

SENATE BILL 763

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0lr1084
CF HB 1040

By: **Senator Lam**

Introduced and read first time: February 3, 2020

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Physicians – Genetic Counselors – Licensing**

3 FOR the purpose of requiring the State Board of Physicians to license genetic counselors;
4 providing that provisions of this Act do not limit the right of certain individuals to
5 practice certain occupations; requiring the Board to adopt certain regulations;
6 requiring the Board to set certain fees for certain services; requiring the Board to
7 pay certain fees to the Comptroller; requiring the Comptroller to distribute the fees
8 to the Board; requiring that the fees be used to cover certain costs; establishing the
9 Genetic Counseling Advisory Committee within the Board; providing for the
10 composition, appointment, qualifications, and terms of the Committee members;
11 requiring the Committee to elect a chair every certain number of years; establishing
12 certain powers and duties of the Committee; requiring the Board to consider certain
13 recommendations and provide the Committee with a certain annual report; requiring
14 that persons have certain immunity; requiring individuals, on or after a certain date,
15 to be licensed by the Board as genetic counselors before practicing genetic counseling
16 in the State except under certain circumstances; establishing certain qualification
17 and application requirements for certain applicants; providing for the issuance,
18 terms, renewal, and reinstatement of a certain license; prohibiting the Board from
19 issuing a license if certain criminal history records information has not been
20 received; providing that a genetic counseling license authorizes the licensee to
21 practice genetic counseling in the State while the license is effective; authorizing the
22 Board to grant a temporary license to certain individuals; providing for the issuance,
23 term, and scope of a certain temporary license; requiring a qualified supervisor to
24 have certain responsibility to assess the work of the holder of a temporary license;
25 providing that a qualified supervisor is not required to be physically present at
26 certain times; requiring the holder of a temporary license and a certain qualified
27 supervisor to have a certain contract; requiring a licensee to notify the Board of a
28 change of name or address within a certain time period; prohibiting the surrender
29 and lapse of a certain license under certain circumstances; authorizing a certain
30 disciplinary panel, on a certain vote, to take certain actions against an applicant or
31 licensee under certain circumstances; establishing certain criminal, civil, and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 administrative penalties; establishing certain hearing and appeal procedures;
 2 requiring a disciplinary panel to order the suspension or revocation of a license under
 3 certain circumstances; requiring certain hospitals, related institutions, alternative
 4 health systems, and employers to file certain reports and report certain information
 5 concerning certain genetic counselors to the Board under certain circumstances and
 6 within a certain time period; establishing certain requirements for certain genetic
 7 counselors who enter or consider entering certain treatment programs; providing
 8 that a certain report is not subject to subpoena or discovery in any civil action other
 9 than a certain proceeding; requiring the Board to disclose certain information on the
 10 Board's website; requiring the Board to establish and maintain certain profiles that
 11 include certain information and a certain statement; requiring the Board to forward
 12 a certain copy of a profile to a certain person under certain circumstances and
 13 maintain a certain website; requiring the Board to provide a mechanism for the
 14 notification of prompt correction of certain inaccuracies; prohibiting the
 15 unauthorized practice of genetic counseling in the State unless licensed by the Board
 16 except under certain circumstances; prohibiting an individual from making certain
 17 misrepresentations to the public; prohibiting a person from providing, attempting
 18 to provide, offering to provide, or representing that the person provides certain
 19 services except under certain circumstances; establishing a certain short title;
 20 providing that the Committee is subject to the provisions of the Maryland Program
 21 Evaluation Act and certain termination provisions; defining certain terms;
 22 specifying the initial terms of the members of the Committee; and generally relating
 23 to the licensing of genetic counselors.

24 BY adding to

25 Article – Health Occupations

26 Section 14–5G–01 through 14–5G–28 to be under the new subtitle “Subtitle 5G.
 27 Genetic Counselors”

28 Annotated Code of Maryland

29 (2014 Replacement Volume and 2019 Supplement)

30 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 31 That the Laws of Maryland read as follows:

32 **Article – Health Occupations**

33 **SUBTITLE 5G. GENETIC COUNSELORS.**

34 **14–5G–01.**

35 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
 36 INDICATED.

37 (B) “BOARD” MEANS THE STATE BOARD OF PHYSICIANS.

38 (C) “CERTIFIED GENETIC COUNSELOR” MEANS AN INDIVIDUAL CERTIFIED

1 AS A GENETIC COUNSELOR BY A NATIONAL CERTIFYING BOARD.

2 (D) "COMMITTEE" MEANS THE GENETIC COUNSELORS ADVISORY
3 COMMITTEE.

4 (E) "GENETIC ASSESSMENT" MEANS THE INTEGRATION OF GENETIC
5 LABORATORY TEST RESULTS AND OTHER DIAGNOSTIC STUDIES WITH THE MEDICAL
6 HISTORIES OF A PATIENT AND THE PATIENT'S FAMILY MEMBERS TO ASSESS THE
7 RISK FOR THE PATIENT OR THE PATIENT'S FAMILY MEMBERS OF:

8 (1) A GENETIC OR MEDICAL CONDITION OR DISEASE; AND

9 (2) THE RECURRENCE OF A GENETIC OR MEDICAL CONDITION OR
10 DISEASE.

11 (F) "LICENSED GENETIC COUNSELOR" MEANS AN INDIVIDUAL WHO IS
12 LICENSED UNDER THIS SUBTITLE TO PRACTICE GENETIC COUNSELING.

13 (G) "LICENSEE" MEANS A LICENSED GENETIC COUNSELOR OR THE HOLDER
14 OF A TEMPORARY LICENSE.

15 (H) "NATIONAL ACCREDITING COUNCIL" MEANS THE ACCREDITATION
16 COUNCIL FOR GENETIC COUNSELING, OR ITS SUCCESSOR, THAT ACCREDITS
17 EDUCATION PROGRAMS FOR GENETIC COUNSELORS.

18 (I) "NATIONAL CERTIFYING BOARD" MEANS THE AMERICAN BOARD OF
19 GENETIC COUNSELING, OR ITS SUCCESSOR, THAT CERTIFIES GENETIC
20 COUNSELORS.

