

S. 2904--B

A. 3350--B

2013-2014 Regular Sessions

S E N A T E - A S S E M B L Y

January 24, 2013

IN SENATE -- Introduced by Sens. LAVALLE, LARKIN -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- recommitted to the Committee on Higher Education in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- Introduced by M. of A. SWEENEY, MILLMAN, PAULIN, GALEF, ROSENTHAL, FAHY -- Multi-Sponsored by -- M. of A. DINOWITZ, HOOPER, MARKEY, WEISENBERG -- read once and referred to the Committee on Higher Education -- recommitted to the Committee on Higher Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

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. PRACTICE OF GENETIC COUNSELING AND USE OF THE TITLE  
8 "GENETIC COUNSELOR".  
9 7053. STATE COMMITTEE FOR GENETIC COUNSELING.  
10 7054. REQUIREMENTS FOR A PROFESSIONAL LICENSE.  
11 7055. EXEMPT PERSONS.

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

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1 7056. LIMITED PERMITS.

2 7057. SPECIAL PROVISION.

3 7058. BOUNDARIES OF PROFESSIONAL PRACTICE.

4 7059. MANDATORY CONTINUING EDUCATION.

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

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

9 1. THE TERM "GENETIC COUNSELOR" SHALL MEAN A HEALTH PROFESSIONAL WHO  
10 IS ACADEMICALLY AND CLINICALLY PREPARED TO PROVIDE GENETIC COUNSELING  
11 SERVICES TO INDIVIDUALS AND FAMILIES SEEKING INFORMATION ABOUT THE  
12 OCCURRENCE, RISK OF OCCURRENCE OR RECURRENCE, OF GENETIC/MEDICAL CONDI-  
13 TIONS AND DISEASES.

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

16 3. THE TERM "CERTIFIED GENETIC COUNSELOR" SHALL MEAN A GENETIC COUNSE-  
17 LOR WITH A MASTER'S OR DOCTORAL DEGREE IN GENETIC COUNSELING FROM AN  
18 ACCREDITED GENETIC COUNSELING PROGRAM OR EQUIVALENT AND WHO HAS PASSED  
19 THE CERTIFICATION EXAMINATION IN GENETIC COUNSELING ACCEPTABLE TO THE  
20 DEPARTMENT.

21 S 7052. PRACTICE OF GENETIC COUNSELING AND USE OF THE TITLE "GENETIC  
22 COUNSELOR". 1. THE "PRACTICE OF GENETIC COUNSELING" SHALL MEAN THE  
23 COMMUNICATION TO AND EDUCATION OF CLIENTS, THEIR FAMILIES, OTHER HEALTH  
24 CARE PROFESSIONALS AND THE GENERAL PUBLIC WITH REGARD TO GENETIC TEST-  
25 ING, INDIVIDUAL FAMILY HISTORIES, OR OTHER GENETIC, MEDICAL, AND TECHNICAL  
26 INFORMATION ASSOCIATED WITH THE OCCURRENCE, RISK OF OCCURRENCE OR  
27 RECURRENCE, OF A GENETIC OR HEREDITARY CONDITION OR BIRTH DEFECT. A  
28 PRACTITIONER OF GENETIC COUNSELING SHALL SEEK TO PROMOTE DECISION-MAKING  
29 FOR THEIR CLIENT WHICH RESPECTS THE CLIENT'S CULTURE, LANGUAGE, TRADI-  
30 TION, LIFESTYLE, RELIGION, BELIEFS AND VALUES. GENETIC COUNSELING SHALL  
31 INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING:

32 (A) OBTAIN AND EVALUATE INDIVIDUAL, FAMILY, AND MEDICAL HISTORIES TO  
33 DETERMINE GENETIC RISK FOR GENETIC/MEDICAL CONDITIONS AND DISEASES IN A  
34 PATIENT, HIS OR HER OFFSPRING, AND OTHER FAMILY MEMBERS;

35 (B) DISCUSS THE FEATURES, NATURAL HISTORY, MEANS OF DIAGNOSIS, GENETIC  
36 AND ENVIRONMENTAL FACTORS, AND MANAGEMENT OF RISK FOR GENETIC/MEDICAL  
37 CONDITIONS AND DISEASES;

38 (C) IDENTIFY AND COORDINATE GENETIC LABORATORY TESTS AND OTHER DIAG-  
39 NOSTIC STUDIES AS APPROPRIATE FOR THE GENETIC ASSESSMENT;

