

SENATE BILL 34

J2

(PRE-FILED)

11r0567
CF HB 299

By: **Senator Lam**

Requested: July 9, 2020

Introduced and read first time: January 13, 2021

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 individuals, on or after a certain date, to be licensed by the Board as genetic
15 counselors before practicing genetic counseling in the State except under certain
16 circumstances; establishing certain qualification and application requirements for
17 certain applicants; authorizing the Board to waive a certain certification
18 requirement under certain circumstances; providing for the issuance, terms,
19 renewal, and reinstatement of a certain license; authorizing the Board to establish
20 certain continuing education and competency requirements; prohibiting the Board
21 from issuing a license if certain criminal history records information has not been
22 received; providing that a genetic counseling license authorizes the licensee to
23 practice genetic counseling in the State while the license is effective; requiring a
24 licensed genetic counselor to refer a patient to a certain health care practitioner
25 under certain circumstances; requiring a licensee to notify the Board of a change of
26 name or address within a certain time period; prohibiting the surrender and lapse of
27 a certain license under certain circumstances; authorizing a certain disciplinary
28 panel to issue a cease and desist order under certain circumstances; authorizing a
29 certain disciplinary panel, on a certain vote, to take certain actions against an
30 applicant or a licensee under certain circumstances; establishing certain criminal,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

27 BY adding to

28 Article – Health Occupations

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

31 Annotated Code of Maryland

32 (2014 Replacement Volume and 2020 Supplement)

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

35 **Article – Health Occupations**

36 **SUBTITLE 5G. GENETIC COUNSELORS.**

37 **14–5G–01.**

38 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
 39 **INDICATED.**

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

1 (C) "CERTIFIED GENETIC COUNSELOR" MEANS AN INDIVIDUAL CERTIFIED
2 AS A GENETIC COUNSELOR BY A NATIONAL CERTIFYING BOARD.

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

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

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

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

12 (F) "LICENSE" MEANS A LICENSE ISSUED BY THE BOARD TO PRACTICE
13 GENETIC COUNSELING.

14 (G) "LICENSED GENETIC COUNSELOR" MEANS AN INDIVIDUAL WHO IS
15 LICENSED UNDER THIS SUBTITLE TO PRACTICE GENETIC COUNSELING.

16 (H) "LICENSEE" MEANS A LICENSED GENETIC COUNSELOR.

17 (I) "NATIONAL ACCREDITING COUNCIL" MEANS THE ACCREDITATION
18 COUNCIL FOR GENETIC COUNSELING, OR ITS SUCCESSOR, THAT ACCREDITS
19 EDUCATION PROGRAMS FOR GENETIC COUNSELORS.

20 (J) "NATIONAL CERTIFYING BOARD" MEANS THE AMERICAN BOARD OF
21 GENETIC COUNSELING, OR ITS SUCCESSOR, THAT CERTIFIES GENETIC
22 COUNSELORS.

23 (K) (1) "PRACTICE GENETIC COUNSELING" MEANS:

24 (I) OBTAINING AND EVALUATING THE MEDICAL HISTORIES OF
25 A PATIENT AND THE PATIENT'S FAMILY MEMBERS FOR PURPOSES OF A GENETIC
26 ASSESSMENT;

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

1 (III) IDENTIFYING, ORDERING, AND COORDINATING GENETIC
2 LABORATORY TESTS AND OTHER DIAGNOSTIC STUDIES, AS APPROPRIATE, FOR
3 PURPOSES OF A GENETIC ASSESSMENT;

4 (IV) USING THE MEDICAL HISTORIES OBTAINED UNDER ITEM (I)
5 OF THIS PARAGRAPH AND THE RESULTS OF GENETIC LABORATORY TESTS AND
6 OTHER DIAGNOSTIC STUDIES ORDERED UNDER ITEM (III) OF THIS PARAGRAPH FOR
7 PURPOSES OF A GENETIC ASSESSMENT;

8 (V) EXPLAINING THE CLINICAL IMPLICATIONS OF GENETIC
9 LABORATORY TESTS AND OTHER DIAGNOSTIC STUDIES AND THE RESULTS OF THE
10 TESTS AND STUDIES AND COMMUNICATING THE RISK FACTORS FOR GENETIC OR
11 MEDICAL CONDITIONS OR DISEASES IDENTIFIED BY A GENETIC ASSESSMENT;

12 (VI) EVALUATING THE RESPONSES OF A PATIENT AND THE
13 PATIENT'S FAMILY MEMBERS TO THE RESULTS OF A GENETIC ASSESSMENT AND
14 PROVIDING COUNSELING AND ANTICIPATORY GUIDANCE FOR A GENETIC OR
15 MEDICAL CONDITION OR DISEASE;

16 (VII) IDENTIFYING AND USING COMMUNITY RESOURCES THAT
17 PROVIDE MEDICAL, EDUCATIONAL, FINANCIAL, AND PSYCHOSOCIAL SUPPORT AND
18 ADVOCACY FOR A GENETIC OR MEDICAL CONDITION OR DISEASE; OR

19 (VIII) PROVIDING WRITTEN DOCUMENTATION OF MEDICAL,
20 GENETIC, AND COUNSELING INFORMATION FOR A PATIENT, A PATIENT'S FAMILY
21 MEMBERS, OR APPROPRIATE HEALTH CARE PROFESSIONALS.

