S T A T E O F N E W Y O R K

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I N A S S E M B L Y

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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:

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

ARTICLE 142
GENETIC COUNSELING

SECTION 7050. INTRODUCTION.
7051. DEFINITIONS.
7052. THE PRACTICE OF GENETIC COUNSELING.
7053. STATE COMMITTEE FOR GENETIC COUNSELING.
7054. REQUIREMENTS FOR A PROFESSIONAL LICENSE.
7055. EXEMPT PERSONS.
7056. LIMITED PERMITS.

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

S 7051. DEFINITIONS. AS USED IN THIS ARTICLE:

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

2. THE TERM "LICENSED GENETIC COUNSELOR" SHALL MEAN A GENETIC COUNSELOR LICENSED PURSUANT TO THIS ARTICLE.

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

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

(A) ELICITING INDIVIDUAL AND FAMILY MEDICAL, DEVELOPMENTAL, AND REPRODUCTIVE HISTORIES;

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

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

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

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

(F) COMMUNICATING DETAILED GENETIC INFORMATION TO DIVERSE AUDIENCES CLEARLY AND CONCISELY WHILE BRIDGING CULTURAL, SOCIOECONOMIC AND EDUCATIONAL DIFFERENCES; AND

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

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

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

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

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

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

(B) ONE LICENSED PHYSICIAN;

(C) ONE LICENSED PSYCHIATRIST; AND

(D) A REPRESENTATIVE OF THE PUBLIC AT LARGE.

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

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

1. APPLICATION: FILE AN APPLICATION WITH THE DEPARTMENT;

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

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

4. EXAMINATION: PASS AN EXAMINATION FOR CERTIFICATION IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS, IN GENETIC COUNSELING AND/OR GENERAL GENETICS;

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

6. CHARACTER: BE OF GOOD MORAL CHARACTER AS DETERMINED BY THE DEPARTMENT;

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

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

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

S 7056. LIMITED PERMITS. PERMITS LIMITED AS TO ELIGIBILITY, PRACTICE AND DURATION SHALL BE ISSUED BY THE DEPARTMENT TO ELIGIBLE APPLICANTS, AS FOLLOWS:

1. THE DEPARTMENT MAY ISSUE A LIMITED PERMIT TO AN APPLICANT WHO MEETS ALL QUALIFICATIONS FOR LICENSURE AS A GENETIC COUNSELOR, EXCEPT THE EXAMINATION AND/OR EXPERIENCE REQUIREMENTS, IN ACCORDANCE WITH REGULATIONS PROMULGATED BY THE DEPARTMENT.

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

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

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

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

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

S 3. This act shall take effect immediately; provided, however, that within two years of the effective date of this act, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date; provided, further, that with respect to those persons who are licensed under article one hundred forty-two of the education law on or before the triennial registration period next succeeding the effective date of this act, the continuing education requirements set forth in this act need not be completed until after the second triennial registration period.