

4820--A

2015-2016 Regular Sessions

I N   S E N A T E

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Introduced by Sens. LAVALLE, LARKIN -- read twice and ordered printed,  
and when printed to be committed to the Committee on Higher Education  
-- committee discharged, bill amended, 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 ASSEM-  
BLY, 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.

12            7056. LIMITED PERMITS.

13            7057. SPECIAL PROVISION.

14            7058. BOUNDARIES OF PROFESSIONAL PRACTICE.

15            7059. MANDATORY CONTINUING EDUCATION.

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

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

20     1. THE TERM "GENETIC COUNSELOR" SHALL MEAN A HEALTH PROFESSIONAL WHO  
21     IS ACADEMICALLY AND CLINICALLY PREPARED TO PROVIDE GENETIC COUNSELING  
22     SERVICES TO INDIVIDUALS AND FAMILIES SEEKING INFORMATION ABOUT THE

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

LBD03054-02-5

1 OCCURRENCE, RISK OF OCCURRENCE OR RECURRENCE, OF GENETIC/MEDICAL CONDI-  
2 TIONS AND DISEASES.

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

5 3. THE TERM "CERTIFIED GENETIC COUNSELOR" SHALL MEAN A GENETIC COUNSE-  
6 LOR WITH A MASTER'S OR DOCTORAL DEGREE IN GENETIC COUNSELING FROM AN  
7 ACCREDITED GENETIC COUNSELING PROGRAM OR EQUIVALENT AND WHO HAS PASSED  
8 THE CERTIFICATION EXAMINATION IN GENETIC COUNSELING ACCEPTABLE TO THE  
9 DEPARTMENT.

10 S 7052. PRACTICE OF GENETIC COUNSELING AND USE OF THE TITLE "GENETIC  
11 COUNSELOR". 1. THE "PRACTICE OF GENETIC COUNSELING" SHALL MEAN THE  
12 COMMUNICATION TO AND EDUCATION OF CLIENTS, THEIR FAMILIES, OTHER HEALTH  
13 CARE PROFESSIONALS AND THE GENERAL PUBLIC WITH REGARD TO GENETIC TEST-  
14 ING, INDIVIDUAL FAMILY HISTORIES, OR OTHER GENETIC, MEDICAL, AND TECHNICAL  
15 INFORMATION ASSOCIATED WITH THE OCCURRENCE, RISK OF OCCURRENCE OR  
16 RECURRENCE, OF A GENETIC OR HEREDITARY CONDITION OR BIRTH DEFECT. A  
17 PRACTITIONER OF GENETIC COUNSELING SHALL SEEK TO PROMOTE DECISION-MAKING  
18 FOR THEIR CLIENT WHICH RESPECTS THE CLIENT'S CULTURE, LANGUAGE, TRADI-  
19 TION, LIFESTYLE, RELIGION, BELIEFS AND VALUES. GENETIC COUNSELING SHALL  
20 INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING:

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

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

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

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

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

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

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

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

41 2. NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO AUTHORIZE A LICENSED  
42 GENETIC COUNSELOR TO DIAGNOSE OR TREAT ANY GENETIC DISEASE OR MEDICAL  
43 CONDITION, PRACTICE PSYCHOTHERAPY, OR PRACTICE ANY OTHER PROFESSION THAT  
44 IS LICENSED UNDER THIS TITLE.

45 3. IF IN THE COURSE OF PROVIDING GENETIC COUNSELING TO ANY PATIENT, A  
46 GENETIC COUNSELOR FINDS ANY INDICATION OF DISEASE OR CONDITION THAT  
47 REQUIRES MEDICAL ASSESSMENT, THE GENETIC COUNSELOR SHALL REFER THAT  
48 PATIENT TO A LICENSED PHYSICIAN.