40 (D) INTEGRATE GENETIC LABORATORY TEST RESULTS AND OTHER DIAGNOSTIC  
41 STUDIES WITH PERSONAL AND FAMILY MEDICAL HISTORY TO ASSESS AND COMMUNI-  
42 CATE RISK FACTORS FOR GENETIC/MEDICAL CONDITIONS AND DISEASES;

43 (E) EXPLAIN THE CLINICAL IMPLICATIONS OF GENETIC LABORATORY TESTS AND  
44 OTHER DIAGNOSTIC STUDIES AND THEIR RESULTS;

45 (F) EVALUATE THE CLIENT'S OR FAMILY'S RESPONSES TO THE CONDITION OR  
46 RISK OF RECURRENCE AND PROVIDE CLIENT-CENTERED COUNSELING AND ANTICIPA-  
47 TORY GUIDANCE;

48 (G) IDENTIFY AND UTILIZE COMMUNITY RESOURCES THAT PROVIDE MEDICAL,  
49 EDUCATIONAL, FINANCIAL, AND PSYCHOSOCIAL SUPPORT AND ADVOCACY; AND

50 (H) PROVIDE WRITTEN DOCUMENTATION OF MEDICAL, GENETIC, AND COUNSELING  
51 INFORMATION FOR PATIENTS AND HEALTH CARE PROFESSIONALS.

52 2. NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO AUTHORIZE A LICENSED  
53 GENETIC COUNSELOR TO DIAGNOSE OR TREAT ANY GENETIC DISEASE OR MEDICAL  
54 CONDITION.

55 3. IF IN THE COURSE OF PROVIDING GENETIC COUNSELING TO ANY PATIENT, A  
56 GENETIC COUNSELOR FINDS ANY INDICATION OF DISEASE OR CONDITION THAT

1 REQUIRES MEDICAL ASSESSMENT, THE GENETIC COUNSELOR SHALL REFER THAT  
2 PATIENT TO A LICENSED PHYSICIAN.

3 4. ONLY A PERSON LICENSED, OR WITH A LIMITED PERMIT OR EXEMPT UNDER  
4 THIS ARTICLE SHALL PRACTICE GENETIC COUNSELING. ONLY A PERSON LICENSED  
5 OR HOLDING A LIMITED PERMIT UNDER THIS ARTICLE SHALL USE THE TITLE  
6 "LICENSED GENETIC COUNSELOR" AND USE THE LETTERS "L.G.C." AFTER HIS OR  
7 HER NAME. ANY PERSON WHO DOES NOT HAVE A VALID LICENSE OR LIMITED PERMIT  
8 AS A GENETIC COUNSELOR SHALL NOT USE IN CONNECTION WITH HIS OR HER NAME  
9 OR PLACE OF BUSINESS THE TITLE "GENETIC COUNSELOR", "LICENSED GENETIC  
10 COUNSELOR", "GENE COUNSELOR", "GENOMIC COUNSELOR", "GENETIC ASSOCIATE",  
11 OR ANY WORDS OR LETTERS, ABBREVIATIONS OR INSIGNIA INDICATING OR IMPLY-  
12 ING THAT A PERSON HAS MET THE QUALIFICATIONS FOR OR HAS THE LICENSE  
13 ISSUED PURSUANT TO THE PROVISIONS OF THIS ARTICLE.

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

27 2. THE COMMITTEE SHALL CONSIST OF SEVEN INDIVIDUALS, TO BE COMPOSED OF  
28 THE FOLLOWING:

29 (A) FIVE LICENSED GENETIC COUNSELORS,

30 (B) ONE LICENSED PHYSICIAN, AND

31 (C) A REPRESENTATIVE OF THE PUBLIC AT LARGE WHO IS NOT INVOLVED IN THE  
32 ORGANIZATION, FINANCING OR DELIVERY OF THE PROFESSION.

33 3. COMMITTEE MEMBERS SHALL BE APPOINTED FOR TERMS OF FIVE YEARS.

