

5281--B

2015-2016 Regular Sessions

I N A S S E M B L Y

February 17, 2015

Introduced by M. of A. ROSENTHAL, McDONOUGH, LAVINE -- Multi-Sponsored by -- M. of A. CROUCH, LUPINACCI, SIMOTAS, SKARTADOS, STIRPE -- read once and referred to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- 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

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. PRACTICE OF GENETIC COUNSELING AND USE OF THE TITLE  
7 "GENETIC COUNSELOR".

8 7052. STATE COMMITTEE FOR GENETIC COUNSELING.

9 7053. REQUIREMENTS FOR A PROFESSIONAL LICENSE.

10 7054. EXEMPT PERSONS.

11 7055. LIMITED PERMITS.

12 7056. SPECIAL PROVISION.

13 7057. MANDATORY CONTINUING EDUCATION.

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

17 S 7051. PRACTICE OF GENETIC COUNSELING AND USE OF THE TITLE "GENETIC  
18 COUNSELOR". 1. THE "PRACTICE OF GENETIC COUNSELING" SHALL MEAN THE  
19 COMMUNICATION TO AND EDUCATION OF CLIENTS, THEIR FAMILIES, OTHER HEALTH

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

LBD07222-03-6

1 CARE PROFESSIONALS AND THE GENERAL PUBLIC WITH REGARD TO GENETIC TEST-  
2 ING, INDIVIDUAL FAMILY HISTORIES, OR OTHER GENETIC, MEDICAL, AND TECHNICAL  
3 INFORMATION ASSOCIATED WITH THE OCCURRENCE, RISK OF OCCURRENCE OR  
4 RECURRENCE, OF A GENETIC OR HEREDITARY CONDITION OR BIRTH DEFECT. A  
5 PRACTITIONER OF GENETIC COUNSELING SHALL SEEK TO PROMOTE DECISION-MAKING  
6 FOR THEIR CLIENT WHICH RESPECTS THE CLIENT'S CULTURE, LANGUAGE, TRADI-  
7 TION, LIFESTYLE, RELIGION, BELIEFS AND VALUES. GENETIC COUNSELING SHALL  
8 INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING:

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

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

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

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

20 (E) EXPLAIN TO A CLIENT THE CLINICAL IMPLICATIONS OF GENETIC LABORATO-  
21 RY TESTS AND OTHER DIAGNOSTIC STUDIES AND THEIR RESULTS;

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

25 (G) IDENTIFY AND UTILIZE COMMUNITY RESOURCES FOR THE CLIENT THAT  
26 PROVIDE MEDICAL, EDUCATIONAL, FINANCIAL, AND PSYCHOSOCIAL SUPPORT AND  
27 ADVOCACY; AND

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

30 2. NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO AUTHORIZE A LICENSED  
31 GENETIC COUNSELOR TO DIAGNOSE OR TREAT ANY GENETIC DISEASE OR MEDICAL  
32 CONDITION, PRACTICE PSYCHOTHERAPY, OR PRACTICE ANY OTHER PROFESSION THAT  
33 IS LICENSED UNDER THIS TITLE. THIS INCLUDES, BUT MAY NOT BE LIMITED TO,  
34 THE FOLLOWING:

35 (A) PRESCRIBE OR ADMINISTER DRUGS AS DEFINED IN THIS CHAPTER OR AS A  
36 TREATMENT, THERAPY, OR PROFESSIONAL SERVICES IN THE PRACTICE OF HIS OR  
37 HER PROFESSION;

38 (B) USE INVASIVE PROCEDURES AS A TREATMENT, THERAPY, OR PROFESSIONAL  
39 SERVICE IN THE PRACTICE OF HIS OR HER PROFESSION. FOR THE PURPOSES OF  
40 THIS SUBDIVISION, "INVASIVE PROCEDURE" MEANS ANY PROCEDURE IN WHICH  
41 HUMAN TISSUE IS CUT, ALTERED, OR OTHERWISE INFILTRATED BY MECHANICAL OR  
42 OTHER MEANS. INVASIVE PROCEDURES SHALL INCLUDE SURGERY, LASERS, IONIZING  
43 RADIATION, THERAPEUTIC ULTRASOUND, OR ELECTROCONVULSIVE THERAPY; OR

44 (C) PROVIDE PSYCHOTHERAPY AS DEFINED IN SUBDIVISION TWO OF SECTION  
45 EIGHTY-FOUR HUNDRED ONE OF THIS TITLE.