21 (J) "PRACTICE GENETIC COUNSELING" MEANS:

22 (1) OBTAINING AND EVALUATING THE MEDICAL HISTORIES OF A
23 PATIENT AND THE PATIENT'S FAMILY MEMBERS FOR PURPOSES OF A GENETIC
24 ASSESSMENT;

25 (2) DISCUSSING THE FEATURES, NATURAL HISTORY, MEANS OF
26 DIAGNOSIS, GENETIC AND ENVIRONMENTAL FACTORS, AND MANAGEMENT OF RISK
27 FOR GENETIC OR MEDICAL CONDITIONS OR DISEASES;

28 (3) IDENTIFYING, ORDERING, AND COORDINATING GENETIC
29 LABORATORY TESTS AND OTHER DIAGNOSTIC STUDIES, AS APPROPRIATE, FOR
30 PURPOSES OF A GENETIC ASSESSMENT;

31 (4) USING THE MEDICAL HISTORIES OBTAINED UNDER ITEM (1) OF

1 THIS SUBSECTION AND THE RESULTS OF GENETIC LABORATORY TESTS AND OTHER
2 DIAGNOSTIC STUDIES ORDERED UNDER ITEM (3) OF THIS SUBSECTION FOR
3 PURPOSES OF A GENETIC ASSESSMENT;

4 (5) EXPLAINING THE CLINICAL IMPLICATIONS OF GENETIC
5 LABORATORY TESTS AND OTHER DIAGNOSTIC STUDIES AND THE RESULTS OF THE
6 TESTS AND STUDIES AND COMMUNICATING THE RISK FACTORS FOR GENETIC OR
7 MEDICAL CONDITIONS OR DISEASES IDENTIFIED BY A GENETIC ASSESSMENT;

8 (6) EVALUATING THE RESPONSES OF A PATIENT AND THE PATIENT'S
9 FAMILY MEMBERS TO THE RESULTS OF A GENETIC ASSESSMENT AND PROVIDING
10 COUNSELING AND ANTICIPATORY GUIDANCE FOR A GENETIC OR MEDICAL
11 CONDITION OR DISEASE;

12 (7) IDENTIFYING AND USING COMMUNITY RESOURCES THAT PROVIDE
13 MEDICAL, EDUCATIONAL, FINANCIAL, AND PSYCHOSOCIAL SUPPORT AND
14 ADVOCACY FOR A GENETIC OR MEDICAL CONDITION OR DISEASE; AND

15 (8) PROVIDING WRITTEN DOCUMENTATION OF MEDICAL, GENETIC,
16 AND COUNSELING INFORMATION FOR A PATIENT, A PATIENT'S FAMILY MEMBERS, OR
17 APPROPRIATE HEALTH CARE PROFESSIONALS.

18 (K) "TEMPORARY LICENSE" MEANS A LICENSE ISSUED BY THE BOARD TO
19 TEMPORARILY PRACTICE GENETIC COUNSELING UNDER § 14-5G-15 OF THIS
20 SUBTITLE.

21 14-5G-02.

22 THIS SUBTITLE DOES NOT LIMIT THE RIGHT OF AN INDIVIDUAL TO PRACTICE
23 A HEALTH OCCUPATION THAT THE INDIVIDUAL IS AUTHORIZED TO PRACTICE UNDER
24 THIS ARTICLE.

25 14-5G-03.

26 THE BOARD SHALL ADOPT REGULATIONS FOR THE LICENSURE AND PRACTICE
27 OF GENETIC COUNSELING.

28 14-5G-04.

29 (A) (1) THE BOARD SHALL SET REASONABLE FEES FOR THE ISSUANCE
30 AND RENEWAL OF LICENSES AND THE OTHER SERVICES THE BOARD PROVIDES TO
31 GENETIC COUNSELORS.

32 (2) THE FEES CHARGED SHALL BE SET SO AS TO PRODUCE FUNDS TO

1 APPROXIMATE THE COST OF MAINTAINING THE LICENSURE PROGRAM AND THE
2 OTHER SERVICES PROVIDED TO GENETIC COUNSELORS.

3 (B) (1) THE BOARD SHALL PAY ALL FEES COLLECTED UNDER THE
4 PROVISIONS OF THIS SUBTITLE TO THE COMPTROLLER.

5 (2) THE COMPTROLLER SHALL DISTRIBUTE ALL FEES TO THE
6 BOARD.

7 (C) THE FEES SHALL BE USED TO COVER THE ACTUAL DOCUMENTED
8 DIRECT AND INDIRECT COSTS OF FULFILLING THE STATUTORY AND REGULATORY
9 DUTIES OF THE BOARD AS PROVIDED BY THIS SUBTITLE.

10 14-5G-05.

11 THERE IS A GENETIC COUNSELING ADVISORY COMMITTEE WITHIN THE
12 BOARD.

13 14-5G-06.

14 (A) THE COMMITTEE CONSISTS OF MEMBERS APPOINTED BY THE BOARD AS
15 FOLLOWS:

16 (1) THREE SHALL BE INDIVIDUALS WHO PRACTICE GENETIC
17 COUNSELING AND WHO:

18 (I) ON OR BEFORE SEPTEMBER 30, 2022, ARE CERTIFIED
19 GENETIC COUNSELORS; AND

20 (II) ON OR AFTER OCTOBER 1, 2022, ARE LICENSED GENETIC
21 COUNSELORS;

22 (2) ONE SHALL BE A PRACTICING LICENSED PHYSICIAN WHO IS A
23 MEMBER OF THE BOARD; AND

24 (3) ONE SHALL BE A CONSUMER MEMBER.

25 (B) EACH GENETIC COUNSELOR MEMBER OF THE COMMITTEE MUST BE:

26 (1) IN GOOD STANDING WITH THE BOARD; AND

27 (2) A RESIDENT OF THE STATE WHO HAS AT LEAST 1 YEAR OF ACTIVE
28 GENETIC COUNSELING EXPERIENCE WITHIN THE 5-YEAR PERIOD IMMEDIATELY

1 PRECEDING THE DATE OF THE APPOINTMENT.

2 (C) THE LICENSED PHYSICIAN MEMBER OF THE COMMITTEE MUST BE IN
3 GOOD STANDING WITH THE BOARD.

4 (D) THE CONSUMER MEMBER OF THE COMMITTEE:

5 (1) MUST BE A RESIDENT OF THE STATE AND A MEMBER OF THE
6 GENERAL PUBLIC;

7 (2) MAY NOT BE OR EVER HAVE BEEN LICENSED TO PRACTICE A
8 HEALTH OCCUPATION UNDER THIS ARTICLE; AND

9 (3) MAY NOT HAVE A SUBSTANTIAL PERSONAL, BUSINESS,
10 PROFESSIONAL, OR PECUNIARY CONNECTION WITH GENETIC COUNSELING
11 EDUCATION, BUSINESS, OR PRACTICE.

12 (E) (1) THE TERM OF A MEMBER IS 3 YEARS.

13 (2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE
14 TERMS PROVIDED FOR MEMBERS OF THE COMMITTEE ON OCTOBER 1, 2020.

15 (3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL
16 A SUCCESSOR IS APPOINTED AND QUALIFIES.

17 (4) A MEMBER MAY NOT SERVE MORE THAN TWO CONSECUTIVE FULL
18 TERMS.

19 (5) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES
20 ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND
21 QUALIFIES.

22 (F) FROM AMONG ITS MEMBERS, THE COMMITTEE SHALL ELECT A CHAIR
23 EVERY 2 YEARS.

24 14-5G-07.

