



# Senate

General Assembly

**File No. 151**

January Session, 2015

Substitute Senate Bill No. 857

*Senate, March 23, 2015*

The Committee on Public Health reported through SEN. GERRATANA of the 6th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

## **AN ACT CONCERNING LICENSURE FOR GENETIC COUNSELORS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2015*) As used in this section,  
2 sections 2 to 6, inclusive, of this act and section 19a-14 of the general  
3 statutes, as amended by this act: (1) "Genetic counselor" means a  
4 person who has been licensed as a genetic counselor under the  
5 provisions of sections 2 to 6, inclusive, of this act; and (2) "genetic  
6 counseling" means the provision of services to individuals, couples,  
7 families and organizations by an appropriately trained individual to  
8 address the physical and psychological issues associated with the  
9 occurrence or risk of occurrence of a genetic disorder, birth defect or  
10 genetically influenced condition or disease in an individual or a family.

11 Sec. 2. (NEW) (*Effective October 1, 2015*) (a) No person may practice  
12 genetic counseling unless licensed or permitted pursuant to section 3  
13 or 4 of this act.

14 (b) No person may use the title "genetic counselor", "licensed genetic

15 counselor", "gene counselor", "genetic consultant", "genetic associate",  
16 or the designation "LGC" or make use of any title, words, letters,  
17 abbreviations or insignia that may reasonably be confused with  
18 licensure as a genetic counselor unless such person is licensed  
19 pursuant to section 3 of this act or has been issued a temporary permit  
20 pursuant to section 4 of this act.

21 (c) The provisions of this section shall not apply to a person who (1)  
22 is licensed under chapter 370 of the general statutes, (2) is an advanced  
23 practice registered nurse licensed under chapter 378 of the general  
24 statutes, (3) is a nurse-midwife licensed under chapter 377 of the  
25 general statutes, (4) provides genetic counseling while acting within  
26 the scope of practice of the person's license and training, provided the  
27 person does not hold himself or herself out to the public as a genetic  
28 counselor, (5) is employed by the federal government to provide  
29 genetic counseling while in the discharge of the person's official duties,  
30 or (6) is a student enrolled in (A) a genetic counseling educational  
31 program, (B) a medical genetics educational program accredited by the  
32 American Board of Genetic Counseling, or any successor of said board,  
33 or the American Board of Medical Genetics and Genomics, or (C) a  
34 graduate nursing or medical education program in genetics, and  
35 genetic counseling is an integral part of the student's course of study  
36 and such student is performing such counseling under the direct  
37 supervision of a licensed genetic counselor or physician.

38 Sec. 3. (NEW) (*Effective from passage*) (a) The Commissioner of Public  
39 Health shall grant a license as a genetic counselor to any applicant  
40 who, except as provided in subsections (b) and (c) of this section,  
41 furnishes evidence satisfactory to the commissioner that such applicant  
42 has earned a certification as a genetic counselor from the American  
43 Board of Genetic Counseling, or any successor of said board, or the  
44 American Board of Medical Genetics and Genomics. The commissioner  
45 shall develop and provide application forms. The application fee shall  
46 be three hundred fifteen dollars.

47 (b) An applicant for a license as a genetic counselor may, in lieu of

48 the requirements set forth in subsection (a) of this section, submit  
49 evidence satisfactory to the commissioner of having, prior to October  
50 1, 2015: (1) Acquired eight years of experience in the practice of genetic  
51 counseling; (2) earned, from an accredited institution of higher  
52 education, a master's or doctoral degree in genetics or a related field;  
53 and (3) attended a continuing education program approved by the  
54 National Society of Genetic Counselors within the five-year period  
55 prior to the date of application.

56 (c) An applicant for licensure by endorsement shall present  
57 evidence satisfactory to the commissioner that the applicant is licensed  
58 or certified as a genetic counselor, or as a person entitled to perform  
59 similar services under a different designation, in another state or  
60 jurisdiction that has requirements for practicing in such capacity that  
61 are substantially similar to, or higher than, those of this state and that  
62 there are no disciplinary actions or unresolved complaints pending.

63 (d) Licenses issued under this section shall be renewed annually.  
64 The fee for such renewal shall be one hundred ninety dollars. Each  
65 licensed genetic counselor applying for license renewal shall furnish  
66 evidence satisfactory to the commissioner of having current  
67 certification with the American Board of Genetic Counseling, or any  
68 successor of said board, or the American Board of Medical Genetics  
69 and Genomics and having obtained continuing education units for  
70 certification as required by said boards.

