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2009-2010 Regular Sessions

I N A S S E M B L Y

February 19, 2009

Introduced by M. of A. SWEENEY, DESTITO, CAHILL, FIELDS, MILLMAN, PAULIN, GALEF, LUPARDO, BING, ALFANO, CLARK -- Multi-Sponsored by -- M. of A. BARRA, BENEDETTO, CHRISTENSEN, DINOWITZ, GUNTHER, HOOPER, JOHN, LATIMER, MARKEY, MAYERSOHN, PHEFFER, WEISENBERG -- 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. THE PRACTICE OF GENETIC COUNSELING.

8 7053. STATE COMMITTEE FOR GENETIC COUNSELING.

9 7054. REQUIREMENTS FOR A PROFESSIONAL LICENSE.

10 7055. EXEMPT PERSONS.

11 7056. LIMITED PERMITS.

12 S 7050. INTRODUCTION. THIS ARTICLE APPLIES TO THE LICENSING OF GENETIC  
13 COUNSELORS. THE GENERAL PROVISIONS FOR ALL PROFESSIONS CONTAINED IN  
14 ARTICLE ONE HUNDRED THIRTY OF THIS TITLE APPLY TO THIS ARTICLE.

15 S 7051. DEFINITIONS. AS USED IN THIS ARTICLE:

16 1. THE TERM "GENETIC COUNSELOR" SHALL MEAN A HEALTH PROFESSIONAL WHO  
17 IS ACADEMICALLY AND CLINICALLY PREPARED TO PROVIDE GENETIC COUNSELING  
18 SERVICES TO INDIVIDUALS AND FAMILIES SEEKING INFORMATION ABOUT THE  
19 OCCURRENCE, RISK OF OCCURRENCE OR RECURRENCE, OF A GENETIC OR HEREDITARY  
20 CONDITION OR BIRTH DEFECT.

21 2. THE TERM "LICENSED GENETIC COUNSELOR" SHALL MEAN A GENETIC COUNSE-  
22 LOR LICENSED PURSUANT TO THIS ARTICLE.

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

LBD02805-01-9

1 S 7052. THE PRACTICE OF GENETIC COUNSELING. 1. THE "PRACTICE OF GENET-  
2 IC COUNSELING" SHALL MEAN THE COMMUNICATION TO AND EDUCATION OF CLIENTS,  
3 THEIR FAMILIES, OTHER HEALTHCARE PROFESSIONALS AND THE GENERAL PUBLIC  
4 WITH REGARDS TO GENETIC TESTING, INDIVIDUAL FAMILY HISTORIES, OR OTHER  
5 GENETIC, MEDICAL, AND TECHNICAL INFORMATION ASSOCIATED WITH THE OCCUR-  
6 RENCE, RISK OF OCCURRENCE OR RECURRENCE, OF A GENETIC OR HEREDITARY  
7 CONDITION OR BIRTH DEFECT IN A COMPREHENSIVE, UNDERSTANDABLE, ETHICAL  
8 MANNER. A PRACTITIONER OF GENETIC COUNSELING SHALL SEEK TO PROMOTE  
9 DECISION-MAKING IN AN UNBIASED NON-COERCIVE MANNER WHICH RESPECTS THE  
10 INDIVIDUAL'S CULTURE, LANGUAGE, TRADITION, LIFESTYLE, RELIGION, BELIEFS  
11 AND VALUES. GENETIC COUNSELING SHALL INCLUDE, BUT NOT BE LIMITED TO,  
12 THE FOLLOWING:

13 (A) ELICITING INDIVIDUAL AND FAMILY MEDICAL, DEVELOPMENTAL, AND REPRO-  
14 DUCTIVE HISTORIES;

15 (B) DETERMINING THE LIKELY COURSE OR MODE OF INHERITANCE AND RISK OF  
16 OCCURRENCE OR RECURRENCE OF A GENETIC OR HEREDITARY CONDITION OR BIRTH  
17 DEFECT;

18 (C) EXPLAINING THE RESULTS OF GENETIC TESTS AND INTERPRETING AND  
19 EXPLAINING OTHER DIAGNOSTIC STUDIES;

20 (D) IDENTIFYING EMOTIONAL, SOCIAL, EDUCATIONAL, AND CULTURAL ISSUES  
21 RELATED SOLELY TO GENETIC TESTING AND INFORMATION;