49 4. ONLY A PERSON LICENSED UNDER THIS ARTICLE SHALL PRACTICE GENETIC  
50 COUNSELING. ONLY A PERSON LICENSED UNDER THIS ARTICLE SHALL USE THE  
51 TITLE "LICENSED GENETIC COUNSELOR" AND USE THE LETTERS "L.G.C." AFTER  
52 HIS OR HER NAME. ANY PERSON WHO DOES NOT HAVE A VALID LICENSE AS A  
53 GENETIC COUNSELOR SHALL NOT USE IN CONNECTION WITH HIS OR HER NAME OR  
54 PLACE OF BUSINESS THE TITLE "GENETIC COUNSELOR", "LICENSED GENETIC COUN-  
55 SELOR", "GENE COUNSELOR", "GENOMIC COUNSELOR", "GENETIC ASSOCIATE", OR

1 ANY WORDS OR LETTERS, ABBREVIATIONS OR INSIGNIA INDICATING OR IMPLYING  
2 THAT A PERSON IS LICENSED PURSUANT TO THIS ARTICLE.

3 S 7053. STATE COMMITTEE FOR GENETIC COUNSELING. 1. A STATE COMMITTEE  
4 FOR GENETIC COUNSELING SHALL BE APPOINTED BY THE BOARD OF REGENTS UPON  
5 THE RECOMMENDATION OF THE COMMISSIONER AND SHALL ASSIST ON MATTERS OF  
6 LICENSURE AND PROFESSIONAL CONDUCT IN ACCORDANCE WITH SECTION SIXTY-FIVE  
7 HUNDRED EIGHT OF THIS TITLE. NOTWITHSTANDING THE PROVISIONS OF SECTION  
8 SIXTY-FIVE HUNDRED EIGHT OF THIS TITLE, THE COMMITTEE SHALL ASSIST THE  
9 BOARD FOR MEDICINE SOLELY IN GENETIC COUNSELING MATTERS. MEMBERS OF THE  
10 FIRST COMMITTEE NEED NOT BE LICENSED PRIOR TO THEIR APPOINTMENT TO SUCH  
11 COMMITTEE.

12 2. THE COMMITTEE SHALL CONSIST OF SEVEN INDIVIDUALS, TO BE COMPOSED OF  
13 THE FOLLOWING:

14 (A) FIVE LICENSED GENETIC COUNSELORS,  
15 (B) ONE LICENSED PHYSICIAN, AND  
16 (C) A REPRESENTATIVE OF THE PUBLIC AT LARGE WHO IS NOT INVOLVED IN THE  
17 ORGANIZATION, FINANCING OR DELIVERY OF THE PROFESSION.

18 3. COMMITTEE MEMBERS SHALL BE APPOINTED FOR TERMS OF FIVE YEARS. THE  
19 TERMS OF THE FIRST APPOINTED MEMBERS SHALL BE STAGGERED SO THAT TWO  
20 MEMBERS ARE APPOINTED FOR THREE YEARS, THREE MEMBERS ARE APPOINTED FOR  
21 FOUR YEARS AND TWO MEMBERS ARE APPOINTED FOR FIVE YEARS.

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

25 1. APPLICATION: FILE AN APPLICATION WITH THE DEPARTMENT;  
26 2. EDUCATION: HAVE RECEIVED A MASTER'S OR DOCTORAL DEGREE IN GENETIC  
27 COUNSELING FROM A PROGRAM REGISTERED BY THE DEPARTMENT, OR DETERMINED BY  
28 THE DEPARTMENT TO BE THE SUBSTANTIAL EQUIVALENT, IN ACCORDANCE WITH THE  
29 COMMISSIONER'S REGULATIONS. APPROPRIATE COURSEWORK SHALL BE DETERMINED  
30 IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS ON RECOMMENDATIONS OF  
31 THE STATE COMMITTEE FOR GENETIC COUNSELING;  
32 3. EXPERIENCE: EXPERIENCE ACCEPTABLE TO THE DEPARTMENT;  
33 4. EXAMINATION: PASS A GENETIC COUNSELING EXAMINATION SATISFACTORY TO  
34 THE COMMITTEE AND IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS;  
35 5. AGE: BE AT LEAST TWENTY-ONE YEARS OF AGE;  
36 6. CHARACTER: BE OF GOOD MORAL CHARACTER AS DETERMINED BY THE DEPART-  
37 MENT;