22 (2) "PRACTICE GENETIC COUNSELING" DOES NOT INCLUDE
23 DIAGNOSING OR TREATING AN ILLNESS, A DISEASE, OR A CONDITION.

24 14-5G-02.

25 THIS SUBTITLE DOES NOT LIMIT THE RIGHT OF AN INDIVIDUAL TO PRACTICE
26 A HEALTH OCCUPATION THAT THE INDIVIDUAL IS AUTHORIZED TO PRACTICE UNDER
27 THIS ARTICLE.

28 14-5G-03.

29 THE BOARD SHALL ADOPT REGULATIONS FOR THE LICENSURE AND PRACTICE
30 OF GENETIC COUNSELING.

31 14-5G-04.

1 **(A) (1) THE BOARD SHALL SET REASONABLE FEES FOR THE ISSUANCE**
2 **AND RENEWAL OF LICENSES AND THE OTHER SERVICES THE BOARD PROVIDES TO**
3 **GENETIC COUNSELORS.**

4 **(2) THE FEES CHARGED SHALL BE SET SO AS TO PRODUCE FUNDS TO**
5 **APPROXIMATE THE COST OF MAINTAINING THE LICENSURE PROGRAM AND THE**
6 **OTHER SERVICES PROVIDED TO GENETIC COUNSELORS.**

7 **(B) (1) THE BOARD SHALL PAY ALL FEES COLLECTED UNDER THE**
8 **PROVISIONS OF THIS SUBTITLE TO THE COMPTROLLER.**

9 **(2) THE COMPTROLLER SHALL DISTRIBUTE ALL FEES TO THE**
10 **BOARD.**

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

14 **14-5G-05.**

15 **THERE IS A GENETIC COUNSELING ADVISORY COMMITTEE WITHIN THE**
16 **BOARD.**

17 **14-5G-06.**

18 **(A) THE COMMITTEE CONSISTS OF MEMBERS APPOINTED BY THE BOARD AS**
19 **FOLLOWS:**

20 **(1) FOUR SHALL BE INDIVIDUALS WHO PRACTICE GENETIC**
21 **COUNSELING AND WHO:**

22 **(I) ON OR BEFORE SEPTEMBER 30, 2023, ARE CERTIFIED**
23 **GENETIC COUNSELORS; AND**

24 **(II) ON OR AFTER OCTOBER 1, 2023, ARE LICENSED GENETIC**
25 **COUNSELORS;**

26 **(2) THREE SHALL BE PRACTICING LICENSED PHYSICIANS; AND**

27 **(3) ONE SHALL BE A CONSUMER MEMBER.**

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

29 **(1) IN GOOD STANDING WITH THE BOARD; AND**

1 **(2) A RESIDENT OF THE STATE WHO HAS AT LEAST 1 YEAR OF ACTIVE**
2 **GENETIC COUNSELING EXPERIENCE WITHIN THE 5-YEAR PERIOD IMMEDIATELY**
3 **PRECEDING THE DATE OF THE APPOINTMENT.**

4 **(C) THE LICENSED PHYSICIAN MEMBERS OF THE COMMITTEE MUST:**

5 **(1) BE IN GOOD STANDING WITH THE BOARD; AND**

6 **(2) HAVE EXPERIENCE WORKING WITH GENETIC COUNSELORS.**

7 **(D) THE CONSUMER MEMBER OF THE COMMITTEE:**

8 **(1) MUST BE A MEMBER OF THE GENERAL PUBLIC;**

9 **(2) MAY NOT BE OR EVER HAVE BEEN:**

10 **(I) A GENETIC COUNSELOR;**

11 **(II) ANY HEALTH CARE PROFESSIONAL; OR**

12 **(III) IN TRAINING TO BE A GENETIC COUNSELOR OR OTHER**
13 **HEALTH PROFESSIONAL; AND**

14 **(3) MAY NOT:**

15 **(I) PARTICIPATE OR EVER HAVE PARTICIPATED IN A**
16 **COMMERCIAL OR PROFESSIONAL FIELD RELATED TO GENETIC COUNSELING;**

17 **(II) HAVE A HOUSEHOLD MEMBER WHO PARTICIPATES IN A**
18 **COMMERCIAL OR PROFESSIONAL FIELD RELATED TO GENETIC COUNSELING; OR**

19 **(III) HAVE HAD WITHIN 2 YEARS BEFORE APPOINTMENT A**
20 **FINANCIAL INTEREST IN A PERSON REGULATED BY THE BOARD.**

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

22 **(2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE**
23 **TERMS PROVIDED FOR MEMBERS OF THE COMMITTEE ON OCTOBER 1, 2021.**