71 Sec. 4. (NEW) (*Effective October 1, 2015*) The Department of Public  
72 Health may issue a temporary permit to an applicant for licensure as a  
73 genetic counselor who holds a master's degree or higher in genetic  
74 counseling or a related field. Such temporary permit shall authorize  
75 the holder to practice as a genetic counselor. Such temporary permit  
76 shall be valid for a period not to exceed five hundred calendar days  
77 after the date of attaining such master's degree or higher and shall not  
78 be renewable. Such temporary permit shall become void and shall not  
79 be reissued in the event the applicant fails to pass the examination for  
80 certification by the American Board of Genetic Counseling, or any

81 successor of said board, or the American Board of Medical Genetics  
82 and Genomics. The fee for a temporary permit shall be fifty dollars.

83       Sec. 5. (NEW) (*Effective October 1, 2015*) The Commissioner of Public  
84 Health may take any disciplinary action set forth in section 19a-17 of  
85 the general statutes against a genetic counselor for any of the following  
86 reasons: (1) Failure to conform to the accepted standards of the  
87 profession; (2) conviction of a felony; (3) fraud or deceit in obtaining or  
88 seeking reinstatement of a license to practice genetic counseling; (4)  
89 fraud or deceit in the practice of genetic counseling; (5) negligent,  
90 incompetent or wrongful conduct in professional activities; (6)  
91 physical, mental or emotional illness or disorder resulting in an  
92 inability to conform to the accepted standards of the profession; (7)  
93 alcohol or substance abuse; or (8) wilful falsification of entries in any  
94 hospital, patient or other record pertaining to genetic counseling. The  
95 commissioner may order a license holder to submit to a reasonable  
96 physical or mental examination if his or her physical or mental  
97 capacity to practice safely is the subject of an investigation. The  
98 commissioner may petition the superior court for the judicial district of  
99 Hartford to enforce such order or any action taken pursuant to section  
100 19a-17 of the general statutes. The commissioner shall give notice and  
101 an opportunity to be heard on any contemplated action under section  
102 19a-17 of the general statutes.

103       Sec. 6. (NEW) (*Effective October 1, 2015*) The Commissioner of Public  
104 Health may adopt regulations, in accordance with the provisions of  
105 chapter 54 of the general statutes, to implement the provisions of  
106 sections 1 to 6, inclusive, of this act.

107       Sec. 7. Subsection (c) of section 19a-14 of the general statutes is  
108 repealed and the following is substituted in lieu thereof (*Effective*  
109 *October 1, 2015*):

110       (c) No board shall exist for the following professions that are  
111 licensed or otherwise regulated by the Department of Public Health:

112       (1) Speech and language pathologist and audiologist;

- 113 (2) Hearing instrument specialist;
- 114 (3) Nursing home administrator;
- 115 (4) Sanitarian;
- 116 (5) Subsurface sewage system installer or cleaner;
- 117 (6) Marital and family therapist;
- 118 (7) Nurse-midwife;
- 119 (8) Licensed clinical social worker;
- 120 (9) Respiratory care practitioner;
- 121 (10) Asbestos contractor and asbestos consultant;
- 122 (11) Massage therapist;
- 123 (12) Registered nurse's aide;
- 124 (13) Radiographer;
- 125 (14) Dental hygienist;
- 126 (15) Dietitian-Nutritionist;
- 127 (16) Asbestos abatement worker;
- 128 (17) Asbestos abatement site supervisor;
- 129 (18) Licensed or certified alcohol and drug counselor;
- 130 (19) Professional counselor;
- 131 (20) Acupuncturist;
- 132 (21) Occupational therapist and occupational therapist assistant;
- 133 (22) Lead abatement contractor, lead consultant contractor, lead  
134 consultant, lead abatement supervisor, lead abatement worker,

135 inspector and planner-project designer;

136 (23) Emergency medical technician, advanced emergency medical  
137 technician, emergency medical responder and emergency medical  
138 services instructor;

139 (24) Paramedic;

140 (25) Athletic trainer;

141 (26) Perfusionist;

142 (27) Master social worker subject to the provisions of section 20-  
143 195v;

144 (28) Radiologist assistant, subject to the provisions of section 20-74tt;

145 (29) Homeopathic physician;

146 (30) Certified water treatment plant operator, certified distribution  
147 system operator, certified small water system operator, certified  
148 backflow prevention device tester and certified cross connection  
149 survey inspector, including certified limited operators, certified  
150 conditional operators and certified operators in training; [and]

151 (31) Tattoo technician; and

152 (32) Genetic counselor.

