and
- 45 8. Continuing education: in order to maintain a genetic counselor's
46 license, an individual must complete the requirements for continuing
47 education as promulgated by the department pursuant to section seven
48 thousand fifty-eight of this article.

49 § 7056. Exempt persons. This article does not prohibit the practice of
50 genetic counseling by licensed physicians. Also exempt are other
51 licensed health care professionals that the department, on recommenda-
52 tion of the board, are considered to have appropriate genetic knowledge
53 to operate within the scope of their license. Such exempt persons are
54 provided from using the title "licensed genetic counselor" as provided
55 for in this article.

1 § 7057. Limited permits. Permits limited as to eligibility, practice
2 and duration shall be issued by the department to eligible applicants,
3 as follows:
4 1. The following persons shall be eligible for a limited permit:
5 (a) a person who fulfills all requirements for a license as a genetic
6 counselor except those relating to examination or experience; and
7 (b) a person has been accepted as an active candidate to take the
8 certification examination offered by the American Board of Genetic Coun-
9 seling.
10 (c) foreign trained genetic counselors accepted as active candidates
11 by the American Board of Genetic Counseling may apply for a limited
12 permit.
13 (d) a permittee must pass the certification examination of the Ameri-
14 can Board of Genetic Counseling within two examination cycles. This
15 provision may be extended if the board, as defined in section seven
16 thousand fifty-four of this article, determines that a special circum-
17 stance, as defined by the commissioner, exists. "Special circumstance"
18 shall include, but not be limited to, family leave or military service.
19 2. An individual with a limited permit shall be authorized to practice
20 genetic counseling only under the supervision of a licensed genetic
21 counselor, or licensed physician. Supervision shall mean the review of
22 aspects of genetic counseling and case management as appropriate that
23 include regular chart reviews of clients with the limited permittee and
24 the supervisor.
25 3. A limited permit shall be valid for two years. If an individual
26 takes an examination and fails, his or her limited permit is invali-
27 dated. Individuals may reapply at a later date if the requirements are
28 met.
29 4. The fee for each limited permit and for each renewal shall be two
30 hundred dollars.
31 § 7058. Renewal of license; continuing education. 1. The department
32 shall biennially renew a license upon receipt of a renewal application.
33 2. The department is authorized and directed, in consultation with the
34 board established in section seven thousand fifty-four of this article
35 and the department of health, to establish criteria as a condition of
36 licensure renewal for continuing education of genetic counselors. Such
37 criteria shall include, but not be limited to the necessary number of
38 hours of continuing education, approved education courses and approved
39 education providers.
40 § 7059. Special provision. The department is authorized and directed
41 within one hundred eighty days of the effective date of this section and
42 in consultation with the board established in section seven thousand
43 fifty-four of this article and the department of health, to issue regu-
44 lations for special provisions which will allow individuals on a case by
45 case basis to be considered eligible for licensure consideration without
46 certification by the American Board of Genetic Counseling or the Ameri-
47 can Board of Medical Genetics. Such regulations shall require appli-
48 cants to include, but not be limited to, the following requirements:
49 1. file an application for licensure pursuant to section seven thou-
50 sand fifty-five of this article within two years of issuance of regu-
51 lations by the department;
52 2. has no less than ten years of experience as a genetic counselor;
53 3. has not in the past taken and failed an examination for certif-
54 ication by the American Board of Genetic Counseling, American Board of
55 Medical Genetics or other examination deemed satisfactory to the board
56 and in accordance with the commissioner's regulations;

1 4. has at least three letters of recommendation from a licensed genet-
2 ic counselor, clinical geneticist, medical geneticist, physician or
3 other appropriate person as determined by the department;
4 5. meets their educational requirements for licensure prior to the
5 American Board of Genetic Counseling first offering examinations for
6 certification.

7 § 2. Severability. If any clause, sentence, paragraph, section or part
8 of this act shall be adjudged by any court of competent jurisdiction to
9 be invalid and after exhaustion of all further judicial review, the
10 judgment shall not affect, impair or invalidate the remainder thereof,
11 but shall be confined in its operation to the clause, sentence, para-
12 graph, section or part of this act directly involved in the controversy
13 in which the judgment shall have been rendered.

14 § 3. This act shall take effect April 1, 2008.