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

41 S 7055. EXEMPT PERSONS. THIS ARTICLE DOES NOT PROHIBIT THE PRACTICE OF  
42 GENETIC COUNSELING BY LICENSED PHYSICIANS OR OTHER PROFESSIONALS PURSU-  
43 ANT TO TITLE EIGHT OF THIS CHAPTER TO THE EXTENT THAT THE SCOPE OF SUCH  
44 LICENSE INCLUDES SERVICES WITHIN THE PRACTICE OF GENETIC COUNSELING.  
45 SUCH EXEMPT PERSONS ARE PROHIBITED FROM USING THE TITLE "GENETIC COUNSE-  
46 LOR" OR "LICENSED GENETIC COUNSELOR" AS PROVIDED FOR IN THIS ARTICLE.  
47 THE FOLLOWING INDIVIDUALS MAY ENGAGE IN THE PRACTICE OF GENETIC COUN-  
48 SELING WITHOUT BEING LICENSED UNDER THIS ARTICLE:

49 1. A LICENSED HEALTH CARE PROFESSIONAL LICENSED UNDER TITLE EIGHT OF  
50 THIS CHAPTER WHO IS PRACTICING WITHIN THE SCOPE OF PRACTICE AS DEFINED  
51 IN THIS TITLE;

52 2. A STUDENT OR INTERN ENROLLED IN AN APPROVED ACADEMIC PROGRAM  
53 ENGAGED IN ACTIVITIES CONSTITUTING THE PRACTICE OF A PROFESSION AS  
54 DEFINED IN THIS TITLE, WHOSE SCOPE OF PRACTICE INCLUDES GENETIC COUN-  
55 SELING; PROVIDED, HOWEVER, SUCH ACTIVITIES SHALL BE PART OF A SUPERVISED

1 TRAINING PROGRAM UNDER A LICENSED GENETIC COUNSELOR OR PHYSICIAN IN  
2 ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS; AND

3 3. AN EMPLOYEE OF THE STATE DEPARTMENT OF HEALTH IN THE PROVISION OF  
4 EDUCATION REGARDING CONDITIONS INCLUDED ON THE NEWBORN SCREENING PANELS.  
5 NOTHING IN THIS ARTICLE SHALL BE CONSTRUED AS PROHIBITING COUNSELING  
6 SERVICES PROVIDED BY AN ATTORNEY, RAPE CRISIS COUNSELOR, OR PASTORAL  
7 COUNSELING BY A CLERGY MEMBER WORKING WITHIN HIS OR HER MINISTERIAL  
8 CHARGE OF OBLIGATION.

9 S 7056. LIMITED PERMITS. LIMITED PERMITS MAY BE ISSUED BY THE DEPART-  
10 MENT TO AUTHORIZE THE PRACTICE OF THE PROFESSION UNDER A LICENSED GENET-  
11 IC COUNSELOR OR PHYSICIAN PURSUANT TO THE COMMISSIONER'S REGULATIONS:

12 1. THE DEPARTMENT MAY ISSUE A LIMITED PERMIT TO AN APPLICANT WHO MEETS  
13 ALL QUALIFICATIONS FOR LICENSURE AS A GENETIC COUNSELOR, EXCEPT THOSE  
14 RELATING TO THE EXAMINATION, IN ACCORDANCE WITH THE COMMISSIONER'S REGU-  
15 LATIONS.

16 2. LIMITED PERMITS SHALL BE FOR ONE YEAR. SUCH PERMITS MAY BE EXTENDED  
17 AT THE DISCRETION OF THE DEPARTMENT, FOR ONE ADDITIONAL YEAR.

18 3. THE FEE FOR EACH LIMITED PERMIT AND FOR EACH RENEWAL SHALL BE  
19 SEVENTY DOLLARS.