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

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

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

44 3. EXPERIENCE: EXPERIENCE ACCEPTABLE TO THE DEPARTMENT;

45 4. EXAMINATION: PASS A GENETIC COUNSELING EXAMINATION SATISFACTORY TO  
46 THE COMMITTEE AND IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS;

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

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

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

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

1 FROM USING THE TITLE "GENETIC COUNSELOR" OR "LICENSED GENETIC COUNSELOR"  
2 AS PROVIDED FOR IN THIS ARTICLE. THE FOLLOWING INDIVIDUALS MAY ENGAGE  
3 IN THE PRACTICE OF GENETIC COUNSELING WITHOUT BEING LICENSED UNDER THIS  
4 ARTICLE:

5 1. A LICENSED HEALTH CARE PROFESSIONAL PRACTICING WITHIN THE PROFES-  
6 SIONAL'S SCOPE OF PRACTICE;

7 2. A STUDENT OR INTERN ENROLLED IN AN APPROVED ACADEMIC PROGRAM  
8 ENGAGED IN ACTIVITIES CONSTITUTING THE PRACTICE OF A REGULATED OCCUPA-  
9 TION OR PROFESSION; PROVIDED, HOWEVER, SUCH ACTIVITIES SHALL BE PART OF  
10 A SUPERVISED TRAINING PROGRAM;

11 3. AN EMPLOYEE OF THE STATE DEPARTMENT OF HEALTH IN THE PROVISION OF  
12 EDUCATION REGARDING SINGLE GENE CONDITIONS, INCLUDING SICKLE CELL,  
13 CYSTIC FIBROSIS, AND HEMOGLOBINOPATHIES;

14 4. NOTHING IN THIS ARTICLE SHALL BE CONSTRUED AS PROHIBITING SERVICES  
15 PROVIDED BY AN ATTORNEY, RAPE CRISIS COUNSELOR, OR CLERGY MEMBER WORKING  
16 WITHIN HIS OR HER MINISTERIAL CHARGE OF OBLIGATION, PROVIDED SUCH  
17 SERVICES ARE NOT WITHIN THE SCOPE OF PRACTICE FOR GENETIC COUNSELING.

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

21 1. THE DEPARTMENT MAY ISSUE A LIMITED PERMIT TO AN APPLICANT WHO MEETS  
22 ALL QUALIFICATIONS FOR LICENSURE AS A GENETIC COUNSELOR, EXCEPT THOSE  
23 RELATING TO THE EXAMINATION.

24 2. LIMITED PERMITS SHALL BE FOR ONE YEAR. LIMITED PERMITS MAY BE  
25 RE-REGISTERED, AT THE DISCRETION OF THE DEPARTMENT, FOR ONE ADDITIONAL  
26 YEAR.

27 3. THE FEE FOR EACH LIMITED PERMIT AND FOR EACH RE-REGISTRATION SHALL  
28 BE SEVENTY DOLLARS.

29 S 7057. SPECIAL PROVISION. ANY PERSON WHO POSSESSES A MASTER'S OR  
30 DOCTORAL DEGREE OF GENETIC COUNSELING SATISFACTORY TO THE DEPARTMENT, ON  
31 THE EFFECTIVE DATE OF THIS SECTION, WHO HAS FIFTEEN YEARS POST-GRADUATE  
32 GENETIC COUNSELOR EMPLOYMENT AND MEETS THE REQUIREMENTS FOR A LICENSE  
33 PURSUANT TO THIS ARTICLE, EXCEPT FOR EXAMINATION, AND WHO FILES WITH THE  
34 DEPARTMENT WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS SECTION SHALL  
35 BE LICENSED AS A LICENSED GENETIC COUNSELOR.

36 S 7058. BOUNDARIES OF PROFESSIONAL PRACTICE. ANY INDIVIDUAL WHOSE  
37 LICENSE OR AUTHORITY TO PRACTICE DERIVES FROM THE PROVISIONS OF THIS  
38 ARTICLE SHALL BE PROHIBITED FROM:

39 1. PRESCRIBING OR ADMINISTERING DRUGS AS DEFINED IN THIS CHAPTER OR AS  
40 A TREATMENT, THERAPY, OR PROFESSIONAL SERVICE IN THE PRACTICE OF HIS OR  
41 HER PROFESSION;

42 2. USING INVASIVE PROCEDURES AS A TREATMENT, THERAPY, OR PROFESSIONAL  
43 SERVICE IN THE PRACTICE OF HIS OR HER PROFESSION. FOR PURPOSES OF THIS  
44 SUBDIVISION, "INVASIVE PROCEDURE" MEANS ANY PROCEDURE IN WHICH HUMAN  
45 TISSUE IS CUT, ALTERED, OR OTHERWISE INFILTRATED BY MECHANICAL OR OTHER  
46 MEANS. INVASIVE PROCEDURE INCLUDES SURGERY, LASERS, IONIZING RADIATION,  
47 THERAPEUTIC ULTRASOUND, OR ELECTROCONVULSIVE THERAPY; OR

48 3. PROVIDING PSYCHOTHERAPY OUTSIDE THE SCOPE OF PRACTICE OF A LICENSED  
49 GENETIC COUNSELOR.