25 (A) IN ADDITION TO THE POWERS SET FORTH ELSEWHERE IN THIS
26 SUBTITLE, THE COMMITTEE SHALL:

27 (1) DEVELOP AND RECOMMEND TO THE BOARD REGULATIONS TO
28 CARRY OUT THIS SUBTITLE;

1 **(2) DEVELOP AND RECOMMEND TO THE BOARD CONTINUING**
2 **EDUCATION REQUIREMENTS FOR LICENSE RENEWAL;**

3 **(3) DEVELOP AND RECOMMEND TO THE BOARD CRITERIA FOR**
4 **INDIVIDUALS WHO ARE LICENSED TO PRACTICE GENETIC COUNSELING IN ANOTHER**
5 **STATE OR TERRITORY OF THE UNITED STATES TO BECOME LICENSED IN THIS**
6 **STATE;**

7 **(4) KEEP A RECORD OF ITS PROCEEDINGS; AND**

8 **(5) SUBMIT AN ANNUAL REPORT TO THE BOARD.**

9 **(B) THE BOARD SHALL:**

10 **(1) CONSIDER ALL RECOMMENDATIONS OF THE COMMITTEE; AND**

11 **(2) PROVIDE TO THE COMMITTEE AN ANNUAL REPORT ON THE**
12 **DISCIPLINARY MATTERS INVOLVING LICENSEES.**

13 **14-5G-08.**

14 **A PERSON SHALL HAVE THE IMMUNITY FROM LIABILITY DESCRIBED UNDER §**
15 **5-715 OF THE COURTS ARTICLE FOR GIVING INFORMATION TO THE COMMITTEE OR**
16 **OTHERWISE PARTICIPATING IN ITS ACTIVITIES.**

17 **14-5G-09.**

18 **(A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, ON OR AFTER**
19 **OCTOBER 1, 2022, AN INDIVIDUAL SHALL BE LICENSED BY THE BOARD BEFORE THE**
20 **INDIVIDUAL MAY PRACTICE GENETIC COUNSELING IN THE STATE.**

21 **(B) THIS SECTION DOES NOT APPLY TO:**

22 **(1) AN INDIVIDUAL WHO IS EMPLOYED BY THE UNITED STATES**
23 **GOVERNMENT TO PRACTICE GENETIC COUNSELING WHILE PRACTICING WITHIN THE**
24 **SCOPE OF THAT EMPLOYMENT;**

25 **(2) A CERTIFIED GENETIC COUNSELOR WHO IS LICENSED IN**
26 **ANOTHER STATE AND PRACTICES GENETIC COUNSELING IN THE STATE FOR A**
27 **PERIOD OF LESS THAN 30 DAYS EACH YEAR;**

28 **(3) A STUDENT WHO IS ENROLLED IN AN EDUCATION PROGRAM**
29 **ACCREDITED BY A NATIONAL ACCREDITING ORGANIZATION IF THE STUDENT IS**

1 PRACTICING GENETIC COUNSELING WITHIN THE SCOPE OF THE EDUCATION
2 PROGRAM; OR

3 (4) AN INDIVIDUAL WHO HOLDS A DOCTORAL DEGREE IN GENETIC
4 COUNSELING OR A RELATED FIELD APPROVED BY THE BOARD.

5 14-5G-10.

6 (A) TO QUALIFY FOR A LICENSE TO PRACTICE GENETIC COUNSELING, AN
7 APPLICANT SHALL BE AN INDIVIDUAL WHO MEETS THE REQUIREMENTS OF THIS
8 SECTION.

9 (B) THE APPLICANT MUST BE OF GOOD MORAL CHARACTER.

10 (C) THE APPLICANT MUST BE AT LEAST 18 YEARS OLD.

11 (D) THE APPLICANT SHALL SUBMIT TO THE BOARD SATISFACTORY
12 EVIDENCE OF CERTIFICATION AS A CERTIFIED GENETIC COUNSELOR.

13 (E) THE APPLICANT SHALL SUBMIT TO A CRIMINAL HISTORY RECORDS
14 CHECK IN ACCORDANCE WITH § 14-308.1 OF THIS TITLE.

15 14-5G-11.

16 TO APPLY FOR A LICENSE, AN APPLICANT SHALL:

17 (1) SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN
18 ACCORDANCE WITH § 14-308.1 OF THIS TITLE;

19 (2) SUBMIT AN APPLICATION TO THE BOARD ON A FORM THAT THE
20 BOARD REQUIRES; AND

21 (3) PAY TO THE BOARD AN APPLICATION FEE SET BY THE BOARD.

22 14-5G-12.

23 (A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE BOARD SHALL
24 ISSUE A LICENSE TO ANY APPLICANT WHO MEETS THE REQUIREMENTS OF THIS
25 SUBTITLE.

26 (B) (1) ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION
27 OF AN APPLICANT FOR LICENSURE FORWARDED TO THE BOARD IN ACCORDANCE
28 WITH § 14-308.1 OF THIS TITLE, IN DETERMINING WHETHER TO ISSUE A LICENSE,
29 THE BOARD SHALL CONSIDER:

- 1 (I) THE AGE AT WHICH THE CRIME WAS COMMITTED;
- 2 (II) THE NATURE OF THE CRIME;
- 3 (III) THE CIRCUMSTANCES SURROUNDING THE CRIME;
- 4 (IV) THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;
- 5 (V) SUBSEQUENT WORK HISTORY;
- 6 (VI) EMPLOYMENT AND CHARACTER REFERENCES; AND
- 7 (VII) OTHER EVIDENCE THAT DEMONSTRATES WHETHER THE
8 APPLICANT POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.

9 (2) THE BOARD MAY NOT ISSUE A LICENSE IF THE CRIMINAL HISTORY
10 RECORD INFORMATION REQUIRED UNDER § 14-308.1 OF THIS TITLE HAS NOT BEEN
11 RECEIVED.

12 14-5G-13.

13 A GENETIC COUNSELOR LICENSE AUTHORIZES A LICENSEE TO PRACTICE
14 GENETIC COUNSELING IN THE STATE WHILE THE LICENSE IS EFFECTIVE.

15 14-5G-14.

16 (A) (1) A LICENSE EXPIRES ON A DATE SET BY THE BOARD, UNLESS THE
17 LICENSE IS RENEWED FOR AN ADDITIONAL TERM AS PROVIDED IN THIS SECTION.

18 (2) A LICENSE MAY NOT BE RENEWED FOR A TERM LONGER THAN 3
19 YEARS.

20 (B) AT LEAST 1 MONTH BEFORE A LICENSE EXPIRES, THE BOARD SHALL
21 SEND TO THE LICENSED GENETIC COUNSELOR A RENEWAL NOTICE THAT STATES:

22 (1) THE DATE ON WHICH THE CURRENT LICENSE EXPIRES;

23 (2) THE DATE BY WHICH THE RENEWAL APPLICATION MUST BE
24 RECEIVED BY THE BOARD FOR THE RENEWAL TO BE ISSUED AND SENT BEFORE THE
25 LICENSE EXPIRES; AND

26 (3) THE AMOUNT OF THE RENEWAL FEE.