20 S 7057. SPECIAL PROVISION. 1. ANY PERSON WHO POSSESSES A MASTER'S OR  
21 DOCTORAL DEGREE OF GENETIC COUNSELING SATISFACTORY TO THE DEPARTMENT, ON  
22 THE EFFECTIVE DATE OF THIS SECTION, WHO HAS FIFTEEN YEARS POST-GRADUATE  
23 GENETIC COUNSELOR EMPLOYMENT AND MEETS THE REQUIREMENTS FOR A LICENSE  
24 PURSUANT TO THIS ARTICLE, EXCEPT FOR EXAMINATION, AND WHO FILES AN  
25 APPLICATION AND FEE WITH THE DEPARTMENT WITHIN ONE YEAR OF THE EFFECTIVE  
26 DATE OF THIS SECTION SHALL BE LICENSED AS A LICENSED GENETIC COUNSELOR.

27 2. THIS ARTICLE SHALL NOT PROHIBIT THE PROVISIONS OF GENETIC COUN-  
28 SELING SERVICES AS DEFINED IN SUBDIVISION ONE OF SECTION SEVEN THOUSAND  
29 FIFTY-TWO OF THIS ARTICLE BY A CORPORATION; PROVIDED, HOWEVER, THAT SUCH  
30 SERVICES ARE PROVIDED BY A LICENSED GENETIC COUNSELOR OR PERSON EXEMPT  
31 UNDER THIS ARTICLE AND A VIOLATION OF THIS PROVISION SHALL BE A CLASS A  
32 MISDEMEANOR. PROVIDED FURTHER, THAT ANY SUCH CORPORATION MUST HAVE IN  
33 EFFECT A REQUIREMENT THAT ALL PROFESSIONAL JUDGMENTS, DECISIONS, IDEN-  
34 TIFICATION OR COORDINATION OF GENETIC TESTING, OR OTHER PROFESSIONAL  
35 INTERACTIONS WITH CLIENTS OR PATIENTS BE MADE BASED UPON THE BEST INTER-  
36 ESTS OF SUCH CLIENT OR PATIENT.

37 3. ANY PERSON OR FIRM OFFERING THE SERVICES OF A GENETIC COUNSELOR  
38 SHALL EMPLOY ONLY PERSONS LICENSED OR EXEMPT UNDER THIS ARTICLE AND A  
39 VIOLATION OF THIS PROVISION SHALL BE A CLASS A MISDEMEANOR.

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

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

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

52 3. PROVIDING PSYCHOTHERAPY AS DEFINED IN SUBDIVISION TWO OF SECTION  
53 EIGHTY-FOUR HUNDRED ONE OF THIS TITLE.

54 S 7059. MANDATORY CONTINUING EDUCATION. 1. A. EACH LICENSED GENETIC  
55 COUNSELOR REQUIRED UNDER THIS ARTICLE TO REGISTER TRIENNIALLY WITH THE  
56 DEPARTMENT TO PRACTICE IN THE STATE, SHALL COMPLY WITH PROVISIONS OF THE

1 MANDATORY CONTINUING EDUCATION REQUIREMENTS PRESCRIBED IN SUBDIVISION  
2 TWO OF THIS SECTION EXCEPT AS SET FORTH IN PARAGRAPHS B AND C OF THIS  
3 SUBDIVISION. EACH GENETIC COUNSELOR SHALL BE EXEMPT FROM THE MANDATORY  
4 CONTINUING EDUCATION REQUIREMENTS FOR THE TRIENNIAL REGISTRATION PERIOD  
5 DURING WHICH THEY ARE FIRST LICENSED. LICENSED GENETIC COUNSELORS WHO  
6 DO NOT SATISFY THE MANDATORY CONTINUING EDUCATION REQUIREMENTS SHALL NOT  
7 PRACTICE UNTIL THEY HAVE MET SUCH REQUIREMENTS, AND THEY HAVE BEEN  
8 ISSUED A REGISTRATION CERTIFICATE, EXCEPT THAT A LICENSED GENETIC COUN-  
9 SELOR MAY PRACTICE WITHOUT HAVING MET SUCH REQUIREMENTS IF HE OR SHE IS  
10 ISSUED A CONDITIONAL REGISTRATION CERTIFICATE PURSUANT TO SUBDIVISION  
11 THREE OF THIS SECTION.

