

**SENATE, No. 555**

**STATE OF NEW JERSEY**  
**215th LEGISLATURE**

PRE-FILED FOR INTRODUCTION IN THE 2012 SESSION

**Sponsored by:**

**Senator NIA H. GILL**

**District 34 (Essex and Passaic)**

**SYNOPSIS**

Revises scope of practice of genetic counselors

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



S555 GILL

2

1 AN ACT concerning genetic counselors and amending and  
2 supplementing P.L.2009, c.41.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. Section 3 of P.L.2009, c.41 (C.45:9-37.113) is amended to  
8 read as follows:

9 3. As used in this act:

10 "Board" means the State Board of Medical Examiners  
11 established pursuant to R.S.45:9-1.

12 "Director" means the Director of the Division of Consumer  
13 Affairs in the Department of Law and Public Safety.

14 "Genetic counseling" means a communication process,  
15 conducted by one or more appropriately trained individuals, that  
16 may include: obtaining and interpreting individual, family, medical  
17 and developmental histories; determining the mode of inheritance  
18 and risk of transmission of genetic conditions and birth defects;  
19 discussing the inheritance features, natural history, means of  
20 diagnosis, and management of genetic conditions and birth defects;  
21 identifying, coordinating, **[interpreting,]** and explaining genetic  
22 laboratory tests and other diagnostic studies; assessing psychosocial  
23 factors **[,]**; recognizing social, educational, and cultural issues;  
24 evaluating the client's or family's responses to the condition or risk  
25 of recurrence and providing client-centered counseling and  
26 anticipatory guidance; and facilitating informed decision making  
27 about testing, management, and alternatives.

28 "Genetic Counseling Advisory Committee" or "committee"  
29 means the Genetic Counseling Advisory Committee established  
30 pursuant to section 4 of this act.

31 "Genetic counselor" means a health professional with specialized  
32 education, training and experience in medical genetics who meets  
33 the requirements for licensure as provided in this act.

34 "Licensed genetic counselor" means a person who holds a  
35 current, valid license issued pursuant to section 9 of this act.

36 "Supervision" means the direct review of a supervisee for the  
37 purpose of teaching, training, administration, accountability or  
38 clinical review by a supervisor in the same area of specialized  
39 practice.

40 (cf: P.L.2009, c.41, s.3)

41

42 2. Section 7 of P.L.2009, c.41 (C.45:9-37.117) is amended to  
43 read as follows:

44 7. Except as provided in this section, a person shall not engage

**EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 in the practice of genetic counseling as a genetic counselor, or hold  
2 himself out as a genetic counselor unless the person is licensed in  
3 accordance with this act.

4 a. (1) Only an individual may be licensed to practice genetic  
5 counseling within the State. A firm, partnership, association or  
6 corporation shall not advertise or otherwise offer to provide or  
7 convey the impression that it is providing genetic counseling  
8 services unless an individual holding a current valid license  
9 pursuant to the provisions of this act shall be rendering the genetic  
10 counseling services.

11 (2) A person who is not licensed as a genetic counselor shall not  
12 use the title "genetic counselor," "licensed genetic counselor,"  
13 "gene counselor," "genetic consultant," "genetic associate" or any  
14 words, abbreviations, acronyms, insignia or combination of words,  
15 abbreviations, acronyms or insignias of similar import in relation to  
16 the person's name, occupation, or place of business.

17 b. The provisions of this act shall not prohibit an out-of-State  
18 genetic counselor from working as a consultant, or out-of-State  
19 employer or other organization from employing genetic counselors  
20 providing occasional services, who are not licensed pursuant to this  
21 act, from engaging in the practice of genetic counseling, subject to  
22 the stated circumstances and limitations as defined by the board, in  
23 consultation with the committee, by regulation, so long as the  
24 genetic counselor holds a license, if available, in the genetic  
25 counselor's state of employment. If licensure is not available in the  
26 genetic counselor's state of employment, the genetic counselor shall  
27 be certified by the American Board of Genetic Counseling or the  
28 American Board of Medical Genetics, or their successors, in order  
29 to practice genetic counseling without a State license in accordance  
30 with this subsection.

31 c. The provisions of this act shall not apply to:

32 (1) A person licensed by the State to practice medicine and  
33 surgery [when acting within the scope of the person's profession  
34 and doing work of a nature consistent with the person's training, so  
35 long as the person does not hold himself out to the public as a  
36 genetic counselor];

37 (2) A person licensed by the State as a registered nurse when  
38 acting within the scope of the person's profession and doing work of  
39 a nature consistent with the person's training, so long as the person  
40 does not hold himself out to the public as a genetic counselor;

41 (3) A student candidate for a degree in genetic counseling, or its  
42 equivalent as approved by the board in consultation with the  
43 committee by regulation, enrolled in an educational program  
44 accredited by the American Board of Genetic Counseling or its  
45 successor, so long as the student is practicing as part of a supervised  
46 course of study and is clearly designated by the title "genetic  
47 counseling intern" or title of similar import; or

1 (4) A graduate with a degree in genetic counseling, or its  
2 equivalent as approved by the board in consultation with the  
3 committee by regulation, from an educational program accredited  
4 by the American Board of Genetic Counseling or its successor, who  
5 has not passed the examination for licensure but otherwise has met  
6 all of the licensing requirements of this act, so long as **[(a)]** the  
7 person: (a) does not hold himself out to the public as a licensed  
8 genetic counselor; (b) practices under the supervision of a licensed  
9 genetic counselor or geneticist; and (c) successfully passes the  
10 examination for licensure within the first two available examination  
11 cycles next following the filing of an application for licensure as a  
12 genetic counselor.  
13 (cf: P.L.2009, c.41, s.7)  
14

15 3. (New section) If in the course of providing genetic  
16 counseling to any patient, a genetic counselor finds any indication  
17 of disease or condition that requires medical assessment, the genetic  
18 counselor shall refer that patient to a physician licensed to practice  
19 medicine and surgery.  
20

21 4. This act shall take effect immediately.  
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24 STATEMENT  
25

26 This bill amends the “Genetic Counselor’s Licensing Act,”  
27 P.L.2009, c.41 (C.45:9-37.111 et seq.). Under current law, genetic  
28 counseling includes interpreting genetic laboratory tests and other  
29 diagnostic studies. This bill removes from a genetic counselor’s  
30 scope of practice interpreting such laboratory tests and other  
31 diagnostic studies. The bill also mandates that if in the course of  
32 providing a genetic counseling service to any patient, a genetic  
33 counselor finds any indication of disease or condition that requires  
34 medical assessment, the genetic counselor shall refer that patient to  
35 a physician licensed to practice medicine and surgery.

36 In addition, the bill stipulates that the provisions of the “Genetic  
37 Counselor’s Licensing Act” shall not apply to a person licensed by  
38 the State to practice medicine and surgery. Currently, the law states  
39 that the provisions of the act shall not apply to a person licensed by  
40 the State to practice medicine and surgery when acting within the  
41 scope of the person's profession and doing work of a nature  
42 consistent with the person's training, so long as the person does not  
43 hold himself out to the public as a genetic counselor.