46 3. IF IN THE COURSE OF PROVIDING GENETIC COUNSELING TO ANY PATIENT, A  
47 GENETIC COUNSELOR FINDS ANY INDICATION OF DISEASE OR CONDITION THAT MAY  
48 REQUIRE MEDICAL ASSESSMENT, THE GENETIC COUNSELOR SHALL REFER THAT  
49 PATIENT TO A LICENSED PHYSICIAN, OR AS APPROPRIATE, ANOTHER HEALTH CARE  
50 PROFESSIONAL LICENSED PURSUANT TO THIS TITLE.

51 4. ONLY A PERSON LICENSED UNDER THIS ARTICLE SHALL PRACTICE GENETIC  
52 COUNSELING. ONLY A PERSON LICENSED UNDER THIS ARTICLE SHALL USE THE  
53 TITLE "LICENSED GENETIC COUNSELOR" AND USE THE LETTERS "L.G.C." AFTER  
54 HIS OR HER NAME OR ANY WORDS OR LETTERS, ABBREVIATIONS OR INSIGNIA INDI-  
55 CATING OR IMPLYING THAT A PERSON IS LICENSED PURSUANT TO THIS ARTICLE.

1 S 7052. STATE COMMITTEE FOR GENETIC COUNSELING. 1. A STATE COMMITTEE  
2 FOR GENETIC COUNSELING SHALL BE APPOINTED BY THE BOARD OF REGENTS UPON  
3 THE RECOMMENDATION OF THE COMMISSIONER AND SHALL ASSIST ON MATTERS OF  
4 LICENSURE AND PROFESSIONAL CONDUCT IN ACCORDANCE WITH SECTION SIXTY-FIVE  
5 HUNDRED EIGHT OF THIS TITLE. NOTWITHSTANDING THE PROVISIONS OF SECTION  
6 SIXTY-FIVE HUNDRED EIGHT OF THIS TITLE, THE COMMITTEE SHALL ASSIST THE  
7 BOARD FOR MEDICINE SOLELY IN GENETIC COUNSELING MATTERS. MEMBERS OF THE  
8 FIRST COMMITTEE NEED NOT BE LICENSED PRIOR TO THEIR APPOINTMENT TO SUCH  
9 COMMITTEE.

10 2. THE COMMITTEE SHALL CONSIST OF SEVEN INDIVIDUALS, TO BE COMPOSED OF  
11 THE FOLLOWING:

12 (A) FIVE LICENSED GENETIC COUNSELORS,

13 (B) ONE LICENSED PHYSICIAN, AND

14 (C) A PUBLIC REPRESENTATIVE AS DEFINED IN PARAGRAPH B OF SUBDIVISION  
15 ONE OF SECTION SIXTY-FIVE HUNDRED EIGHT OF THIS TITLE.

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

20 S 7053. REQUIREMENTS FOR A PROFESSIONAL LICENSE. TO QUALIFY FOR A  
21 LICENSE AS A "LICENSED GENETIC COUNSELOR", AN APPLICANT SHALL FULFILL  
22 THE FOLLOWING REQUIREMENTS:

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

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

30 3. EXPERIENCE: EXPERIENCE ACCEPTABLE TO THE DEPARTMENT;

31 4. EXAMINATION: PASS AN EXAMINATION SATISFACTORY TO THE COMMITTEE AND  
32 IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS;

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

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

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

39 S 7054. EXEMPT PERSONS. SO LONG AS THE PERSON DOES NOT HOLD HIM OR  
40 HERSELF OUT TO THE PUBLIC AS A GENETIC COUNSELOR, THE PROVISIONS OF THIS  
41 ARTICLE SHALL NOT APPLY TO:

42 1. A LICENSED HEALTH CARE PROFESSIONAL LICENSED UNDER THIS TITLE WHO  
43 IS PRACTICING WITHIN THE SCOPE OF PRACTICE AS DEFINED IN THIS TITLE;

44 2. A STUDENT OR INTERN ENROLLED IN A MASTER'S OR HIGHER PROGRAM REGIS-  
45 TERED OR APPROVED BY THE DEPARTMENT WHERE THE STUDENT OR INTERN IS  
46 ENGAGED IN ACTIVITIES CONSTITUTING THE PRACTICE OF A PROFESSION AS  
47 DEFINED IN THIS TITLE, WHOSE SCOPE OF PRACTICE INCLUDES GENETIC COUN-  
48 SELING; PROVIDED, HOWEVER, SUCH ACTIVITIES SHALL BE PART OF A SUPERVISED  
49 TRAINING PROGRAM UNDER A LICENSED GENETIC COUNSELOR OR A HEALTH CARE  
50 PROFESSIONAL LICENSED PURSUANT TO THIS TITLE IN ACCORDANCE WITH THE  
51 COMMISSIONER'S REGULATIONS; AND

