

SB0034/164238/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 34

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 11, after “years;” insert “providing for a quorum of the Committee;”; strike beginning with “authorizing” in line 17 down through “circumstances;” in line 18; and in line 25, after “circumstances;” insert “requiring the Board, on and after a certain date, to issue a supervised genetic counselor license to certain applicants except under certain circumstances; requiring a supervised genetic counselor to work under the supervision of a qualified supervisor as a condition of licensure; requiring the supervised genetic counselor and the qualified supervisor to enter into a certain contract; prohibiting a supervised genetic counselor from making a certain representation; establishing the term of a supervised genetic counselor license; prohibiting a certain supervised genetic counselor from continuing to practice under the license; providing that a supervised genetic counselor is subject to certain discipline;”.

On page 2, in line 24, after “terms;” insert “providing for a delayed effective date;”; and in line 29, strike “14-5G-28” and substitute “14-5G-29”.

AMENDMENT NO. 2

On page 5, in line 20, strike “**FOUR**” and substitute “**THREE**”.

AMENDMENT NO. 3

On page 7, after line 5, insert:

“(G) **A QUORUM OF THE COMMITTEE CONSISTS OF FIVE MEMBERS.**”.

AMENDMENT NO. 4

On page 8, strike lines 11 through 13, inclusive, and substitute:

(Over)

“(2) AN INDIVIDUAL WHO RESIDES IN AND HOLDS AN ACTIVE LICENSE IN ANOTHER STATE IF THE INDIVIDUAL IS ENGAGED IN CONSULTATION WITH A PHYSICIAN OR GENETIC COUNSELOR LICENSED IN THE STATE ABOUT A PARTICULAR PATIENT AND THE INDIVIDUAL:

(I) DOES NOT ORDER OR COORDINATE GENETIC LABORATORY TESTS OR OTHER DIAGNOSTIC STUDIES; AND

(II) DOES NOT PROVIDE CONSULTATION IN THE STATE FOR MORE THAN A TOTAL OF 10 PATIENTS WITHIN A CALENDAR YEAR; OR”;

and strike beginning with “; OR” in line 19 down through “ORGANIZATION” in line 24.

On page 9, in line 3, strike “THE” and substitute “EXCEPT AS PROVIDED IN SUBSECTION (F) OF THIS SECTION, THE”; after line 5, insert:

“(F) IF AN APPLICANT DOES NOT MEET THE REQUIREMENT UNDER SUBSECTION (E) OF THIS SECTION, THE APPLICANT MAY QUALIFY FOR LICENSURE IF THE APPLICANT:

(1) HAS WORKED AS A GENETIC COUNSELOR FOR:

(I) AT LEAST 10 YEARS BEFORE JANUARY 1, 2024; AND

(II) AT LEAST 5 CONSECUTIVE YEARS IMMEDIATELY PRECEDING THE DATE ON WHICH THE APPLICANT SUBMITS THE APPLICATION FOR LICENSURE;

(2) HAS GRADUATED FROM AN EDUCATION PROGRAM APPROVED BY THE BOARD;

(3) SUBMITS TO THE BOARD THREE LETTERS OF RECOMMENDATION FROM LICENSED PHYSICIANS WHO HAVE BEEN LICENSED FOR AT LEAST 5 YEARS OR CERTIFIED GENETIC COUNSELORS ELIGIBLE FOR LICENSURE AND WHO:

(I) HAVE WORKED WITH THE APPLICANT IN AN EMPLOYMENT OR PROFESSIONAL SETTING FOR 3 YEARS BEFORE THE APPLICANT SUBMITS THE APPLICATION FOR LICENSURE; AND

(II) CAN ATTEST TO THE APPLICANT'S COMPETENCY IN PROVIDING GENETIC COUNSELING SERVICES; AND

(4) APPLIES FOR INITIAL LICENSURE ON OR BEFORE DECEMBER 31, 2024.”;

in lines 6 and 8, strike “(F)” and “(G)”, respectively, and substitute “(G)” and “(H)”, respectively; and strike in their entirety lines 10 through 27, inclusive.