22 (E) FACILITATING INFORMED DECISION-MAKING ABOUT GENETIC TESTING AND  
23 CONVEYING THE RESULTS OF GENETIC TESTS WITH FAMILY MEMBERS;

24 (F) COMMUNICATING DETAILED GENETIC INFORMATION TO DIVERSE AUDIENCES  
25 CLEARLY AND CONCISELY WHILE BRIDGING CULTURAL, SOCIOECONOMIC AND EDUCA-  
26 TIONAL DIFFERENCES; AND

27 (G) IDENTIFYING AND FACILITATING ACCESS TO RESOURCES THAT PROVIDE  
28 COMMUNITY OUTREACH, EDUCATIONAL, FINANCIAL, MEDICAL AND PSYCHOSOCIAL  
29 SUPPORT, AND ADVOCACY.

30 2. NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO AUTHORIZE A LICENSED  
31 GENETIC COUNSELOR TO DIAGNOSE OR TREAT ANY GENETIC DISEASE OR CONDITION.  
32 LICENSED GENETIC COUNSELORS ARE REQUIRED TO ENSURE THAT PATIENT/CLIENT  
33 CONFIDENTIALITY AND INFORMED CONSENT ARE MAINTAINED CONSISTENT WITH  
34 EXISTING FEDERAL AND STATE LAW.

35 3. PRACTICE OF GENETIC COUNSELING, AND USE OF THE TITLES "GENETIC  
36 COUNSELOR" AND "LICENSED GENETIC COUNSELOR" AND THE USE OF THE LETTERS  
37 "L.G.C." AFTER THE NAME SHALL BE RESERVED EXCLUSIVELY TO PERSONS  
38 LICENSED PURSUANT TO THIS ARTICLE. ONLY A PERSON LICENSED OR EXEMPT  
39 UNDER THIS ARTICLE SHALL PRACTICE GENETIC COUNSELING OR USE THE TITLE  
40 "GENETIC COUNSELOR". ONLY A PERSON LICENSED UNDER THIS ARTICLE SHALL USE  
41 THE TITLE "LICENSED GENETIC COUNSELOR" OR ANY OTHER DESIGNATION TENDING  
42 TO IMPLY THAT A PERSON IS LICENSED TO PRACTICE GENETIC COUNSELING.

43 S 7053. STATE COMMITTEE FOR GENETIC COUNSELING. 1. A STATE COMMITTEE  
44 FOR GENETIC COUNSELING SHALL BE APPOINTED BY THE BOARD OF REGENTS UPON  
45 THE RECOMMENDATION OF THE COMMISSIONER AND SHALL ASSIST ON MATTERS OF  
46 LICENSURE AND PROFESSIONAL CONDUCT IN ACCORDANCE WITH SECTION SIXTY-FIVE  
47 HUNDRED EIGHT OF THIS TITLE. NOTWITHSTANDING THE PROVISIONS OF SECTION  
48 SIXTY-FIVE HUNDRED EIGHT OF THIS TITLE, THE COMMITTEE SHALL ASSIST THE  
49 BOARD FOR MEDICINE SOLELY IN GENETIC COUNSELING MATTERS. MEMBERS OF THE  
50 FIRST COMMITTEE NEED NOT BE LICENSED PRIOR TO THEIR APPOINTMENT TO SUCH  
51 COMMITTEE. THE TERMS OF THE FIRST APPOINTED MEMBERS SHALL BE STAGGERED  
52 SO THAT THREE MEMBERS ARE APPOINTED FOR THREE YEARS, FOUR MEMBERS ARE  
53 APPOINTED FOR FOUR YEARS AND TWO MEMBERS ARE APPOINTED FOR FIVE YEARS.  
54 AN EXECUTIVE SECRETARY TO THE COMMITTEE SHALL BE APPOINTED BY THE BOARD  
55 OF REGENTS ON THE RECOMMENDATIONS OF THE COMMISSIONER.