1 **(C) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, BEFORE A**
2 **LICENSE EXPIRES, A LICENSED GENETIC COUNSELOR PERIODICALLY MAY RENEW IT**
3 **FOR AN ADDITIONAL TERM, IF THE LICENSEE:**

4 **(1) OTHERWISE IS ENTITLED TO BE LICENSED;**

5 **(2) PAYS TO THE BOARD A RENEWAL FEE SET BY THE BOARD; AND**

6 **(3) SUBMITS TO THE BOARD:**

7 **(I) A RENEWAL APPLICATION ON THE FORM THAT THE BOARD**
8 **REQUIRES; AND**

9 **(II) SATISFACTORY EVIDENCE OF COMPLIANCE WITH ANY**
10 **CONTINUING EDUCATION OR COMPETENCY REQUIREMENTS AND OTHER**
11 **REQUIREMENTS SET UNDER THIS SECTION FOR LICENSE RENEWAL.**

12 **(D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**
13 **AS A CONDITION OF RENEWAL, THE BOARD SHALL REQUIRE A LICENSED GENETIC**
14 **COUNSELOR TO COMPLETE:**

15 **(I) 30 HOURS OF CONTINUING EDUCATION UNITS APPROVED**
16 **BY THE NATIONAL SOCIETY OF GENETIC COUNSELORS, OR ITS SUCCESSOR; OR**

17 **(II) OTHER REQUIREMENTS APPROVED BY THE NATIONAL**
18 **SOCIETY OF GENETIC COUNSELORS, OR ITS SUCCESSOR, FOR RECERTIFICATION AS**
19 **A CERTIFIED GENETIC COUNSELOR.**

20 **(2) THE BOARD MAY WAIVE CONTINUING EDUCATION**
21 **REQUIREMENTS, INCLUDING WAIVING ALL OR A PORTION OF THE REQUIREMENTS,**
22 **OR GRANT AN EXTENSION OF TIME TO COMPLETE THE REQUIREMENTS, IF:**

23 **(I) THE LICENSED GENETIC COUNSELOR SUBMITS A WRITTEN**
24 **REQUEST TO THE BOARD; AND**

25 **(II) THE BOARD DETERMINES THAT:**

26 **1. THE LICENSED GENETIC COUNSELOR HAS A**
27 **LONG-TERM PERSONAL ILLNESS;**

28 **2. A CLOSE RELATIVE OR INDIVIDUAL FOR WHOM THE**
29 **LICENSED GENETIC COUNSELOR HAS CAREGIVING RESPONSIBILITIES HAS A**

1 LONG-TERM ILLNESS;

2 3. THE LICENSED GENETIC COUNSELOR
3 DEMONSTRATED THAT THE REQUIRED COURSES ARE NOT REASONABLY AVAILABLE
4 TO THE LICENSEE; OR

5 4. THE LICENSED GENETIC COUNSELOR
6 DEMONSTRATED ECONOMIC, TECHNOLOGICAL, OR LEGAL HARDSHIPS THAT
7 SUBSTANTIALLY RELATE TO THE ABILITY TO PERFORM OR COMPLETE THE
8 CONTINUING EDUCATION REQUIREMENTS.

9 (E) THE BOARD SHALL RENEW THE LICENSE OF EACH LICENSED GENETIC
10 COUNSELOR WHO MEETS THE REQUIREMENTS OF THIS SECTION.

11 (F) THE BOARD SHALL REINSTATE THE LICENSE OF AN INDIVIDUAL WHO
12 HAS FAILED TO RENEW A LICENSE TO PRACTICE GENETIC COUNSELING FOR ANY
13 REASON IF THE INDIVIDUAL:

14 (1) APPLIES FOR REINSTATEMENT AFTER THE DATE THE LICENSE
15 EXPIRES;

16 (2) MEETS THE RENEWAL REQUIREMENTS OF THIS SECTION; AND

17 (3) PAYS TO THE BOARD THE REINSTATEMENT FEE SET BY THE
18 BOARD.

19 (G) (1) THE BOARD SHALL REQUIRE A CRIMINAL HISTORY RECORDS
20 CHECK IN ACCORDANCE WITH § 14-308.1 OF THIS TITLE FOR:

21 (I) ANNUAL RENEWAL APPLICANTS AS DETERMINED BY
22 REGULATIONS ADOPTED BY THE BOARD; AND

23 (II) EACH FORMER LICENSED GENETIC COUNSELOR WHO FILES
24 FOR REINSTATEMENT UNDER SUBSECTION (F) OF THIS SECTION.

25 (2) ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION
26 OF A LICENSED GENETIC COUNSELOR FORWARDED TO THE BOARD IN ACCORDANCE
27 WITH § 14-308.1 OF THIS TITLE, IN DETERMINING WHETHER DISCIPLINARY ACTION
28 SHOULD BE TAKEN, BASED ON THE CRIMINAL HISTORY RECORD INFORMATION,
29 AGAINST A LICENSED GENETIC COUNSELOR WHO RENEWED OR REINSTATED A
30 LICENSE, THE BOARD SHALL CONSIDER THE CRITERIA UNDER § 14-5G-12(B) OF
31 THIS SUBTITLE.

1 **(3) THE BOARD MAY RENEW OR REINSTATE A LICENSE ONLY IF THE**
2 **LICENSED GENETIC COUNSELOR OR APPLICANT ATTESTS THAT THE LICENSED**
3 **GENETIC COUNSELOR OR APPLICANT HAS COMPLETED A CRIMINAL HISTORY**
4 **RECORDS CHECK UNDER § 14-308.1 OF THIS TITLE.**

5 **14-5G-15.**

6 **(A) IN THIS SECTION, “QUALIFIED SUPERVISOR” MEANS A LICENSED**
7 **GENETIC COUNSELOR, A PHYSICIAN, OR A NURSE PRACTITIONER WHO PROVIDES**
8 **GENERAL SUPERVISION FOR THE HOLDER OF A TEMPORARY LICENSE UNDER THIS**
9 **SECTION.**

10 **(B) THE BOARD MAY GRANT A TEMPORARY LICENSE TO AN INDIVIDUAL**
11 **WHO:**

12 **(1) COMPLIES WITH § 14-5G-10(B), (C), AND (E) OF THIS SUBTITLE;**
13 **AND**

14 **(2) HAS BEEN GRANTED ADVANCED CANDIDATE STATUS BY A**
15 **NATIONAL CERTIFYING BOARD.**

16 **(C) A TEMPORARY LICENSE AUTHORIZES THE HOLDER OF THE TEMPORARY**
17 **LICENSE TO PRACTICE GENETIC COUNSELING:**

18 **(1) WHILE THE LICENSE IS EFFECTIVE; AND**

19 **(2) UNDER GENERAL SUPERVISION AS REQUIRED IN SUBSECTION (E)**
20 **OF THIS SECTION.**

21 **(D) (1) A TEMPORARY LICENSE SHALL EXPIRE AUTOMATICALLY AT THE**
22 **EARLIEST OF THE FOLLOWING:**

23 **(I) ISSUANCE OF A FULL LICENSE;**

24 **(II) LOSS OF ADVANCED CANDIDATE STATUS BY THE NATIONAL**
25 **CERTIFYING BOARD; OR**

26 **(III) THE DATE SET BY THE BOARD.**

27 **(2) THE TERM OF A TEMPORARY LICENSE IS 2 YEARS.**

28 **(E) (1) THE HOLDER OF THE TEMPORARY LICENSE SHALL WORK UNDER**
29 **THE GENERAL SUPERVISION OF A QUALIFIED SUPERVISOR, WITH WHOM THE**