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

26 **(4) A MEMBER MAY NOT SERVE MORE THAN TWO CONSECUTIVE FULL**
27 **TERMS.**

1 **(5) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES**
2 **ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND**
3 **QUALIFIES.**

4 **(F) FROM AMONG ITS MEMBERS, THE COMMITTEE SHALL ELECT A CHAIR**
5 **EVERY 2 YEARS.**

6 **14-5G-07.**

7 **(A) IN ADDITION TO THE POWERS SET FORTH ELSEWHERE IN THIS**
8 **SUBTITLE, THE COMMITTEE SHALL:**

9 **(1) DEVELOP AND RECOMMEND TO THE BOARD REGULATIONS TO**
10 **CARRY OUT THIS SUBTITLE;**

11 **(2) DEVELOP AND RECOMMEND TO THE BOARD A CODE OF ETHICS**
12 **FOR THE PRACTICE OF GENETIC COUNSELING;**

13 **(3) DEVELOP AND RECOMMEND TO THE BOARD CONTINUING**
14 **EDUCATION REQUIREMENTS FOR LICENSE RENEWAL;**

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

19 **(5) EVALUATE THE CREDENTIALS OF APPLICANTS AS NECESSARY**
20 **AND RECOMMEND LICENSURE OF APPLICANTS WHO FULFILL THE REQUIREMENTS**
21 **FOR A LICENSE TO PRACTICE GENETIC COUNSELING;**

22 **(6) ON REQUEST, DEVELOP AND RECOMMEND TO THE BOARD**
23 **STANDARDS OF CARE FOR THE PRACTICE OF GENETIC COUNSELING;**

24 **(7) PROVIDE THE BOARD WITH RECOMMENDATIONS CONCERNING**
25 **THE PRACTICE OF GENETIC COUNSELING;**

26 **(8) KEEP A RECORD OF ITS PROCEEDINGS; AND**

27 **(9) SUBMIT AN ANNUAL REPORT TO THE BOARD.**

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

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

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

3 **14-5G-08.**

4 **(A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, ON OR AFTER**
5 **OCTOBER 1, 2023, AN INDIVIDUAL SHALL BE LICENSED BY THE BOARD BEFORE THE**
6 **INDIVIDUAL MAY PRACTICE GENETIC COUNSELING IN THE STATE.**

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

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

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

14 **(3) A STUDENT ENROLLED IN A GENETIC COUNSELING TRAINING**
15 **PROGRAM THAT IS ACCREDITED BY A NATIONAL ACCREDITING ORGANIZATION**
16 **RECOGNIZED BY THE BOARD IN REGULATIONS WHILE THE STUDENT IS PRACTICING**
17 **GENETIC COUNSELING IN THE PROGRAM AND DOING THE ASSIGNED DUTIES AT ANY**
18 **OFFICE OF A LICENSED PHYSICIAN OR GENETIC COUNSELOR, HOSPITAL, CLINIC, OR**
19 **SIMILAR FACILITY; OR**

20 **(4) AN INDIVIDUAL WHILE PRACTICING UNDER THE SUPERVISION OF**
21 **A LICENSED PHYSICIAN OR LICENSED GENETIC COUNSELOR DURING THE 12-MONTH**
22 **PERIOD IMMEDIATELY FOLLOWING THE INDIVIDUAL'S GRADUATION FROM A**
23 **GENETIC COUNSELING TRAINING PROGRAM ACCREDITED BY A NATIONAL**
24 **ACCREDITING ORGANIZATION.**

25 **14-5G-09.**

26 **(A) TO QUALIFY FOR A LICENSE TO PRACTICE GENETIC COUNSELING, AN**
27 **APPLICANT SHALL BE AN INDIVIDUAL WHO MEETS THE REQUIREMENTS OF THIS**
28 **SECTION.**

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

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

1 (D) THE APPLICANT MUST BE A GRADUATE OF AN APPROPRIATE
2 EDUCATION PROGRAM APPROVED BY THE BOARD.

3 (E) THE APPLICANT SHALL SUBMIT TO THE BOARD SATISFACTORY
4 EVIDENCE OF CERTIFICATION BY A NATIONAL CERTIFYING ORGANIZATION
5 APPROVED BY THE BOARD.

6 (F) THE APPLICANT SHALL COMPLETE A CRIMINAL HISTORY RECORDS
7 CHECK IN ACCORDANCE WITH § 14-308.1 OF THIS TITLE.

8 (G) THE APPLICANT SHALL MEET ANY ADDITIONAL EDUCATION, TRAINING,
9 OR EXAMINATION REQUIREMENTS ESTABLISHED BY THE BOARD.