1 2. THE COMMITTEE SHALL CONSIST OF NINE INDIVIDUALS, TO BE COMPOSED OF  
2 THE FOLLOWING:

3 (A) SIX LICENSED GENETIC COUNSELORS WITH A MINIMUM OF FIVE YEARS EXPE-  
4 RIENCE, INCLUDING AT LEAST THREE YEARS OF FIELD EXPERIENCE WORKING WITH  
5 PATIENTS OR THE GENERAL PUBLIC IN THE FIELD OF GENETIC COUNSELING;

6 (B) ONE LICENSED PHYSICIAN;

7 (C) ONE LICENSED PSYCHIATRIST; AND

8 (D) A REPRESENTATIVE OF THE PUBLIC AT LARGE.

9 3. BOARD MEMBERS SHALL BE APPOINTED FOR TERMS OF FIVE YEARS. VACANCIES  
10 SHORT OF A FULL TERM SHALL BE FILLED TO COMPLETE THE TIME REMAINING IN  
11 THE TERM OF THE MEMBER VACATING.

12 S 7054. REQUIREMENTS FOR A PROFESSIONAL LICENSE. TO QUALIFY FOR A  
13 LICENSE AS A "LICENSED GENETIC COUNSELOR", AN APPLICANT SHALL FULFILL  
14 THE FOLLOWING REQUIREMENTS:

15 1. APPLICATION: FILE AN APPLICATION WITH THE DEPARTMENT;

16 2. EDUCATION: HAVE RECEIVED A MASTER'S OR DOCTORAL DEGREE IN GENETIC  
17 COUNSELING FROM A PROGRAM REGISTERED BY THE DEPARTMENT, OR DETERMINED BY  
18 THE DEPARTMENT TO BE THE SUBSTANTIAL EQUIVALENT, IN ACCORDANCE WITH THE  
19 COMMISSIONER'S REGULATIONS. APPROPRIATE COURSEWORK SHALL BE DETERMINED  
20 IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS ON RECOMMENDATIONS OF  
21 THE STATE COMMITTEE FOR GENETIC COUNSELING.

22 3. EXPERIENCE: HAVE GENETIC COUNSELING EXPERIENCE SATISFACTORY TO THE  
23 DEPARTMENT AS DEFINED IN SECTION SEVEN THOUSAND FIFTY-THREE OF THIS  
24 ARTICLE AND IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS. SUCH  
25 EXPERIENCE SHALL INCLUDE, BUT NOT BE LIMITED TO REQUIRED DOCUMENTATION  
26 OF SUPERVISED CASE-WORK AND OTHER EDUCATIONAL EXPERIENCES DEEMED ACCEPT-  
27 ABLE TO THE DEPARTMENT.

28 4. EXAMINATION: PASS AN EXAMINATION FOR CERTIFICATION IN ACCORDANCE  
29 WITH THE COMMISSIONER'S REGULATIONS, IN GENETIC COUNSELING AND/OR GENER-  
30 AL GENETICS;

31 5. AGE: BE AT LEAST TWENTY-ONE YEARS OF AGE;

32 6. CHARACTER: BE OF GOOD MORAL CHARACTER AS DETERMINED BY THE DEPART-  
33 MENT;

34 7. FEES: PAY A FEE OF THREE HUNDRED DOLLARS TO THE DEPARTMENT FOR AN  
35 INITIAL LICENSE AND TWO HUNDRED DOLLARS FOR EACH SUBSEQUENT RE-REGISTRA-  
36 TION OF A LICENSE; AND

37 8. CONTINUING EDUCATION: AT THE TIME OF RE-REGISTRATION WITH THE  
38 DEPARTMENT, EACH APPLICANT SHALL PRESENT SATISFACTORY DOCUMENTATION TO  
39 THE STATE COMMITTEE FOR GENETIC COUNSELING THAT SINCE LAST REGISTRATION  
40 THEY ATTENDED THE EDUCATION PROGRAMS CONDUCTED BY THE AMERICAN BOARD OF  
41 GENETIC COUNSELING OR THE EQUIVALENT OF SUCH EDUCATIONAL PROGRAMS AS  
42 APPROVED BY THE STATE COMMITTEE FOR GENETIC COUNSELING IN ACCORDANCE  
43 WITH THE COMMISSIONER'S REGULATIONS. THE DEPARTMENT SHALL TRIENNIALLY  
44 RE-REGISTER A LICENSE UPON RECEIPT OF A RE-REGISTRATION APPLICATION.  
45 THE DEPARTMENT IS AUTHORIZED AND DIRECTED, IN CONSULTATION WITH THE  
46 STATE COMMITTEE ESTABLISHED IN SECTION SEVEN THOUSAND FIFTY-THREE OF  
47 THIS ARTICLE, TO ESTABLISH CRITERIA AS A CONDITION OF LICENSURE RE-RE-  
48 GISTRATION FOR CONTINUING EDUCATION OF GENETIC COUNSELORS INCLUDING,  
49 BUT NOT LIMITED TO THE NUMBER OF HOURS AND/OR EDUCATION UNITS NECESSARY  
50 TO COMPLETE CONTINUING EDUCATION REQUIREMENTS.