1 **HOLDER OF THE TEMPORARY LICENSE HAS AN ANNUAL SUPERVISION CONTRACT, AT**
2 **ALL TIMES WHILE PRACTICING GENETIC COUNSELING.**

3 **(2) WHEN PROVIDING GENERAL SUPERVISION, A QUALIFIED**
4 **SUPERVISOR:**

5 **(I) SHALL HAVE OVERALL RESPONSIBILITY TO ASSESS THE**
6 **WORK OF THE HOLDER OF THE TEMPORARY LICENSE, INCLUDING REGULAR**
7 **MEETINGS AND CHART REVIEW; AND**

8 **(II) IS NOT REQUIRED TO BE PHYSICALLY PRESENT WHILE THE**
9 **HOLDER OF THE TEMPORARY LICENSE PRACTICES GENETIC COUNSELING.**

10 **(3) THE HOLDER OF A TEMPORARY LICENSE AND A QUALIFIED**
11 **SUPERVISOR SHALL HAVE AN ANNUAL SUPERVISION CONTRACT THAT:**

12 **(I) IS SIGNED BY BOTH THE HOLDER OF THE TEMPORARY**
13 **LICENSE AND THE QUALIFIED SUPERVISOR; AND**

14 **(II) IS FILED WITH BOTH THE HOLDER OF THE TEMPORARY**
15 **LICENSE AND THE QUALIFIED SUPERVISOR.**

16 **14-5G-16.**

17 **(A) A LICENSEE SHALL NOTIFY THE BOARD IN WRITING OF A CHANGE OF**
18 **NAME OR ADDRESS WITHIN 60 DAYS AFTER THE CHANGE.**

19 **(B) A LICENSEE WHO FAILS TO COMPLY WITH SUBSECTION (A) OF THIS**
20 **SECTION IS SUBJECT TO AN ADMINISTRATIVE PENALTY OF \$100.**

21 **14-5G-17.**

22 **UNLESS THE BOARD AGREES TO ACCEPT THE SURRENDER OF A LICENSE, A**
23 **LICENSEE MAY NOT SURRENDER THE LICENSE NOR MAY THE LICENSE LAPSE BY**
24 **OPERATION OF LAW WHILE THE LICENSEE IS UNDER INVESTIGATION OR WHILE**
25 **CHARGES ARE PENDING AGAINST THE LICENSEE.**

26 **14-5G-18.**

27 **(A) SUBJECT TO THE HEARING PROVISIONS OF § 14-405 OF THIS TITLE, A**
28 **DISCIPLINARY PANEL, ON THE AFFIRMATIVE VOTE OF A MAJORITY OF THE QUORUM**
29 **OF THE DISCIPLINARY PANEL, MAY DENY A LICENSE TO ANY APPLICANT,**
30 **REPRIMAND ANY LICENSEE, PLACE ANY LICENSEE ON PROBATION, OR SUSPEND OR**
31 **REVOKE A LICENSE, IF THE APPLICANT OR LICENSEE:**

1 **(1) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO**
2 **OBTAIN A LICENSE FOR THE APPLICANT OR LICENSEE OR FOR ANOTHER;**

3 **(2) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE;**

4 **(3) IS GUILTY OF UNPROFESSIONAL OR IMMORAL CONDUCT WHILE**
5 **PRACTICING GENETIC COUNSELING;**

6 **(4) IS PROFESSIONALLY, PHYSICALLY, OR MENTALLY INCOMPETENT;**

7 **(5) ABANDONS A PATIENT;**

8 **(6) IS HABITUALLY INTOXICATED;**

9 **(7) IS ADDICTED TO OR HABITUALLY ABUSES ANY NARCOTIC OR**
10 **CONTROLLED DANGEROUS SUBSTANCE AS DEFINED IN § 5-101 OF THE CRIMINAL**
11 **LAW ARTICLE;**

12 **(8) PROVIDES PROFESSIONAL SERVICES WHILE:**

13 **(i) UNDER THE INFLUENCE OF ALCOHOL; OR**

14 **(ii) USING ANY NARCOTIC OR CONTROLLED DANGEROUS**
15 **SUBSTANCE AS DEFINED IN § 5-101 OF THE CRIMINAL LAW ARTICLE OR ANY OTHER**
16 **DRUG THAT IS IN EXCESS OF THERAPEUTIC AMOUNTS OR WITHOUT VALID MEDICAL**
17 **INDICATION;**

18 **(9) PROMOTES THE SALE OF SERVICES, DRUGS, DEVICES,**
19 **APPLIANCES, OR GOODS TO A PATIENT SO AS TO EXPLOIT THE PATIENT FOR**
20 **FINANCIAL GAIN;**

21 **(10) WILLFULLY MAKES OR FILES A FALSE REPORT OR RECORD IN THE**
22 **PRACTICE OF GENETIC COUNSELING;**

23 **(11) WILLFULLY FAILS TO FILE OR RECORD ANY REPORT AS REQUIRED**
24 **UNDER LAW, WILLFULLY IMPEDES OR OBSTRUCTS THE FILING OR RECORDING OF A**
25 **REPORT, OR INDUCES ANOTHER TO FAIL TO FILE OR RECORD A REPORT;**

26 **(12) BREACHES PATIENT CONFIDENTIALITY;**

27 **(13) PAYS OR AGREES TO PAY ANY SUM OR PROVIDE ANY FORM OF**
28 **REMUNERATION OR MATERIAL BENEFIT TO ANY PERSON FOR BRINGING OR**

1 REFERRING A PATIENT OR ACCEPTS OR AGREES TO ACCEPT ANY SUM OR ANY FORM
2 OF REMUNERATION OR MATERIAL BENEFIT FROM AN INDIVIDUAL FOR BRINGING OR
3 REFERRING A PATIENT;

4 (14) KNOWINGLY MAKES A MISREPRESENTATION WHILE PRACTICING
5 GENETIC COUNSELING;

6 (15) KNOWINGLY PRACTICES GENETIC COUNSELING WITH AN
7 UNAUTHORIZED INDIVIDUAL OR AIDS AN UNAUTHORIZED INDIVIDUAL IN
8 PRACTICING GENETIC COUNSELING;

9 (16) KNOWINGLY DELEGATES A GENETIC COUNSELING DUTY TO AN
10 UNLICENSED INDIVIDUAL;

11 (17) OFFERS, UNDERTAKES, OR AGREES TO CURE OR TREAT DISEASE
12 BY A SECRET METHOD, TREATMENT, OR MEDICINE;

13 (18) IS DISCIPLINED BY A LICENSING OR DISCIPLINARY AUTHORITY OR
14 IS CONVICTED OR DISCIPLINED BY A COURT OF ANY STATE OR COUNTRY OR IS
15 DISCIPLINED BY ANY BRANCH OF THE UNITED STATES UNIFORMED SERVICES OR
16 THE U.S. DEPARTMENT OF VETERANS AFFAIRS FOR AN ACT THAT WOULD BE
17 GROUNDS FOR DISCIPLINARY ACTION UNDER THE BOARD'S DISCIPLINARY
18 STATUTES;