10 (H) THE BOARD MAY WAIVE THE CERTIFICATION REQUIREMENT
11 ESTABLISHED IN ACCORDANCE WITH SUBSECTION (E) OF THIS SECTION IF THE
12 APPLICANT:

13 (1) HAS PRACTICED GENETIC COUNSELING FOR A MINIMUM OF 5
14 YEARS BEFORE OCTOBER 1, 2021;

15 (2) HOLDS A MASTER'S DEGREE OR HIGHER IN GENETIC
16 COUNSELING, OR A RELATED FIELD OF STUDY, FROM A PROGRAM ACCREDITED BY A
17 NATIONAL ACCREDITING COUNCIL AT THE TIME OF GRADUATION;

18 (3) SUBMITS TO THE BOARD THREE LETTERS OF RECOMMENDATION
19 FROM LICENSED PHYSICIANS OR CERTIFIED GENETIC COUNSELORS WHO:

20 (i) HAVE WORKED WITH THE APPLICANT IN AN EMPLOYMENT
21 OR OTHER PROFESSIONAL SETTING WITHIN THE IMMEDIATELY PRECEDING 3
22 YEARS; AND

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

25 (4) HAS COMPLETED CONTINUING EDUCATION UNITS APPROVED BY
26 THE NATIONAL SOCIETY OF GENETIC COUNSELORS WITHIN 5 YEARS BEFORE
27 OCTOBER 1, 2021.

28 14-5G-10.

29 TO APPLY FOR A LICENSE, AN APPLICANT SHALL:

30 (1) COMPLETE A CRIMINAL HISTORY RECORDS CHECK IN
31 ACCORDANCE WITH § 14-308.1 OF THIS TITLE;

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

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

4 **14-5G-11.**

5 **(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE BOARD SHALL**
6 **ISSUE A LICENSE TO ANY APPLICANT WHO MEETS THE REQUIREMENTS OF THIS**
7 **SUBTITLE.**

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

12 **(I) THE AGE AT WHICH THE CRIME WAS COMMITTED;**

13 **(II) THE NATURE OF THE CRIME;**

14 **(III) THE CIRCUMSTANCES SURROUNDING THE CRIME;**

15 **(IV) THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;**

16 **(V) SUBSEQUENT WORK HISTORY;**

17 **(VI) EMPLOYMENT AND CHARACTER REFERENCES; AND**

18 **(VII) OTHER EVIDENCE THAT DEMONSTRATES WHETHER THE**
19 **APPLICANT POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.**

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

23 **14-5G-12.**

24 **(A) A GENETIC COUNSELOR LICENSE AUTHORIZES A LICENSEE TO**
25 **PRACTICE GENETIC COUNSELING IN THE STATE WHILE THE LICENSE IS EFFECTIVE.**

26 **(B) IF, WHILE PRACTICING GENETIC COUNSELING, A LICENSED GENETIC**
27 **COUNSELOR DETERMINES THAT A PATIENT REQUIRES A DIAGNOSIS OR TREATMENT,**
28 **THE GENETIC COUNSELOR SHALL REFER THE PATIENT TO A LICENSED PHYSICIAN**
29 **OR ANOTHER APPROPRIATE HEALTH CARE PRACTITIONER.**

1 14-5G-13.

2 (A) (1) THE TERM OF A LICENSE ISSUED BY THE BOARD MAY NOT EXCEED
3 3 YEARS.

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

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

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

9 (2) THE DATE BY WHICH THE RENEWAL APPLICATION MUST BE
10 RECEIVED BY THE BOARD FOR THE RENEWAL TO BE ISSUED AND SENT BEFORE THE
11 LICENSE EXPIRES; AND

12 (3) THE AMOUNT OF THE RENEWAL FEE.

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

16 (1) IS OF GOOD MORAL CHARACTER;

17 (2) PAYS TO THE BOARD A RENEWAL FEE SET BY THE BOARD;

18 (3) SUBMITS TO THE BOARD:

19 (I) A RENEWAL APPLICATION ON THE FORM THAT THE BOARD
20 REQUIRES; AND

21 (II) SATISFACTORY EVIDENCE OF COMPLIANCE WITH ANY
22 CONTINUING EDUCATION OR COMPETENCY REQUIREMENTS AND OTHER
23 REQUIREMENTS SET UNDER THIS SECTION FOR LICENSE RENEWAL; AND

24 (4) MEETS ANY ADDITIONAL RENEWAL REQUIREMENTS
25 ESTABLISHED BY THE BOARD.

26 (D) (1) IN ADDITION TO ANY OTHER QUALIFICATIONS AND
27 REQUIREMENTS ESTABLISHED BY THE BOARD, THE BOARD MAY ESTABLISH
28 CONTINUING EDUCATION OR COMPETENCY REQUIREMENTS AS A CONDITION TO THE
29 RENEWAL OF LICENSES UNDER THIS SECTION.