51 S 7055. EXEMPT PERSONS. THIS ARTICLE DOES NOT PROHIBIT THE PRACTICE OF  
52 GENETIC COUNSELING BY LICENSED PHYSICIANS OR OTHER LICENSED PROFES-  
53 SIONALS PURSUANT TO TITLE EIGHT OF THIS CHAPTER TO OPERATE WITHIN THE  
54 SCOPE OF THEIR PROFESSION'S LICENSE. SUCH EXEMPT PERSONS ARE PROHIBITED  
55 FROM USING THE TITLE "LICENSED GENETIC COUNSELOR" AS PROVIDED FOR IN  
56 THIS ARTICLE.

1 S 7056. 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 DEPARTMENT MAY ISSUE A LIMITED PERMIT TO AN APPLICANT WHO MEETS  
5 ALL QUALIFICATIONS FOR LICENSURE AS A GENETIC COUNSELOR, EXCEPT THE  
6 EXAMINATION AND/OR EXPERIENCE REQUIREMENTS, IN ACCORDANCE WITH REGU-  
7 LATIONS PROMULGATED BY THE DEPARTMENT.

8 2. THE DEPARTMENT MAY ISSUE LIMITED PERMITS TO FOREIGN TRAINED GENETIC  
9 COUNSELORS THAT APPLY IF THEY MEET THE REQUIREMENTS FOR LICENSURE PURSU-  
10 ANT TO SECTION SEVEN THOUSAND FIFTY-FOUR OF THIS ARTICLE.

11 3. LIMITED PERMITS SHALL BE FOR ONE YEAR. LIMITED PERMITS MAY BE  
12 RE-REGISTERED, AT THE DISCRETION OF THE DEPARTMENT, FOR ONE ADDITIONAL  
13 YEAR.

14 4. AN INDIVIDUAL WITH A LIMITED PERMIT SHALL BE AUTHORIZED TO PRACTICE  
15 GENETIC COUNSELING ONLY UNDER THE SUPERVISION OF A LICENSED GENETIC  
16 COUNSELOR, OR LICENSED PHYSICIAN. SUPERVISION SHALL MEAN THE REVIEW OF  
17 GENETIC COUNSELING AS PROVIDED BY SECTION SEVEN THOUSAND FIFTY-TWO OF  
18 THIS ARTICLE AND CASE MANAGEMENT AS APPROPRIATE THAT INCLUDE REGULAR  
19 CHART REVIEWS OF CLIENTS WITH THE LIMITED PERMITTEE AND THE SUPERVISOR.

20 5. THE FEE FOR EACH LIMITED PERMIT AND FOR EACH RE-REGISTRATION SHALL  
21 BE TWO HUNDRED DOLLARS.

22 S 2. Severability. If any clause, sentence, paragraph, section or part  
23 of this act shall be adjudged by any court of competent jurisdiction to  
24 be invalid and after exhaustion of all further judicial review, the  
25 judgment shall not affect, impair or invalidate the remainder thereof,  
26 but shall be confined in its operation to the clause, sentence, para-  
27 graph, section or part of this act directly involved in the controversy  
28 in which the judgment shall have been rendered.

29 S 3. This act shall take effect immediately; provided, however, that  
30 within two years of the effective date of this act, the addition, amend-  
31 ment and/or repeal of any rule or regulation necessary for the implemen-  
32 tation of this act on its effective date are authorized and directed to  
33 be made and completed on or before such effective date; provided,  
34 further, that with respect to those persons who are licensed under arti-  
35 cle one hundred forty-two of the education law on or before the trienni-  
36 al registration period next succeeding the effective date of this act,  
37 the continuing education requirements set forth in this act need not be  
38 completed until after the second triennial registration period.