

[First Reprint]
ASSEMBLY, No. 2537

STATE OF NEW JERSEY

INTRODUCED DECEMBER 5, 1996

By Assemblywomen HECK, VANDERVALK and Murphy

1 AN ACT concerning the licensure of genetic counselors and
2 supplementing chapter 9 of Title 45 of the Revised Statutes.

3

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

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7 1. This act shall be known and may be cited as the "Genetic
8 Counselor's Licensing Act."

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10 2. The Legislature finds that: the profession of genetic counseling
11 reached its 25th year in 1994; the American Board of Genetic
12 Counseling prepares and administers examinations to certify
13 individuals who provide services in the clinical genetics specialty of
14 genetic counseling and accredits training programs in genetic
15 counseling; prior to the establishment of the American Board of
16 Genetic Counseling, certification in this specialty was offered by the
17 American Board of Medical Genetics.

18 The Legislature further finds that: genetic counseling is a
19 communication process which deals with the human problems
20 associated with the occurrence, or the risk of occurrence, of a genetic
21 disorder, birth defect or mental retardation in a family. This process
22 involves an attempt by one or more appropriately trained individuals
23 to help an individual or family: comprehend the medical facts,
24 including the diagnostic, probable course and available management of
25 a disorder, as well as the risk of occurrence in specified relatives;
26 understand the options for dealing with the risk of recurrence; choose
27 the course of action that seems appropriate to that individual or family
28 in view of the risk and the family goals and to act in accordance with
29 that decision; and make the best possible adjustment to the disorder
30 in affected family members and to the risk of occurrence or recurrence
31 of the disorder.

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ACP committee amendments adopted December 16, 1996.

1 The Legislature further finds that: the profession of genetic
2 counseling profoundly affects the lives of the people of New Jersey;
3 and informed individual decisions to undergo a genetic test and
4 intellectually sound and emotionally healthy responses to the
5 discovery of a genetic anomaly can be facilitated by professional
6 genetic counseling, however, misuse of those same genetic tests or
7 information used for individual decisions may result in inappropriate
8 decision making, loss of privacy, discrimination, inappropriate medical
9 referrals, and unnecessary emotional distress.

10 The Legislature declares, therefore, that this act is intended to
11 protect the people of New Jersey by setting standards of qualification,
12 education, training and experience for those persons seeking to
13 practice and be licensed as genetic counselors and by promoting high
14 standards of professional performance for those presently practicing
15 as genetic counselors and for those who will be licensed to practice
16 genetic counseling in the State.

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18 3. As used in this act:

19 "Board" means that the State Board of Medical Examiners
20 established pursuant to section 5 of P.L.1938, c.277 (C.45:9-1).

21 "Board eligible" means a person who meets the guidelines of the
22 American Board of Genetic Counseling and has been determined by
23 that board to be eligible for testing by the board.

24 "Certified genetic counselor" means a person who holds a current,
25 valid certificate issued by the American Board of Medical Genetics or
26 the American Board of Genetic Counseling.

27 "Director" means the Director of the Division of Consumer Affairs
28 in the Department of Law and Public Safety.

29 "Genetic Counseling Advisory Committee" or "committee" means
30 the Genetic Counseling Advisory Committee established pursuant to
31 section 9 of this act.

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

35 "Licensed genetic counselor" means a person who holds a current,
36 valid license issued pursuant to section 6 of this act.

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

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41 4. a. No person shall engage in the practice of genetic counseling
42 as a genetic counselor, or present, call or represent himself as a
43 genetic counselor unless licensed pursuant to this act.

44 b. Only an individual may be licensed to practice genetic counseling
45 within the State. No firm, partnership, association or corporation shall
46 advertise or otherwise offer to provide or convey the impression that

1 it is providing genetic counseling services unless an individual holding
2 a current valid license pursuant to the provisions of this act shall be
3 rendering the genetic counseling services.

4
5 5. The provisions of this act shall not apply to:

6 a. A person licensed by the State to practice medicine and surgery
7 when acting within the scope of the person's profession and doing
8 work of a nature consistent with the person's training, if the person
9 does not hold himself out to the public as a licensed genetic counselor;

10 b. A student enrolled in an educational program accredited, or in
11 candidacy for accreditation, by the American Board of Genetic
12 Counseling, if the student is practicing as part of a supervised course
13 of study and is clearly designated by the title "genetic counseling
14 intern."

15 c. A person performing limited counseling as a genetic assistant
16 under the direct supervision of a certified medical geneticist or
17 licensed genetic counselor.