19 (19) FAILS TO MEET APPROPRIATE STANDARDS FOR THE DELIVERY OF
20 GENETIC COUNSELING SERVICES;

21 (20) KNOWINGLY SUBMITS FALSE STATEMENTS TO COLLECT FEES FOR
22 WHICH SERVICES ARE NOT PROVIDED;

23 (21) (i) HAS BEEN SUBJECT TO INVESTIGATION OR DISCIPLINARY
24 ACTION BY A LICENSING OR DISCIPLINARY AUTHORITY OR BY A COURT OF ANY
25 STATE OR COUNTRY FOR AN ACT THAT WOULD BE GROUNDS FOR DISCIPLINARY
26 ACTION UNDER THE BOARD'S DISCIPLINARY STATUTES; AND

27 (ii) HAS:

28 1. SURRENDERED THE LICENSE, IF ANY, ISSUED BY THE
29 STATE OR COUNTRY; OR

30 2. ALLOWED THE LICENSE, IF ANY, ISSUED BY THE
31 STATE OR COUNTRY TO EXPIRE OR LAPSE;

1 **(22) KNOWINGLY FAILS TO REPORT SUSPECTED CHILD ABUSE IN**
2 **VIOLATION OF § 5-704 OF THE FAMILY LAW ARTICLE;**

3 **(23) SELLS, PRESCRIBES, GIVES AWAY, OR ADMINISTERS DRUGS FOR**
4 **ILLEGAL OR ILLEGITIMATE MEDICAL PURPOSES;**

5 **(24) PRACTICES OR ATTEMPTS TO PRACTICE BEYOND THE**
6 **AUTHORIZED SCOPE OF PRACTICE;**

7 **(25) IS CONVICTED OF OR PLEADS GUILTY OR NOLO CONTENDERE TO**
8 **A FELONY OR TO A CRIME INVOLVING MORAL TURPITUDE, WHETHER OR NOT ANY**
9 **APPEAL OR OTHER PROCEEDING IS PENDING TO HAVE THE CONVICTION OR PLEA**
10 **SET ASIDE;**

11 **(26) REFUSES, WITHHOLDS FROM, DENIES, OR DISCRIMINATES**
12 **AGAINST AN INDIVIDUAL WITH REGARD TO THE PROVISION OF PROFESSIONAL**
13 **SERVICES FOR WHICH THE LICENSEE IS LICENSED AND QUALIFIED TO RENDER**
14 **BECAUSE THE INDIVIDUAL IS HIV POSITIVE;**

15 **(27) PRACTICES OR ATTEMPTS TO PRACTICE GENETIC COUNSELING**
16 **PROCEDURES OR USES OR ATTEMPTS TO USE GENETIC ASSESSMENTS IF THE**
17 **APPLICANT OR LICENSEE HAS NOT RECEIVED EDUCATION AND TRAINING IN THE**
18 **PERFORMANCE OF THE PROCEDURE OR THE USE OF THE GENETIC ASSESSMENT;**

19 **(28) FAILS TO COOPERATE WITH A LAWFUL INVESTIGATION OF THE**
20 **BOARD OR A DISCIPLINARY PANEL; OR**

21 **(29) FAILS TO SUBMIT TO OR COMPLETE A CRIMINAL HISTORY**
22 **RECORDS CHECK UNDER § 14-308.1 OF THIS TITLE.**

23 **(B) EXCEPT AS OTHERWISE PROVIDED IN TITLE 10, SUBTITLE 2 OF THE**
24 **STATE GOVERNMENT ARTICLE, BEFORE THE BOARD OR A DISCIPLINARY PANEL**
25 **TAKES ANY ACTION UNDER SUBSECTION (A) OF THIS SECTION, IT SHALL GIVE THE**
26 **INDIVIDUAL AGAINST WHOM THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR**
27 **A HEARING BEFORE THE BOARD OR THE DISCIPLINARY PANEL IN ACCORDANCE**
28 **WITH THE HEARING REQUIREMENTS OF § 14-405 OF THIS TITLE.**

29 **(C) (1) ON THE FILING OF CERTIFIED DOCKET ENTRIES WITH THE BOARD**
30 **BY THE OFFICE OF THE ATTORNEY GENERAL, A DISCIPLINARY PANEL SHALL ORDER**
31 **THE SUSPENSION OF A LICENSE IF THE LICENSEE IS CONVICTED OF OR PLEADS**
32 **GUILTY OR NOLO CONTENDERE WITH RESPECT TO A CRIME INVOLVING MORAL**
33 **TURPITUDE, WHETHER OR NOT ANY APPEAL OR OTHER PROCEEDING IS PENDING TO**
34 **HAVE THE CONVICTION OR PLEA SET ASIDE.**

1 **(2) AFTER COMPLETION OF THE APPELLATE PROCESS, IF THE**
2 **CONVICTION HAS NOT BEEN REVERSED OR THE PLEA HAS NOT BEEN SET ASIDE WITH**
3 **RESPECT TO A CRIME INVOLVING MORAL TURPITUDE, A DISCIPLINARY PANEL**
4 **SHALL ORDER THE REVOCATION OF A LICENSE ON THE CERTIFICATION BY THE**
5 **OFFICE OF THE ATTORNEY GENERAL.**

6 **14-5G-19.**

7 **(A) (1) ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD**
8 **UNDER THIS SUBTITLE MAY TAKE A DIRECT JUDICIAL APPEAL.**

9 **(2) THE APPEAL SHALL BE MADE AS PROVIDED FOR JUDICIAL**
10 **REVIEW OF FINAL DECISIONS IN TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT**
11 **ARTICLE.**

12 **(B) AN ORDER OF THE BOARD MAY NOT BE STAYED PENDING REVIEW.**

13 **(C) THE BOARD MAY APPEAL FROM ANY DECISION THAT REVERSES OR**
14 **MODIFIES ITS ORDER.**

15 **14-5G-20.**

16 **(A) EXCEPT AS PROVIDED IN SUBSECTIONS (B) AND (D) OF THIS SECTION,**
17 **HOSPITALS, RELATED INSTITUTIONS, ALTERNATIVE HEALTH SYSTEMS AS DEFINED**
18 **IN § 1-401 OF THIS ARTICLE, AND EMPLOYERS SHALL FILE WITH THE BOARD A**
19 **REPORT THAT THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH**
20 **SYSTEM, OR EMPLOYER LIMITED, REDUCED, OTHERWISE CHANGED, OR**
21 **TERMINATED ANY LICENSED GENETIC COUNSELOR FOR ANY REASON THAT MIGHT**
22 **BE GROUNDS FOR DISCIPLINARY ACTION UNDER § 14-5G-18 OF THIS SUBTITLE.**