1 **(2) A DISCIPLINARY PANEL MAY IMPOSE A CIVIL PENALTY OF UP TO**
2 **\$100 PER CONTINUING EDUCATION CREDIT IN LIEU OF A SANCTION UNDER §**
3 **14-5G-17 OF THIS SUBTITLE, FOR A FIRST OFFENSE, FOR THE FAILURE OF A**
4 **LICENSEE TO OBTAIN THE CONTINUING EDUCATION CREDITS REQUIRED BY THE**
5 **BOARD.**

6 **(E) (1) THE BOARD SHALL RENEW THE LICENSE OF EACH LICENSED**
7 **GENETIC COUNSELOR WHO MEETS THE REQUIREMENTS OF THIS SECTION.**

8 **(2) A LICENSE MAY NOT BE RENEWED FOR A TERM LONGER THAN 2**
9 **YEARS.**

10 **(F) THE BOARD SHALL REINSTATE THE LICENSE OF A GENETIC COUNSELOR**
11 **WHO HAS FAILED TO RENEW A LICENSE FOR ANY REASON IF THE GENETIC**
12 **COUNSELOR:**

13 **(1) MEETS THE RENEWAL REQUIREMENTS OF THIS SECTION;**

14 **(2) SUBMITS TO THE BOARD:**

15 **(I) A REINSTATEMENT APPLICATION ON THE FORM THAT THE**
16 **BOARD REQUIRES; AND**

17 **(II) SATISFACTORY EVIDENCE OF COMPLIANCE WITH ANY**
18 **CONTINUING EDUCATION OR COMPETENCY REQUIREMENTS; AND**

19 **(3) MEETS ANY ADDITIONAL REQUIREMENTS ESTABLISHED BY THE**
20 **BOARD FOR REINSTATEMENT.**

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

23 **(I) RENEWAL APPLICANTS AS DETERMINED BY REGULATIONS**
24 **ADOPTED BY THE BOARD; AND**

25 **(II) EACH FORMER LICENSED GENETIC COUNSELOR WHO FILES**
26 **FOR REINSTATEMENT UNDER SUBSECTION (F) OF THIS SECTION.**

27 **(2) ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION**
28 **OF A LICENSED GENETIC COUNSELOR FORWARDED TO THE BOARD IN ACCORDANCE**
29 **WITH § 14-308.1 OF THIS TITLE, IN DETERMINING WHETHER DISCIPLINARY ACTION**
30 **SHOULD BE TAKEN, BASED ON THE CRIMINAL HISTORY RECORD INFORMATION,**

1 AGAINST A LICENSED GENETIC COUNSELOR WHO RENEWED OR REINSTATED A
2 LICENSE, THE BOARD SHALL CONSIDER:

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

11 (3) THE BOARD MAY RENEW OR REINSTATE A LICENSE ONLY IF THE
12 LICENSED GENETIC COUNSELOR OR APPLICANT ATTESTS THAT THE LICENSED
13 GENETIC COUNSELOR OR APPLICANT HAS SUBMITTED A CRIMINAL HISTORY
14 RECORDS CHECK UNDER § 14-308.1 OF THIS TITLE.

15 14-5G-14.

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

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

20 14-5G-15.

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

25 14-5G-16.

26 A DISCIPLINARY PANEL MAY ISSUE A CEASE AND DESIST ORDER FOR:

27 (1) PRACTICING GENETIC COUNSELING WITHOUT A LICENSE OR WITH
28 AN UNAUTHORIZED PERSON; OR

1 **(2) SUPERVISING OR AIDING AN UNAUTHORIZED PERSON IN THE**
2 **PRACTICE OF GENETIC COUNSELING.**

3 **14-5G-17.**

4 **(A) SUBJECT TO THE HEARING PROVISIONS OF § 14-405 OF THIS TITLE, A**
5 **DISCIPLINARY PANEL, ON THE AFFIRMATIVE VOTE OF A MAJORITY OF THE QUORUM**
6 **OF THE DISCIPLINARY PANEL, MAY DENY A LICENSE TO ANY APPLICANT,**
7 **REPRIMAND ANY LICENSEE, PLACE ANY LICENSEE ON PROBATION, OR SUSPEND OR**
8 **REVOKE A LICENSE, IF THE APPLICANT OR LICENSEE:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 **(13) PAYS OR AGREES TO PAY ANY SUM OR PROVIDE ANY FORM OF**
8 **REMUNERATION OR MATERIAL BENEFIT TO ANY PERSON FOR BRINGING OR**
9 **REFERRING A PATIENT OR ACCEPTS OR AGREES TO ACCEPT ANY SUM OR ANY FORM**
10 **OF REMUNERATION OR MATERIAL BENEFIT FROM AN INDIVIDUAL FOR BRINGING OR**
11 **REFERRING A PATIENT;**

12 **(14) KNOWINGLY MAKES A MISREPRESENTATION WHILE PRACTICING**
13 **GENETIC COUNSELING;**

14 **(15) KNOWINGLY PRACTICES GENETIC COUNSELING WITH AN**
15 **UNAUTHORIZED INDIVIDUAL OR AIDS AN UNAUTHORIZED INDIVIDUAL IN**
16 **PRACTICING GENETIC COUNSELING;**