52 3. AN EMPLOYEE OF THE STATE DEPARTMENT OF HEALTH IN THE PROVISION OF  
53 EDUCATION REGARDING CONDITIONS INCLUDED ON THE NEWBORN SCREENING PANELS.  
54 NOTHING IN THIS ARTICLE SHALL BE CONSTRUED AS PROHIBITING COUNSELING  
55 SERVICES PROVIDED BY AN ATTORNEY, RAPE CRISIS COUNSELOR, OR PASTORAL

1 COUNSELING BY A CLERGY MEMBER WORKING WITHIN HIS OR HER MINISTERIAL  
2 CHARGE OF OBLIGATION.

3 S 7055. LIMITED PERMITS. LIMITED PERMITS MAY BE ISSUED BY THE DEPART-  
4 MENT TO AUTHORIZE THE PRACTICE OF THE PROFESSION UNDER A LICENSED GENET-  
5 IC COUNSELOR OR PHYSICIAN PURSUANT TO THE COMMISSIONER'S REGULATIONS:

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

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

12 3. THE FEE FOR EACH LIMITED PERMIT AND FOR EACH RENEWAL SHALL BE  
13 SEVENTY DOLLARS.

14 S 7056. SPECIAL PROVISION. 1. ANY PERSON WHO OBTAINED A MASTER'S OR  
15 DOCTORAL DEGREE OF GENETIC COUNSELING SATISFACTORY TO THE DEPARTMENT  
16 PRIOR TO TWO THOUSAND EIGHT, WHO HAS FIFTEEN YEARS POST-GRADUATE GENETIC  
17 COUNSELOR EMPLOYMENT AND MEETS THE REQUIREMENTS FOR A LICENSE PURSUANT  
18 TO THIS ARTICLE, EXCEPT FOR EXAMINATION, AND WHO FILES AN APPLICATION  
19 AND FEE WITH THE DEPARTMENT WITHIN ONE YEAR OF THE EFFECTIVE DATE OF  
20 THIS SECTION SHALL BE LICENSED AS A LICENSED GENETIC COUNSELOR.

21 2. THIS ARTICLE SHALL NOT PROHIBIT THE PROVISION OF GENETIC COUNSELING  
22 SERVICES AS DEFINED IN SUBDIVISION ONE OF SECTION SEVEN THOUSAND FIFTY-  
23 ONE OF THIS ARTICLE BY EMPLOYEES OR AGENTS OF A CORPORATION PROVIDING  
24 GENETIC COUNSELING SERVICES IN THIS STATE; PROVIDED, HOWEVER, THAT SUCH  
25 SERVICES ARE PROVIDED BY A LICENSED GENETIC COUNSELOR OR PERSON EXEMPT  
26 UNDER THIS ARTICLE AND A VIOLATION OF THIS PROVISION SHALL BE A CLASS A  
27 MISDEMEANOR. PROVIDED FURTHER, THAT ANY SUCH CORPORATION MUST:

28 (A) HAVE REGISTERED WITH THE DEPARTMENT BEFORE PROVIDING ANY SUCH  
29 SERVICES IN THIS STATE BY PROVIDING THEIR NAME AND ADDRESS FOR SERVICE  
30 OF PROCESS;

31 (B) SUBMIT AND, AS NECESSARY, REVISE A CURRENT LIST OF GENETIC COUNSE-  
32 LORS LICENSED PURSUANT TO THIS ARTICLE WHO ARE EMPLOYEES OR AGENTS OF  
33 THE CORPORATION AND ARE PROVIDING SUCH SERVICES IN THE STATE; AND

34 (C) HAVE IN EFFECT A REQUIREMENT THAT ALL PROFESSIONAL JUDGMENTS,  
35 DECISIONS, IDENTIFICATION OR COORDINATION OF GENETIC TESTING, OR OTHER  
36 PROFESSIONAL INTERACTIONS WITH CLIENTS OR PATIENTS BE MADE BASED UPON  
37 THE BEST INTERESTS OF SUCH CLIENT OR PATIENT.