18 ¹d. A person who is certified as an advanced practice nurse when
19 acting within the scope of the person's profession and doing work of
20 a nature consistent with the person's training, if the person does not
21 hold himself out to the public as a licensed genetic counselor.¹

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23 6. a. The board, in consultation with the committee, shall issue
24 a license to an applicant who holds a current, valid certificate as a
25 "certified genetic counselor" from the American Board of Medical
26 Genetics or the American Board of Genetic Counseling and who
27 satisfactorily meets the requirements of this act; except that, a license
28 shall not be issued to an applicant who has committed any act which
29 if committed by a licensee would be grounds for suspension or
30 revocation, or has misrepresented any material fact on the application.

31 b. The board, in consultation with the committee, shall issue a
32 provisional license to an applicant who is granted board eligible status
33 by the American Board of Genetic Counseling. The provisional license
34 shall expire with the expiration of board eligible status as defined by
35 the American Board of Genetic Counseling.

36 c. An applicant who satisfies the board that the applicant is
37 licensed or registered under the laws of another state, territory or
38 jurisdiction of the United States, which in the opinion of the board
39 imposes substantially the same licensing requirements as this act, may
40 be licensed pursuant to this act.

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42 7. a. Except in the case of a provisional license issued pursuant to
43 section 6 of this act, all licenses shall be issued for a two-year period
44 upon the payment of the licensing fee prescribed by the director, and
45 shall be renewed upon the filing of a renewal application and the
46 payment of the licensing renewal fee.

1 b. A genetic counselor whose license is suspended or revoked or
2 whose surrender of license with or without prejudice has been
3 accepted by the board or the committee, shall promptly deliver the
4 original license and current biennial registration to the board or
5 committee.

6 c. In addition to any other requirements for licensure, at the time
7 of renewal, an applicant shall execute and submit a sworn statement
8 on a form provided by the board that neither the certificate from the
9 American Board of Medical Genetics or the American Board of
10 Genetic Counseling or a license or registration from another state,
11 territory or jurisdiction on which the State licensed is based, has been
12 revoked, suspended or not renewed.

13 d. Each applicant shall present satisfactory evidence when seeking
14 license renewal that in the period since the license was issued or last
15 renewed, any continuing education requirements have been completed
16 as required by the American Board of Genetic Counseling.

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18 8. A licensed genetic counselor shall not be required to disclose
19 any confidential information that the genetic counselor may have
20 acquired from a client or patient while performing genetic counseling
21 services to that client or patient unless:

22 a. Disclosure is required by other State law;

23 b. Failure to disclose the information presents a clear and present
24 danger to the health or safety of an individual;

25 c. The genetic counselor is a party to a civil, criminal or
26 disciplinary action arising from the genetic counseling services
27 provided, in which case a waiver of the privilege accorded by this
28 section shall be limited to that action;

29 d. The patient or client is a defendant in a criminal proceeding and
30 the use of the privilege would violate the defendant's right to present
31 testimony and witnesses on that person's behalf; or

32 e. A patient or client agrees to waive the privilege accorded by
33 this section or, in the case in which more than one person in a family
34 is receiving genetic counseling services, each family member who is
35 receiving the counseling services agrees to waive the privilege. A
36 genetic counselor shall not disclose information received from any
37 family member without obtaining a waiver from each family member
38 who is receiving the counseling services.

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40 9. There is established in the State Board of Medical Examiners a
41 Genetic Counseling Advisory Committee. The committee shall consist
42 of five members who are residents of this State, who are appointed by
43 the Governor. One member shall be a public member, one member
44 shall be a physician licensed to practice medicine and surgery in this
45 State, and three members shall be, except for those first appointed,
46 genetic counselors licensed pursuant to this act. The genetic counselor

1 members first appointed to the committee shall be genetic counselors
2 certified by the American Board of Genetic Counseling or the
3 American Board of Medical Genetics.

4 The members shall be appointed for a term of three years, except
5 that of the members first appointed, two shall be appointed for a term
6 of one year, two shall be appointed for a term of two years and one
7 shall be appointed for a term of three years. Each member shall serve
8 until his successor has been qualified. Any vacancy in the membership
9 of the committee shall be filled for the unexpired term in the same
10 manner as the original appointments were made. No member shall
11 serve for more than two consecutive terms in addition to any
12 unexpired term to which he has been appointed. The Governor may
13 remove a member of the committee for cause.

14 Members of the committee shall be compensated and reimbursed
15 for actual expenses reasonably incurred in the performance of their
16 official duties in accordance with subsection a. of section 2 of P.L.
17 1977, c. 285 (C. 45:1-2.5).

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19 10. The State Board of Medical Examiners shall adopt rules and
20 regulations pursuant to the "Administrative Procedure Act," P.L.1968,
21 c.410 (C.52:14B-1 et seq.) to carry out the provisions of this act.

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23 11. This act shall take effect on the 180th day after enactment.

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Requires licensing of genetic counselors.