17 **(16) KNOWINGLY DELEGATES A GENETIC COUNSELING DUTY TO AN**
18 **UNLICENSED INDIVIDUAL;**

19 **(17) OFFERS, UNDERTAKES, OR AGREES TO CURE OR TREAT DISEASE**
20 **BY A SECRET METHOD, TREATMENT, OR MEDICINE;**

21 **(18) IS DISCIPLINED BY A LICENSING OR DISCIPLINARY AUTHORITY OR**
22 **IS CONVICTED OR DISCIPLINED BY A COURT OF ANY STATE OR COUNTRY OR IS**
23 **DISCIPLINED BY ANY BRANCH OF THE UNITED STATES UNIFORMED SERVICES OR**
24 **THE U.S. DEPARTMENT OF VETERANS AFFAIRS FOR AN ACT THAT WOULD BE**
25 **GROUNDS FOR DISCIPLINARY ACTION UNDER THE BOARD'S DISCIPLINARY**
26 **STATUTES;**

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

29 **(20) KNOWINGLY SUBMITS FALSE STATEMENTS TO COLLECT FEES FOR**
30 **WHICH SERVICES ARE NOT PROVIDED;**

31 **(21) (I) HAS BEEN SUBJECT TO INVESTIGATION OR DISCIPLINARY**
32 **ACTION BY A LICENSING OR DISCIPLINARY AUTHORITY OR BY A COURT OF ANY**

1 STATE OR COUNTRY FOR AN ACT THAT WOULD BE GROUNDS FOR DISCIPLINARY
2 ACTION UNDER THE BOARD'S DISCIPLINARY STATUTES; AND

3 (II) HAS:

4 1. SURRENDERED THE LICENSE, IF ANY, ISSUED BY THE
5 STATE OR COUNTRY; OR

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

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

10 (23) SELLS, PRESCRIBES, GIVES AWAY, OR ADMINISTERS DRUGS FOR
11 ILLEGAL OR ILLEGITIMATE MEDICAL PURPOSES;

12 (24) PRACTICES OR ATTEMPTS TO PRACTICE BEYOND THE
13 AUTHORIZED SCOPE OF PRACTICE;

14 (25) REFUSES, WITHHOLDS FROM, DENIES, OR DISCRIMINATES
15 AGAINST AN INDIVIDUAL WITH REGARD TO THE PROVISION OF PROFESSIONAL
16 SERVICES FOR WHICH THE LICENSEE IS LICENSED AND QUALIFIED TO RENDER
17 BECAUSE THE INDIVIDUAL IS HIV POSITIVE;

18 (26) PRACTICES OR ATTEMPTS TO PRACTICE GENETIC COUNSELING
19 PROCEDURES OR USES OR ATTEMPTS TO USE GENETIC ASSESSMENTS IF THE
20 APPLICANT OR LICENSEE HAS NOT RECEIVED EDUCATION AND TRAINING IN THE
21 PERFORMANCE OF THE PROCEDURE OR THE USE OF THE GENETIC ASSESSMENT;

22 (27) FAILS TO COOPERATE WITH A LAWFUL INVESTIGATION OF THE
23 BOARD OR A DISCIPLINARY PANEL; OR

24 (28) FAILS TO COMPLETE A CRIMINAL HISTORY RECORDS CHECK
25 UNDER § 14-308.1 OF THIS TITLE.

26 (B) EXCEPT AS OTHERWISE PROVIDED IN THE ADMINISTRATIVE
27 PROCEDURE ACT, BEFORE THE BOARD OR A DISCIPLINARY PANEL TAKES ANY
28 ACTION UNDER SUBSECTION (A) OF THIS SECTION, IT SHALL GIVE THE INDIVIDUAL
29 AGAINST WHOM THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING
30 BEFORE THE BOARD OR THE DISCIPLINARY PANEL IN ACCORDANCE WITH THE
31 HEARING REQUIREMENTS OF § 14-405 OF THIS TITLE.

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

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

12 **(D) (1) IF, AFTER A HEARING UNDER § 14-405 OF THIS TITLE, A**
13 **DISCIPLINARY PANEL FINDS THAT THERE ARE GROUNDS UNDER SUBSECTION (A) OF**
14 **THIS SECTION TO SUSPEND OR REVOKE A LICENSE, TO REPRIMAND A LICENSEE, OR**
15 **TO PLACE A LICENSEE ON PROBATION, THE DISCIPLINARY PANEL MAY IMPOSE A**
16 **FINE SUBJECT TO THE BOARD'S REGULATIONS IN ADDITION TO SUSPENDING OR**
17 **REVOKING THE LICENSE, REPRIMANDING THE LICENSEE, OR PLACING THE**
18 **LICENSEE ON PROBATION.**

19 **(2) THE BOARD SHALL PAY ANY FINES COLLECTED UNDER THIS**
20 **SECTION INTO THE GENERAL FUND OF THE STATE.**

21 **(E) IN ADDITION TO ANY SANCTION AUTHORIZED UNDER THIS SECTION, A**
22 **DISCIPLINARY PANEL MAY REQUIRE A LICENSEE TO COMPLY WITH SPECIFIED**
23 **TERMS AND CONDITIONS DETERMINED BY THE DISCIPLINARY PANEL.**