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

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

26 2. DURING EACH TRIENNIAL REGISTRATION PERIOD AN APPLICANT FOR REGIS-  
27 TRATION AS A LICENSED GENETIC COUNSELOR SHALL COMPLETE A MINIMUM OF  
28 FORTY-FIVE HOURS OF FORMAL CONTINUING EDUCATION THROUGH SUCCESSFUL  
29 COMPLETION OF EDUCATION COURSES OR PROGRAMS APPROVED BY THE NATIONAL  
30 SOCIETY OF GENETIC COUNSELORS OR ITS SUCCESSORS, OR OTHER COURSES OR  
31 PROGRAMS ACCEPTABLE TO THE DEPARTMENT. ANY LICENSED GENETIC COUNSELOR  
32 WHOSE FIRST REGISTRATION DATE FOLLOWING THE EFFECTIVE DATE OF THIS  
33 SECTION OCCURS LESS THAN THREE YEARS FROM SUCH EFFECTIVE DATE, SHALL  
34 COMPLETE CONTINUING EDUCATION HOURS ON A PRORATED BASIS OF 1.25 HOURS  
35 PER MONTH. A LICENSEE WHO HAS NOT SATISFIED THE MANDATORY CONTINUING  
36 EDUCATION REQUIREMENT SHALL NOT BE ISSUED A TRIENNIAL REGISTRATION  
37 CERTIFICATE BY THE DEPARTMENT AND SHALL NOT PRACTICE UNLESS AND UNTIL A  
38 CONDITIONAL REGISTRATION IS ISSUED AS PROVIDED FOR IN SUBDIVISION THREE  
39 OF THIS SECTION. CONTINUING EDUCATION HOURS TAKEN DURING ONE TRIENNIUM  
40 MAY NOT BE TRANSFERRED TO THE SUBSEQUENT TRIENNIUM.

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

54 4. FOR THE PURPOSES OF THIS SECTION, "ACCEPTABLE FORMAL CONTINUING  
55 EDUCATION" SHALL MEAN FORMAL COURSES OF LEARNING WHICH CONTRIBUTE TO  
56 PROFESSIONAL PRACTICE IN GENETIC COUNSELING AND WHICH MEET THE STANDARDS

1 PRESCRIBED BY REGULATIONS OF THE COMMISSIONER. THE DEPARTMENT MAY, IN  
2 ITS DISCRETION AND AS NEEDED TO CONTRIBUTE TO THE HEALTH AND WELFARE OF  
3 THE PUBLIC, REQUIRE THE COMPLETION OF CONTINUING EDUCATION COURSES IN  
4 SPECIFIC SUBJECTS. TO FULFILL THIS MANDATORY CONTINUING EDUCATION  
5 REQUIREMENT, COURSES MUST BE CONTINUING EDUCATION COURSES OR PROGRAMS  
6 APPROVED BY THE NATIONAL SOCIETY OF GENETIC COUNSELORS OR ITS SUCCESSOR  
7 OR FROM A SPONSOR APPROVED BY THE DEPARTMENT, PURSUANT TO THE REGU-  
8 LATIONS OF THE COMMISSIONER.

9 5. LICENSED GENETIC COUNSELORS SHALL MAINTAIN ADEQUATE DOCUMENTATION  
10 OF COMPLETION OF ACCEPTABLE FORMAL CONTINUING EDUCATION AND SHALL  
11 PROVIDE SUCH DOCUMENTATION AT THE REQUEST OF THE DEPARTMENT. FAILURE TO  
12 PROVIDE SUCH DOCUMENTATION UPON THE REQUEST OF THE DEPARTMENT SHALL BE  
13 AN ACT OF MISCONDUCT SUBJECT TO DISCIPLINARY PROCEEDINGS PURSUANT TO  
14 SECTION SIXTY-FIVE HUNDRED TEN OF THIS CHAPTER.

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

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

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