153 The department shall assume all powers and duties normally vested  
154 with a board in administering regulatory jurisdiction over such  
155 professions. The uniform provisions of this chapter and chapters 368v,  
156 369 to 381a, inclusive, 383 to 388, inclusive, 393a, 395, 398, 399, 400a  
157 and 400c, including, but not limited to, standards for entry and  
158 renewal; grounds for professional discipline; receiving and processing  
159 complaints; and disciplinary sanctions, shall apply, except as otherwise  
160 provided by law, to the professions listed in this subsection.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2015	New section
Sec. 2	October 1, 2015	New section
Sec. 3	<i>from passage</i>	New section
Sec. 4	October 1, 2015	New section
Sec. 5	October 1, 2015	New section
Sec. 6	October 1, 2015	New section
Sec. 7	October 1, 2015	19a-14(c)

**Statement of Legislative Commissioners:**

In section 1, "sections 2 to 7, inclusive, of this act" was changed to "sections 2 to 6, inclusive, of this act and section 19a-14 of the general statutes, as amended by this act" for consistency with the drafting conventions of the general statutes and internal consistency; in section 1(1), "sections 2 to 7" was changed to "sections 2 to 6" for internal consistency; in section 2(a) "unless licensed pursuant to sections 3 and 4" was changed to "unless licensed or permitted pursuant to section 3 or 4" for accuracy; in section 2(b), "sections 3 and 4 of this act" was changed to "section 3 of this act or has been issued a temporary permit pursuant to section 4 of this act", for accuracy; and in section 6 "sections 1 to 5" was changed to "sections 1 to 6" for internal consistency.

**PH**      *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 16 \$	FY 17 \$
Public Health, Dept.	GF - Cost	18,075	27,799
State Comptroller - Fringe Benefits <sup>1</sup>	GF - Cost	6,375	9,647
Resources of the General Fund	GF - Revenue Gain	21,520	14,595

**Municipal Impact:** None

**Explanation**

The bill results in a cost of \$18,075 in FY 16 and \$27,799 in FY 17 to the Department of Public Health (DPH) from the establishment of a new "Genetic Counselor" licensure category.

The components of the DPH cost include in \$16,495 for salary in FY 16 for for a half-time Office Assistant with a 10/1/15 hire date, and \$1,580 for equipment (computer and scanner) and associated other expenses (office supplies, printing and postage) and \$24,961 for salary in FY 17 for the half-time Office Assistant and \$2,450 for 30 hours of complaint investigation by a consultant and associated other expenses. The remaining \$388 expense to DPH in FY 17 reflects transaction costs for the required on-line licensure renewal payments.

The State Comptroller fringe benefit cost for the Office Assistant is \$6,375 in FY 16 and \$9,647 in FY 17.

<sup>1</sup>The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 38.65% of payroll in FY 16 and FY 17.

Anticipated General Fund revenue of \$21,520 in FY 16 and \$14,595 in FY 17 reflects the collection of fees associated with Genetic Counselor temporary permits, initial licenses and, beginning in FY 17, renewal licenses. It is anticipated that DPH will issue two temporary permits and 68 initial licenses in FY 16 and two temporary permits, 5 initial licenses and 68 license renewals in FY 17.

***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation and the number of genetic counselor temporary permits, initial and renewal licenses issued.

**OLR Bill Analysis****sSB 857****AN ACT CONCERNING LICENSURE FOR GENETIC COUNSELORS.****SUMMARY:**

Subject to certain exemptions, this bill requires anyone practicing genetic counseling to be licensed by the Department of Public Health (DPH). The licensure application fee is \$315 and licenses must be renewed annually for \$190. Among others exempt from the licensure requirement are physicians, physician assistants (PAs), advanced practice registered nurses (APRNs), and nurse-midwives.

The bill establishes licensure qualifications, application and renewal processes, and grounds for disciplinary action. It allows DPH to issue nonrenewable temporary permits. It also allows the commissioner to adopt regulations to implement genetic counselor licensing and specifies that no new regulatory board is established for genetic counselors.