23 **(B) A HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM,**
24 **OR EMPLOYER THAT HAS REASON TO KNOW THAT A LICENSED GENETIC COUNSELOR**
25 **HAS COMMITTED AN ACT OR HAS A CONDITION THAT MIGHT BE GROUNDS FOR**
26 **REPRIMAND OR PROBATION OF THE LICENSED GENETIC COUNSELOR OR**
27 **SUSPENSION OR REVOCATION OF THE LICENSE BECAUSE THE LICENSED GENETIC**
28 **COUNSELOR IS ALCOHOL-IMPAIRED OR DRUG-IMPAIRED IS NOT REQUIRED TO**
29 **REPORT THE LICENSED GENETIC COUNSELOR TO THE BOARD IF:**

30 **(1) THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH**
31 **SYSTEM, OR EMPLOYER KNOWS THAT THE LICENSED GENETIC COUNSELOR IS:**

32 **(i) IN AN ALCOHOL OR DRUG TREATMENT PROGRAM THAT IS**

1 ACCREDITED BY THE JOINT COMMISSION ON ACCREDITATION OF HEALTHCARE
2 ORGANIZATIONS OR THAT IS CERTIFIED BY THE DEPARTMENT; OR

3 (II) UNDER THE CARE OF A HEALTH CARE PRACTITIONER WHO
4 IS COMPETENT AND CAPABLE OF DEALING WITH ALCOHOLISM AND DRUG ABUSE;
5 AND

6 (2) (I) THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE
7 HEALTH SYSTEM, OR EMPLOYER IS ABLE TO VERIFY THAT THE LICENSED GENETIC
8 COUNSELOR REMAINS IN THE TREATMENT PROGRAM UNTIL DISCHARGE; AND

9 (II) THE ACTION OR CONDITION OF THE LICENSED GENETIC
10 COUNSELOR HAS NOT CAUSED INJURY TO ANY PERSON WHILE THE GENETIC
11 COUNSELOR IS PRACTICING GENETIC COUNSELING.

12 (C) (1) IF THE LICENSED GENETIC COUNSELOR ENTERS, OR IS
13 CONSIDERING ENTERING, AN ALCOHOL OR DRUG TREATMENT PROGRAM THAT IS
14 ACCREDITED BY THE JOINT COMMISSION ON ACCREDITATION OF HEALTHCARE
15 ORGANIZATIONS OR THAT IS CERTIFIED BY THE DEPARTMENT, THE LICENSED
16 GENETIC COUNSELOR SHALL NOTIFY THE HOSPITAL, RELATED INSTITUTION,
17 ALTERNATIVE HEALTH SYSTEM, OR EMPLOYER OF THE LICENSED GENETIC
18 COUNSELOR'S DECISION TO ENTER THE TREATMENT PROGRAM.

19 (2) IF THE LICENSED GENETIC COUNSELOR FAILS TO PROVIDE THE
20 NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION, AND THE
21 HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM, OR EMPLOYER
22 LEARNS THAT THE LICENSED GENETIC COUNSELOR HAS ENTERED A TREATMENT
23 PROGRAM, THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM,
24 OR EMPLOYER SHALL REPORT TO THE BOARD THAT THE LICENSED GENETIC
25 COUNSELOR HAS ENTERED A TREATMENT PROGRAM AND HAS FAILED TO PROVIDE
26 THE REQUIRED NOTICE.

27 (3) IF THE LICENSED GENETIC COUNSELOR IS FOUND TO BE
28 NONCOMPLIANT WITH THE TREATMENT PROGRAM'S POLICIES AND PROCEDURES
29 WHILE IN THE TREATMENT PROGRAM, THE TREATMENT PROGRAM SHALL NOTIFY
30 THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM, OR
31 EMPLOYER OF THE LICENSED GENETIC COUNSELOR'S NONCOMPLIANCE.

32 (4) ON RECEIPT OF THE NOTIFICATION REQUIRED UNDER
33 PARAGRAPH (3) OF THIS SUBSECTION, THE HOSPITAL, RELATED INSTITUTION,
34 ALTERNATIVE HEALTH SYSTEM, OR EMPLOYER OF THE LICENSED GENETIC
35 COUNSELOR SHALL REPORT THE LICENSED GENETIC COUNSELOR'S
36 NONCOMPLIANCE TO THE BOARD.

1 (D) A PERSON IS NOT REQUIRED UNDER THIS SECTION TO MAKE ANY
2 REPORT THAT WOULD BE IN VIOLATION OF ANY FEDERAL OR STATE LAW, RULE, OR
3 REGULATION CONCERNING THE CONFIDENTIALITY OF ALCOHOL- AND DRUG
4 ABUSE-RELATED PATIENT RECORDS.

5 (E) THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM,
6 OR EMPLOYER SHALL SUBMIT THE REPORT WITHIN 10 DAYS AFTER ANY ACTION
7 DESCRIBED IN THIS SECTION.

8 (F) A REPORT MADE UNDER THIS SECTION IS NOT SUBJECT TO SUBPOENA
9 OR DISCOVERY IN ANY CIVIL ACTION OTHER THAN A PROCEEDING ARISING OUT OF
10 A HEARING AND DECISION OF THE BOARD OR A DISCIPLINARY PANEL UNDER THIS
11 TITLE.

12 (G) (1) THE BOARD MAY IMPOSE A CIVIL PENALTY OF UP TO \$1,000 FOR
13 FAILURE TO REPORT UNDER THIS SECTION.

14 (2) THE BOARD SHALL REMIT ANY PENALTY COLLECTED UNDER THIS
15 SUBSECTION INTO THE GENERAL FUND OF THE STATE.

16 14-5G-21.

17 (A) FOLLOWING THE FILING OF CHARGES OR NOTICE OF INITIAL DENIAL OF
18 LICENSE APPLICATION, THE BOARD SHALL DISCLOSE THE FILING TO THE PUBLIC
19 ON THE BOARD'S WEBSITE.

20 (B) THE BOARD SHALL CREATE AND MAINTAIN A PUBLIC INDIVIDUAL
21 PROFILE ON EACH LICENSEE THAT INCLUDES THE FOLLOWING INFORMATION:

22 (1) A SUMMARY OF CHARGES FILED AGAINST THE LICENSEE,
23 INCLUDING A COPY OF THE CHARGING DOCUMENT, UNTIL A DISCIPLINARY PANEL
24 HAS TAKEN ACTION UNDER § 14-5G-18 OF THIS SUBTITLE BASED ON THE CHARGES
25 OR HAS RESCINDED THE CHARGES;

26 (2) A DESCRIPTION OF ANY DISCIPLINARY ACTION TAKEN BY THE
27 BOARD OR A DISCIPLINARY PANEL AGAINST THE LICENSEE WITHIN THE MOST
28 RECENT 10-YEAR PERIOD THAT INCLUDES A COPY OF THE PUBLIC ORDER;

29 (3) A DESCRIPTION IN SUMMARY FORM OF ANY FINAL DISCIPLINARY
30 ACTION TAKEN BY A LICENSING BOARD IN ANY OTHER STATE OR JURISDICTION
31 AGAINST THE LICENSEE WITHIN THE MOST RECENT 10-YEAR PERIOD;

1 (4) A DESCRIPTION OF A CONVICTION OR ENTRY OF A PLEA OF
2 GUILTY OR NOLO CONTENDERE BY THE LICENSEE FOR A CRIME INVOLVING MORAL
3 TURPITUDE THAT IS THE BASIS FOR DISCIPLINARY ACTION TAKEN UNDER §
4 14-5G-18(C) OF THIS SUBTITLE; AND

5 (5) THE PUBLIC ADDRESS OF THE LICENSEE.