50 S 7059. MANDATORY CONTINUING EDUCATION. 1. A. EACH LICENSED GENETIC  
51 COUNSELOR REQUIRED UNDER THIS ARTICLE TO REGISTER TRIENNIALLY WITH THE  
52 DEPARTMENT TO PRACTICE IN THE STATE, SHALL COMPLY WITH PROVISIONS OF THE  
53 MANDATORY CONTINUING EDUCATION REQUIREMENTS PRESCRIBED IN SUBDIVISION  
54 TWO OF THIS SECTION EXCEPT AS SET FORTH IN PARAGRAPHS B AND C OF THIS  
55 SUBDIVISION. LICENSED GENETIC COUNSELORS WHO DO NOT SATISFY THE MANDATO-  
56 RY CONTINUING EDUCATION REQUIREMENTS SHALL NOT PRACTICE UNTIL THEY HAVE

1 MET SUCH REQUIREMENTS, AND THEY HAVE BEEN ISSUED A REGISTRATION CERTIF-  
2 ICATE, EXCEPT THAT A LICENSED GENETIC COUNSELOR MAY PRACTICE WITHOUT  
3 HAVING MET SUCH REQUIREMENTS IF HE OR SHE IS ISSUED A CONDITIONAL REGIS-  
4 TRATION CERTIFICATE PURSUANT TO SUBDIVISION THREE OF THIS SECTION.

5 B. IN ACCORD WITH THE INTENT OF THIS SECTION, ADJUSTMENT TO THE MANDA-  
6 TORY CONTINUING EDUCATION REQUIREMENT MAY BE GRANTED BY THE DEPARTMENT  
7 FOR REASONS OF HEALTH CERTIFIED BY AN APPROPRIATE HEALTH CARE PROFES-  
8 SIONAL, FOR EXTENDED ACTIVE DUTY WITH THE ARMED FORCES OF THE UNITED  
9 STATES, OR FOR OTHER GOOD CAUSE ACCEPTABLE TO THE DEPARTMENT WHICH MAY  
10 PREVENT COMPLIANCE.

11 C. A LICENSED GENETIC COUNSELOR NOT ENGAGED IN PRACTICE AS DETERMINED  
12 BY THE DEPARTMENT, SHALL BE EXEMPT FROM THE MANDATORY CONTINUING EDUCA-  
13 TION REQUIREMENT UPON THE FILING OF A STATEMENT WITH THE DEPARTMENT  
14 DECLARING SUCH STATUS. ANY LICENSEE WHO RETURNS TO THE PRACTICE OF  
15 GENETIC COUNSELING DURING THE TRIENNIAL REGISTRATION PERIOD SHALL NOTIFY  
16 THE DEPARTMENT PRIOR TO REENTERING THE PROFESSION AND SHALL MEET SUCH  
17 MANDATORY EDUCATION REQUIREMENTS AS SHALL BE PRESCRIBED BY REGULATIONS  
18 OF THE COMMISSIONER.

19 2. DURING EACH TRIENNIAL REGISTRATION PERIOD AN APPLICANT FOR REGIS-  
20 TRATION AS A LICENSED GENETIC COUNSELOR SHALL COMPLETE A MINIMUM OF  
21 FORTY-FIVE HOURS OF ACCEPTABLE FORMAL CONTINUING EDUCATION. ANY LICENSED  
22 GENETIC COUNSELOR WHOSE FIRST REGISTRATION DATE FOLLOWING THE EFFECTIVE  
23 DATE OF THIS SECTION OCCURS LESS THAN THREE YEARS FROM SUCH EFFECTIVE  
24 DATE, SHALL COMPLETE CONTINUING EDUCATION HOURS ON A PRORATED BASIS. A  
25 LICENSEE WHO HAS NOT SATISFIED THE MANDATORY CONTINUING EDUCATION  
26 REQUIREMENT SHALL NOT BE ISSUED A TRIENNIAL REGISTRATION CERTIFICATE BY  
27 THE DEPARTMENT AND SHALL NOT PRACTICE UNLESS AND UNTIL A CONDITIONAL  
28 REGISTRATION IS ISSUED AS PROVIDED FOR IN SUBDIVISION THREE OF THIS  
29 SECTION. CONTINUING EDUCATION HOURS TAKEN DURING ONE TRIENNIUM MAY NOT  
30 BE TRANSFERRED TO THE SUBSEQUENT TRIENNIUM.