38 3. ANY PERSON OR CORPORATION OFFERING THE SERVICES OF GENETIC COUN-  
39 SELING OF A CLIENT IN THIS STATE SHALL EMPLOY, FOR THE PURPOSE OF  
40 PROVIDING SUCH SERVICES, ONLY PERSONS LICENSED OR EXEMPT UNDER THIS  
41 ARTICLE AND A VIOLATION OF THIS PROVISION SHALL BE A CLASS A MISDEMEA-  
42 NOR.

43 S 7057. MANDATORY CONTINUING EDUCATION. 1. A. EACH LICENSED GENETIC  
44 COUNSELOR REQUIRED UNDER THIS ARTICLE TO REGISTER TRIENNIALLY WITH THE  
45 DEPARTMENT TO PRACTICE IN THE STATE, SHALL COMPLY WITH PROVISIONS OF THE  
46 MANDATORY CONTINUING EDUCATION REQUIREMENTS PRESCRIBED IN SUBDIVISION  
47 TWO OF THIS SECTION EXCEPT AS SET FORTH IN PARAGRAPHS B AND C OF THIS  
48 SUBDIVISION. EACH GENETIC COUNSELOR SHALL BE EXEMPT FROM THE MANDATORY  
49 CONTINUING EDUCATION REQUIREMENTS FOR THE TRIENNIAL REGISTRATION PERIOD  
50 DURING WHICH THEY ARE FIRST LICENSED. LICENSED GENETIC COUNSELORS WHO  
51 DO NOT SATISFY THE MANDATORY CONTINUING EDUCATION REQUIREMENTS SHALL NOT  
52 PRACTICE UNTIL THEY HAVE MET SUCH REQUIREMENTS, AND THEY HAVE BEEN  
53 ISSUED A REGISTRATION CERTIFICATE, EXCEPT THAT A LICENSED GENETIC COUN-  
54 SELOR MAY PRACTICE WITHOUT HAVING MET SUCH REQUIREMENTS IF HE OR SHE IS  
55 ISSUED A CONDITIONAL REGISTRATION CERTIFICATE PURSUANT TO SUBDIVISION  
56 THREE OF THIS SECTION.

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

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

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

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

41 4. FOR THE PURPOSES OF THIS SECTION, "ACCEPTABLE FORMAL CONTINUING  
42 EDUCATION" SHALL MEAN FORMAL COURSES OF LEARNING WHICH CONTRIBUTE TO  
43 PROFESSIONAL PRACTICE IN GENETIC COUNSELING AND WHICH MEET THE STANDARDS  
44 PRESCRIBED BY REGULATIONS OF THE COMMISSIONER. THE DEPARTMENT MAY, IN  
45 ITS DISCRETION AND AS NEEDED TO CONTRIBUTE TO THE HEALTH AND WELFARE OF  
46 THE PUBLIC, REQUIRE THE COMPLETION OF CONTINUING EDUCATION COURSES IN  
47 SPECIFIC SUBJECTS.

48 5. LICENSED GENETIC COUNSELORS SHALL MAINTAIN ADEQUATE DOCUMENTATION  
49 OF COMPLETION OF ACCEPTABLE FORMAL CONTINUING EDUCATION AND SHALL  
50 PROVIDE SUCH DOCUMENTATION AT THE REQUEST OF THE DEPARTMENT. FAILURE TO  
51 PROVIDE SUCH DOCUMENTATION UPON THE REQUEST OF THE DEPARTMENT SHALL BE  
52 AN ACT OF MISCONDUCT SUBJECT TO DISCIPLINARY PROCEEDINGS PURSUANT TO  
53 SECTION SIXTY-FIVE HUNDRED TEN OF THIS TITLE.

54 THE MANDATORY CONTINUING EDUCATION FEE SHALL BE FORTY-FIVE DOLLARS,  
55 SHALL BE PAYABLE ON OR BEFORE THE FIRST DAY OF EACH TRIENNIAL REGISTRA-

1 TION PERIOD, AND SHALL BE PAID IN ADDITION TO THE TRIENNIAL REGISTRATION  
2 FEE REQUIRED BY SECTION SEVEN THOUSAND FIFTY-THREE OF THIS ARTICLE.

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

10 S 3. This act shall take effect two years after it shall have become a  
11 law; provided, however, that the state education department is author-  
12 ized to promulgate any and all rules and regulations and take any other  
13 measure necessary to implement this act, including, but not limited to,  
14 the appointment of committee members pursuant to section 7052 of the  
15 education law, as added by section one of this act on or before such  
16 effective date, and provided further that section 7057 of the education  
17 law, as added by section one of this act shall take effect three years  
18 after the effective date of this act.