6 (C) IN ADDITION TO THE REQUIREMENTS OF SUBSECTION (B) OF THIS
7 SECTION, THE BOARD SHALL INCLUDE ON EACH LICENSEE'S PROFILE A STATEMENT
8 OF INFORMATION TO BE TAKEN INTO CONSIDERATION BY A CONSUMER WHEN
9 VIEWING A LICENSEE'S PROFILE, INCLUDING A DISCLAIMER STATING THAT A
10 CHARGING DOCUMENT DOES NOT INDICATE A FINAL FINDING OF GUILT BY A
11 DISCIPLINARY PANEL.

12 (D) THE BOARD:

13 (1) ON RECEIPT OF A WRITTEN REQUEST FOR A LICENSEE'S PROFILE
14 FROM ANY PERSON, SHALL FORWARD A WRITTEN COPY OF THE PROFILE TO THE
15 PERSON; AND

16 (2) SHALL MAINTAIN A WEBSITE THAT SERVES AS A SINGLE POINT OF
17 ENTRY WHERE ALL LICENSEE PROFILE INFORMATION IS AVAILABLE TO THE PUBLIC
18 ON THE INTERNET.

19 (E) THE BOARD SHALL PROVIDE A MECHANISM FOR THE NOTIFICATION
20 AND PROMPT CORRECTION OF ANY FACTUAL INACCURACIES IN A LICENSEE'S
21 PROFILE.

22 (F) THE BOARD SHALL INCLUDE INFORMATION RELATING TO CHARGES
23 FILED AGAINST A LICENSEE BY A DISCIPLINARY PANEL AND ANY FINAL
24 DISCIPLINARY ACTION TAKEN BY A DISCIPLINARY PANEL AGAINST A LICENSEE IN
25 THE LICENSEE'S PROFILE WITHIN 10 DAYS AFTER THE CHARGES ARE FILED OR THE
26 ACTION BECOMES FINAL.

27 14-5G-22.

28 (A) SUBJECT TO SUBSECTION (C) OF THIS SECTION, ON THE APPLICATION
29 OF AN INDIVIDUAL WHOSE LICENSE HAS BEEN REVOKED, A DISCIPLINARY PANEL,
30 ON THE AFFIRMATIVE VOTE OF A MAJORITY OF ITS FULL AUTHORIZED
31 MEMBERSHIP, MAY REINSTATE A REVOKED LICENSE.

32 (B) IF A DISCIPLINARY PANEL REINSTATES A LICENSE UNDER SUBSECTION
33 (A) OF THIS SECTION, THE DISCIPLINARY PANEL SHALL NOTIFY THE BOARD OF THE

1 REINSTATEMENT.

2 (C) A DISCIPLINARY PANEL MAY NOT REINSTATE A REVOKED LICENSE THAT
3 HAS BEEN REVOKED FOR A PERIOD OF MORE THAN 1 YEAR UNLESS THE LICENSEE:

4 (1) MEETS THE REQUIREMENTS FOR REINSTATEMENT AS
5 ESTABLISHED UNDER THIS TITLE; AND

6 (2) SUBMITS TO A CRIMINAL HISTORY RECORDS CHECK IN
7 ACCORDANCE WITH § 14-308.1 OF THIS TITLE.

8 14-5G-23.

9 EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A PERSON MAY NOT
10 PRACTICE, ATTEMPT TO PRACTICE, OR OFFER TO PRACTICE GENETIC COUNSELING
11 IN THIS STATE UNLESS LICENSED TO PRACTICE GENETIC COUNSELING BY THE
12 BOARD.

13 14-5G-24.

14 (A) UNLESS AUTHORIZED TO PRACTICE GENETIC COUNSELING UNDER THIS
15 SUBTITLE, A PERSON MAY NOT REPRESENT TO THE PUBLIC BY TITLE, BY
16 DESCRIPTION OF SERVICES, METHODS, OR PROCEDURES, OR OTHERWISE, THAT THE
17 PERSON IS AUTHORIZED TO PRACTICE GENETIC COUNSELING IN THIS STATE.

18 (B) UNLESS AUTHORIZED TO PRACTICE GENETIC COUNSELING UNDER THIS
19 SUBTITLE, A PERSON MAY NOT USE THE TITLES "GENETIC COUNSELOR", "LICENSED
20 GENETIC COUNSELOR", "CERTIFIED GENETIC COUNSELOR", "GENE COUNSELOR",
21 "GENETIC CONSULTANT", "GENETIC ASSOCIATE", "HOLDER OF A TEMPORARY
22 LICENSE", OR ANY WORDS, LETTERS, OR SYMBOLS WITH THE INTENT TO IMPLY THAT
23 THE PERSON PRACTICES GENETIC COUNSELING OR IS A CERTIFIED GENETIC
24 COUNSELOR, LICENSED GENETIC COUNSELOR, OR HOLDER OF A TEMPORARY
25 LICENSE.

26 14-5G-25.

27 A PERSON MAY NOT PROVIDE, ATTEMPT TO PROVIDE, OFFER TO PROVIDE, OR
28 REPRESENT THAT THE PERSON PROVIDES GENETIC COUNSELING SERVICES UNLESS
29 THE GENETIC COUNSELING IS PROVIDED BY AN INDIVIDUAL WHO IS AUTHORIZED TO
30 PRACTICE GENETIC COUNSELING UNDER THIS SUBTITLE.

31 14-5G-26.

32 (A) A PERSON WHO VIOLATES THIS SUBTITLE IS GUILTY OF A

1 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000
2 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.

3 (B) A PERSON WHO VIOLATES THIS SUBTITLE IS SUBJECT TO A CIVIL FINE
4 OF NOT MORE THAN \$5,000 TO BE LEVIED BY A DISCIPLINARY PANEL.

5 (C) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS
6 SECTION INTO THE BOARD OF PHYSICIANS FUND.

7 14-5G-27.

8 THIS SUBTITLE MAY BE CITED AS THE MARYLAND GENETIC COUNSELING
9 ACT.

10 14-5G-28.

11 SUBJECT TO THE EVALUATION AND REESTABLISHMENT PROVISIONS OF THE
12 MARYLAND PROGRAM EVALUATION ACT AND SUBJECT TO THE TERMINATION OF
13 THIS TITLE UNDER § 14-702 OF THIS TITLE, THIS SUBTITLE AND ALL REGULATIONS
14 ADOPTED UNDER THIS SUBTITLE SHALL TERMINATE AND BE OF NO EFFECT AFTER
15 JUNE 1, 2030.

16 SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial
17 members of the Genetic Counseling Advisory Committee shall expire as follows:

18 (1) one member who is a certified genetic counselor in 2022;

19 (2) one member who is a certified genetic counselor and the physician
20 member in 2023; and

21 (3) one member who is a certified genetic counselor and the consumer
22 member in 2024.

23 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2020.