Under the bill, “genetic counseling” means providing services that address the physical and psychological issues associated with the occurrence or risk of a genetic disorder, birth defect, or genetically influenced condition or disease in an individual or family.

EFFECTIVE DATE: October 1, 2015, except the provisions on licensure applications, qualifications, and renewals are effective upon passage.

**GENETIC COUNSELING****§ 2 — *Restrictions on Practice and Exceptions***

The bill generally prohibits anyone without a genetic counselor license or temporary permit from (1) practicing genetic counseling or

(2) using the title “genetic counselor,” “licensed genetic counselor,” “gene counselor,” “genetic consultant,” or “genetic associate”; the designation “LGC”; or any title, abbreviations, or insignia that may reasonably be confused with genetic counselor licensure.

These restrictions do not apply to:

1. state-licensed physicians, PAs, APRNs, or nurse-midwives;
2. individuals who provide genetic counseling while acting within the scope of practice of their license and training, as long as they do not present themselves to the public as genetic counselors;
3. individuals employed by the federal government to provide genetic counseling; or
4. students enrolled in certain programs of which genetic counseling is an integral part, if they are performing genetic counseling under the direct supervision of a licensed genetic counselor or physician.

The exemption for students applies to those enrolled in a (1) genetic counseling program, (2) medical genetics program accredited by the American Board of Genetic Counseling or American Board of Medical Genetics and Genomics, or (3) graduate nursing or medical program in genetics.

### **§§ 3 & 4 — License Applications, Qualifications, and Renewals**

The bill requires the DPH commissioner to issue a genetic counselor license to any applicant who submits, on a DPH form, satisfactory evidence that he or she is certified as a genetic counselor by one of the national boards noted above.

As an alternative way to qualify, an applicant may submit satisfactory evidence that he or she, before October 1, 2015, (1) practiced genetic counseling for eight years, (2) earned a master’s or doctoral degree in genetics or a related field from an accredited higher education institution, and (3) attended a continuing education

program approved by the National Society of Genetic Counselors within the five years before applying.

The bill also allows for licensure by endorsement. Such an applicant must provide satisfactory evidence that he or she is licensed or certified as a genetic counselor (or as someone entitled to perform similar services under a different title) in another state or jurisdiction. That jurisdiction's requirements for practicing must be substantially similar to or higher than those in Connecticut and there must be no pending disciplinary actions or unresolved complaints against the applicant.

Licenses cost \$315 and must be renewed annually for a \$190 fee. To renew, licensees must provide satisfactory evidence that they (1) are certified by either board noted above and (2) have completed continuing education as required for that certification. (Thus, all licensees must become nationally certified within a year of becoming licensed.)

#### **§ 4 — Temporary Permits**

The bill allows DPH to issue nonrenewable temporary permits to licensure applicants with at least a master's degree in genetic counseling or a related field, allowing them to practice genetic counseling for up to 500 calendar days after the receipt of their degree. If the applicant fails to pass the board's certification exam, the permit is void and cannot be reissued. The temporary permit fee is \$50.

#### **§ 5 — Enforcement and Disciplinary Action**

The bill allows the DPH commissioner to take disciplinary action against a licensed genetic counselor for:

1. failure to conform to the accepted standards of the profession;
2. felony convictions;
3. fraud or deceit in obtaining or renewing a license or in the practice of genetic counseling;

4. negligence, incompetence, or wrongful conduct in professional activities;
5. physical, mental, or emotional illness resulting in an inability to conform to professional standards;
6. alcohol or substance abuse; or
7. willfully falsifying entries in any hospital, patient, or other genetic counseling record.

By law, disciplinary actions available to DPH include (1) revoking or suspending a license, (2) issuing a letter of reprimand, (3) placing the violator on probation, or (4) imposing a civil penalty (CGS § 19a-17). Under the bill, the commissioner may also order a licensee to undergo a reasonable physical or mental examination if his or her physical or mental capacity to practice safely is under investigation.

The bill allows the commissioner to petition Hartford Superior Court to enforce any disciplinary action she takes. She must give a licensee notice and an opportunity to be heard before taking disciplinary action.

**COMMITTEE ACTION**

Public Health Committee

Joint Favorable Substitute

Yea 26 Nay 0 (03/04/2015)