AMENDMENT NO. 5

On page 15, after line 18, insert:

“(17) GROSSLY OVERUTILIZES HEALTH CARE SERVICES;”;

and in lines 19, 21, 27, 29, and 31, strike “(17)”, “(18)”, “(19)”, “(20)”, and “(21)”, respectively, and substitute “(18)”, “(19)”, “(20)”, “(21)”, and “(22)”, respectively.

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On page 16, in line 8, strike “**(22)**” and substitute “**(23)**”; strike in their entirety lines 10 and 11; in line 23, strike the second “**OR**”; and in line 25, after “**TITLE**” insert “**;**
OR

(29) VIOLATES ANY PROVISION OF THIS TITLE OR ANY RULE OR REGULATION PERTAINING TO GENETIC COUNSELING THAT IS ADOPTED BY THE BOARD, THE STATE, OR THE FEDERAL GOVERNMENT”.

AMENDMENT NO. 6

On page 12, in lines 2 and 3, strike “**§ 14-5G-17**” and substitute “**§ 14-5G-18**”.

On page 13, after line 14, insert:

“14-5G-14.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “QUALIFIED SUPERVISOR” MEANS:

(i) AN INDIVIDUAL WHO:

1. IS LICENSED TO PRACTICE AS A GENETIC COUNSELOR UNDER THIS SUBTITLE; AND

2. HAS PRACTICED FOR A MINIMUM OF 3 YEARS AFTER PASSING THE NATIONAL CERTIFYING EXAMINATION; OR

(ii) A PHYSICIAN WHO HAS BEEN LICENSED IN THE STATE FOR A MINIMUM OF 5 YEARS.

(3) “SUPERVISION” MEANS THE ONGOING, DIRECT, CLINICAL REVIEW FOR THE PURPOSES OF TRAINING OR TEACHING BY A QUALIFIED SUPERVISOR WHO MONITORS THE PERFORMANCE OF A SUPERVISED GENETIC COUNSELOR’S SUPERVISED INTERACTION WITH A PATIENT AND PROVIDES REGULAR DOCUMENTED FACE-TO-FACE MEETINGS AND CONSULTATION, CHART REVIEWS, GUIDANCE, AND INSTRUCTIONS WITH RESPECT TO THE CLINICAL SKILLS AND COMPETENCIES OF THE SUPERVISED GENETIC COUNSELOR.

(B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, ON OR AFTER JANUARY 1, 2024, THE BOARD SHALL ISSUE A SUPERVISED GENETIC COUNSELOR LICENSE TO AN APPLICANT WHO:

(1) HAS GRADUATED FROM A GENETIC COUNSELING PROGRAM ACCREDITED BY THE ACCREDITATION COUNCIL FOR GENETIC COUNSELORS;

(2) HAS MET ALL QUALIFICATIONS FOR LICENSURE EXCEPT FOR CERTIFICATION FROM THE AMERICAN BOARD OF GENETIC COUNSELORS; AND

(3) HAS APPLIED FOR THE FIRST AVAILABLE NATIONAL CERTIFYING EXAMINATION.

(C) THE BOARD MAY NOT ISSUE A LICENSE UNDER SUBSECTION (B) OF THIS SECTION IF THE APPLICANT HAS FAILED THE AMERICAN BOARD OF GENETIC COUNSELING CERTIFICATION EXAMINATION TWO OR MORE TIMES.

(D) (1) AS A CONDITION OF LICENSURE, THE SUPERVISED GENETIC COUNSELOR SHALL WORK UNDER THE SUPERVISION OF A QUALIFIED SUPERVISOR.

(Over)

(2) THE SUPERVISED GENETIC COUNSELOR AND THE QUALIFIED SUPERVISOR SHALL ENTER INTO A SUPERVISION CONTRACT THAT:

(I) SPECIFIES THE MANNER OF SUPERVISION AS REQUIRED BY THE BOARD;

(II) IS SIGNED BY THE SUPERVISED GENETIC COUNSELOR AND THE QUALIFIED SUPERVISOR; AND

(III) IS MAINTAINED BY BOTH THE SUPERVISED GENETIC COUNSELOR AND THE QUALIFIED SUPERVISOR AND MADE AVAILABLE TO THE BOARD.