24 **14-5G-18.**

25 **(A) (1) ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD OR**
26 **A DISCIPLINARY PANEL UNDER THIS SUBTITLE MAY TAKE A DIRECT JUDICIAL**
27 **APPEAL.**

28 **(2) THE APPEAL SHALL BE MADE AS PROVIDED FOR JUDICIAL**
29 **REVIEW OF FINAL DECISIONS IN THE ADMINISTRATIVE PROCEDURE ACT.**

30 **(B) AN ORDER OF THE BOARD OR A DISCIPLINARY PANEL MAY NOT BE**
31 **STAYED PENDING REVIEW.**

32 **(C) THE BOARD MAY APPEAL FROM ANY DECISION THAT REVERSES OR**
33 **MODIFIES AN ORDER OF THE BOARD OR A DISCIPLINARY PANEL.**

34 **14-5G-19.**

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

8 (B) A HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM,
9 OR EMPLOYER THAT HAS REASON TO KNOW THAT A LICENSED GENETIC COUNSELOR
10 HAS COMMITTED AN ACT OR HAS A CONDITION THAT MIGHT BE GROUNDS FOR
11 REPRIMAND OR PROBATION OF THE LICENSED GENETIC COUNSELOR OR
12 SUSPENSION OR REVOCATION OF THE LICENSE BECAUSE THE LICENSED GENETIC
13 COUNSELOR IS ALCOHOL-IMPAIRED OR DRUG-IMPAIRED IS NOT REQUIRED TO
14 REPORT THE LICENSED GENETIC COUNSELOR TO THE BOARD IF:

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

17 (I) IN AN ALCOHOL OR DRUG TREATMENT PROGRAM THAT IS
18 ACCREDITED BY THE JOINT COMMISSION ON ACCREDITATION OF HEALTHCARE
19 ORGANIZATIONS OR THAT IS CERTIFIED BY THE DEPARTMENT; OR

20 (II) UNDER THE CARE OF A HEALTH CARE PRACTITIONER WHO
21 IS COMPETENT AND CAPABLE OF DEALING WITH ALCOHOLISM AND DRUG ABUSE;
22 AND

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

26 (II) THE ACTION OR CONDITION OF THE LICENSED GENETIC
27 COUNSELOR HAS NOT CAUSED INJURY TO ANY PERSON WHILE THE GENETIC
28 COUNSELOR IS PRACTICING GENETIC COUNSELING.

29 (C) (1) IF THE LICENSED GENETIC COUNSELOR ENTERS, OR IS
30 CONSIDERING ENTERING, AN ALCOHOL OR DRUG TREATMENT PROGRAM THAT IS
31 ACCREDITED BY THE JOINT COMMISSION ON ACCREDITATION OF HEALTHCARE
32 ORGANIZATIONS OR THAT IS CERTIFIED BY THE DEPARTMENT, THE LICENSED
33 GENETIC COUNSELOR SHALL NOTIFY THE HOSPITAL, RELATED INSTITUTION,
34 ALTERNATIVE HEALTH SYSTEM, OR EMPLOYER OF THE LICENSED GENETIC
35 COUNSELOR'S DECISION TO ENTER THE TREATMENT PROGRAM.

1 **(2) IF THE LICENSED GENETIC COUNSELOR FAILS TO PROVIDE THE**
2 **NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION, AND THE**
3 **HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM, OR EMPLOYER**
4 **LEARNS THAT THE LICENSED GENETIC COUNSELOR HAS ENTERED A TREATMENT**
5 **PROGRAM, THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM,**
6 **OR EMPLOYER SHALL REPORT TO THE BOARD THAT THE LICENSED GENETIC**
7 **COUNSELOR HAS ENTERED A TREATMENT PROGRAM AND HAS FAILED TO PROVIDE**
8 **THE REQUIRED NOTICE.**

9 **(3) IF THE LICENSED GENETIC COUNSELOR IS FOUND TO BE**
10 **NONCOMPLIANT WITH THE TREATMENT PROGRAM'S POLICIES AND PROCEDURES**
11 **WHILE IN THE TREATMENT PROGRAM, THE TREATMENT PROGRAM SHALL NOTIFY**
12 **THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM, OR**
13 **EMPLOYER OF THE LICENSED GENETIC COUNSELOR'S NONCOMPLIANCE.**

14 **(4) ON RECEIPT OF THE NOTIFICATION REQUIRED UNDER**
15 **PARAGRAPH (3) OF THIS SUBSECTION, THE HOSPITAL, RELATED INSTITUTION,**
16 **ALTERNATIVE HEALTH SYSTEM, OR EMPLOYER OF THE LICENSED GENETIC**
17 **COUNSELOR SHALL REPORT THE LICENSED GENETIC COUNSELOR'S**
18 **NONCOMPLIANCE TO THE BOARD.**

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

23 **(E) THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM,**
24 **OR EMPLOYER SHALL SUBMIT THE REPORT WITHIN 10 DAYS AFTER ANY ACTION**
25 **DESCRIBED IN THIS SECTION.**