31 3. THE DEPARTMENT, IN ITS DISCRETION, MAY ISSUE A CONDITIONAL REGIS-  
32 TRATION TO A LICENSEE WHO FAILS TO MEET THE CONTINUING EDUCATION  
33 REQUIREMENTS ESTABLISHED IN SUBDIVISION TWO OF THIS SECTION BUT WHO  
34 AGREES TO MAKE UP ANY DEFICIENCIES AND COMPLETE ANY ADDITIONAL EDUCATION  
35 WHICH THE DEPARTMENT MAY REQUIRE. THE FEE FOR SUCH A CONDITIONAL REGIS-  
36 TRATION SHALL BE THE SAME AS, AND IN ADDITION TO, THE FEE FOR THE TRIEN-  
37 NIAL REGISTRATION. THE DURATION OF SUCH CONDITIONAL REGISTRATION SHALL  
38 BE DETERMINED BY THE DEPARTMENT BUT SHALL NOT EXCEED ONE YEAR. ANY  
39 LICENSEE WHO IS NOTIFIED OF THE DENIAL OF REGISTRATION FOR FAILURE TO  
40 SUBMIT EVIDENCE, SATISFACTORY TO THE DEPARTMENT, OF REQUIRED CONTINUING  
41 EDUCATION AND WHO PRACTICES GENETIC COUNSELING WITHOUT SUCH REGISTRA-  
42 TION, MAY BE SUBJECT TO THE DISCIPLINARY PROCEEDINGS PURSUANT TO SECTION  
43 SIXTY-FIVE HUNDRED TEN OF THIS CHAPTER.

44 4. FOR THE PURPOSES OF THIS SECTION, "ACCEPTABLE FORMAL CONTINUING  
45 EDUCATION" SHALL MEAN FORMAL COURSES OF LEARNING WHICH CONTRIBUTE TO  
46 PROFESSIONAL PRACTICE IN GENETIC COUNSELING AND WHICH MEET THE STANDARDS  
47 PRESCRIBED BY REGULATIONS OF THE COMMISSIONER. THE DEPARTMENT MAY, IN  
48 ITS DISCRETION AND AS NEEDED TO CONTRIBUTE TO THE HEALTH AND WELFARE OF  
49 THE PUBLIC, REQUIRE THE COMPLETION OF CONTINUING EDUCATION COURSES IN  
50 SPECIFIC SUBJECTS. TO FULFILL THIS MANDATORY CONTINUING EDUCATION  
51 REQUIREMENT, COURSES MUST BE TAKEN FROM A SPONSOR APPROVED BY THE  
52 DEPARTMENT, PURSUANT TO THE REGULATIONS OF THE COMMISSIONER.

53 5. LICENSED GENETIC COUNSELORS SHALL MAINTAIN ADEQUATE DOCUMENTATION  
54 OF COMPLETION OF ACCEPTABLE FORMAL CONTINUING EDUCATION AND SHALL  
55 PROVIDE SUCH DOCUMENTATION AT THE REQUEST OF THE DEPARTMENT. FAILURE TO  
56 PROVIDE SUCH DOCUMENTATION UPON THE REQUEST OF THE DEPARTMENT SHALL BE

1 AN ACT OF MISCONDUCT SUBJECT TO DISCIPLINARY PROCEEDINGS PURSUANT TO  
2 SECTION SIXTY-FIVE HUNDRED TEN OF THIS CHAPTER.

3 THE MANDATORY CONTINUING EDUCATION FEE SHALL BE FORTY-FIVE DOLLARS,  
4 SHALL BE PAYABLE ON OR BEFORE THE FIRST DAY OF EACH TRIENNIAL REGISTRA-  
5 TION PERIOD, AND SHALL BE PAID IN ADDITION TO THE TRIENNIAL REGISTRATION  
6 FEE REQUIRED BY SECTION SIXTY-EIGHT HUNDRED FIVE OF THIS ARTICLE.

7 S 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 S 3. This act shall take effect eighteen months after it shall have  
15 become a law; provided, however, that the state education department is  
16 authorized to promulgate any and all rules and regulations and take any  
17 other measure necessary to implement this act on or before its effective  
18 date, and provided further that section 7059 of article 142 of the  
19 education law, as added by section one of this act shall take effect  
20 three years after the effective date of this act.