(E) THE SUPERVISED GENETIC COUNSELOR MAY NOT REPRESENT TO THE PUBLIC, BY DESCRIPTION OF SERVICES, METHODS, OR PROCEDURES, OR OTHERWISE, THAT THE SUPERVISED GENETIC COUNSELOR IS A LICENSED GENETIC COUNSELOR.

(F) (1) A SUPERVISED GENETIC COUNSELOR LICENSE MAY NOT BE VALID FOR MORE THAN 1 YEAR AFTER THE DATE OF ISSUANCE.

(2) A SUPERVISED GENETIC COUNSELOR LICENSE EXPIRES ON THE EARLIEST OF:

(I) THE ISSUANCE OF A GENETIC COUNSELOR LICENSE TO THE SUPERVISED GENETIC COUNSELOR;

(II) THE EXPIRATION DATE PRINTED ON THE SUPERVISED GENETIC COUNSELOR LICENSE; OR

(III) ON NOTICE OF THE SECOND FAILURE OF THE SUPERVISED GENETIC COUNSELOR TO PASS THE CERTIFICATION EXAMINATION.

(G) A SUPERVISED GENETIC COUNSELOR WHO HAS NOT PASSED THE EXAMINATION WITHIN TWO EXAMINATION CYCLES MAY NOT CONTINUE PRACTICING UNDER THE SUPERVISED GENETIC COUNSELOR LICENSE.

(H) A SUPERVISED GENETIC COUNSELOR IS SUBJECT TO DISCIPLINE UNDER § 14-5G-19 OF THIS SUBTITLE TO THE SAME EXTENT AS A GENETIC COUNSELOR.”;

and in lines 15, 20, and 25, strike “~~14-5G-14.~~”, “~~14-5G-15.~~”, and “~~14-5G-16.~~”, respectively, and substitute “14-5G-15.”, “14-5G-16.”, and “14-5G-17.”, respectively.

On page 14, in line 3, strike “~~14-5G-17.~~” and substitute “14-5G-18.”.

On page 17, in lines 24 and 34, strike “~~14-5G-18.~~” and “~~14-5G-19.~~”, respectively, and substitute “14-5G-19.” and “14-5G-20.”, respectively.

On page 18 in line 7, and on page 20 in line 8, in each instance, strike “§ ~~14-5G-17~~” and substitute “§ 14-5G-18”.

On page 19, in line 34, strike “~~14-5G-20.~~” and substitute “14-5G-21.”.

On page 20, in lines 18 and 19, strike “§ ~~14-5G-17(C)~~” and substitute “§ 14-5G-18(C)”.

(Over)

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On page 21, in lines 9, 20, and 25, strike “~~14-5G-21.~~”, “~~14-5G-22.~~”, and “~~14-5G-23.~~”, respectively, and substitute “14-5G-22.”, “14-5G-23.”, and “14-5G-24.”, respectively.

On page 22, in lines 4, 9, 20, and 30, strike “~~14-5G-24.~~”, “~~14-5G-25.~~”, “~~14-5G-26.~~”, and “~~14-5G-27.~~”, respectively, and substitute “14-5G-25.”, “14-5G-26.”, “14-5G-27.”, and “14-5G-28.”, respectively; and in lines 21 and 22 and 25 and 26, in each instance, strike “~~§§ 14-5G-22 THROUGH 14-5G-25~~” and substitute “§§ 14-5G-23 THROUGH 14-5G-26”.

On page 23, in line 3, strike “~~14-5G-28.~~” and substitute “14-5G-29.”.

AMENDMENT NO. 7

On page 5, in line 22, strike “~~SEPTEMBER 30, 2023~~” and substitute “DECEMBER 31, 2023”; and in line 24, strike “~~OCTOBER 1, 2023~~” and substitute “JANUARY 1, 2024”.

On page 6, in line 23, strike “~~OCTOBER 1, 2021~~” and substitute “JANUARY 1, 2022”.

On page 8, in line 5, strike “~~OCTOBER 1, 2023~~” and substitute “JANUARY 1, 2024”.

On page 23, in line 12, strike “2023” and substitute “2024”; in line 14, strike “2024” and substitute “2025”; in line 16, strike “2025” and substitute “2026”; and in line 18, strike “October 1, 2021” and substitute “January 1, 2022”.