26 **(F) A REPORT MADE UNDER THIS SECTION IS NOT SUBJECT TO SUBPOENA**
27 **OR DISCOVERY IN ANY CIVIL ACTION OTHER THAN A PROCEEDING ARISING OUT OF**
28 **A HEARING AND DECISION OF THE BOARD OR A DISCIPLINARY PANEL UNDER THIS**
29 **TITLE.**

30 **(G) (1) A DISCIPLINARY PANEL MAY IMPOSE A CIVIL PENALTY OF UP TO**
31 **\$1,000 FOR FAILURE TO REPORT UNDER THIS SECTION.**

32 **(2) THE BOARD SHALL REMIT ANY PENALTY COLLECTED UNDER THIS**
33 **SUBSECTION INTO THE GENERAL FUND OF THE STATE.**

34 **14-5G-20.**

1 **(A) FOLLOWING THE FILING OF CHARGES OR NOTICE OF INITIAL DENIAL OF**
2 **LICENSE APPLICATION, THE BOARD SHALL DISCLOSE THE FILING TO THE PUBLIC**
3 **ON THE BOARD'S WEBSITE.**

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

6 **(1) A SUMMARY OF CHARGES FILED AGAINST THE LICENSEE,**
7 **INCLUDING A COPY OF THE CHARGING DOCUMENT, UNTIL A DISCIPLINARY PANEL**
8 **HAS TAKEN ACTION UNDER § 14-5G-17 OF THIS SUBTITLE BASED ON THE CHARGES**
9 **OR HAS RESCINDED THE CHARGES;**

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

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

16 **(4) A DESCRIPTION OF A CONVICTION OR ENTRY OF A PLEA OF**
17 **GUILTY OR NOLO CONTENDERE BY THE LICENSEE FOR A CRIME INVOLVING MORAL**
18 **TURPITUDE THAT IS THE BASIS FOR DISCIPLINARY ACTION TAKEN UNDER §**
19 **14-5G-17(C) OF THIS SUBTITLE; AND**

20 **(5) THE PUBLIC ADDRESS OF THE LICENSEE.**

21 **(C) IN ADDITION TO THE REQUIREMENTS OF SUBSECTION (B) OF THIS**
22 **SECTION, THE BOARD SHALL INCLUDE ON EACH LICENSEE'S PROFILE A STATEMENT**
23 **OF INFORMATION TO BE TAKEN INTO CONSIDERATION BY A CONSUMER WHEN**
24 **VIEWING A LICENSEE'S PROFILE, INCLUDING A DISCLAIMER STATING THAT A**
25 **CHARGING DOCUMENT DOES NOT INDICATE A FINAL FINDING OF GUILT BY A**
26 **DISCIPLINARY PANEL.**

27 **(D) THE BOARD:**

28 **(1) ON RECEIPT OF A WRITTEN REQUEST FOR A LICENSEE'S PROFILE**
29 **FROM ANY PERSON, SHALL FORWARD A WRITTEN COPY OF THE PROFILE TO THE**
30 **PERSON; AND**

31 **(2) SHALL MAINTAIN A WEBSITE THAT SERVES AS A SINGLE POINT OF**
32 **ENTRY WHERE ALL LICENSEE PROFILE INFORMATION IS AVAILABLE TO THE PUBLIC**
33 **ON THE INTERNET.**

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

4 (F) THE BOARD SHALL INCLUDE INFORMATION RELATING TO CHARGES
5 FILED AGAINST A LICENSEE BY A DISCIPLINARY PANEL AND ANY FINAL
6 DISCIPLINARY ACTION TAKEN BY A DISCIPLINARY PANEL AGAINST A LICENSEE IN
7 THE LICENSEE'S PROFILE WITHIN 10 DAYS AFTER THE CHARGES ARE FILED OR THE
8 ACTION BECOMES FINAL.

9 14-5G-21.

10 (A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, ON THE APPLICATION
11 OF AN INDIVIDUAL WHOSE LICENSE HAS BEEN REVOKED, A DISCIPLINARY PANEL,
12 ON THE AFFIRMATIVE VOTE OF A MAJORITY OF ITS FULL AUTHORIZED
13 MEMBERSHIP, MAY REINSTATE A REVOKED LICENSE.

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

16 (1) MEETS THE REQUIREMENTS FOR REINSTATEMENT AS
17 ESTABLISHED UNDER THIS TITLE; AND

18 (2) COMPLETES A CRIMINAL HISTORY RECORDS CHECK IN
19 ACCORDANCE WITH § 14-308.1 OF THIS TITLE.

20 14-5G-22.

21 EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A PERSON MAY NOT
22 PRACTICE, ATTEMPT TO PRACTICE, OR OFFER TO PRACTICE GENETIC COUNSELING
23 IN THIS STATE UNLESS LICENSED TO PRACTICE GENETIC COUNSELING BY THE
24 BOARD.

25 14-5G-23.

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

30 (B) UNLESS AUTHORIZED TO PRACTICE GENETIC COUNSELING UNDER THIS
31 SUBTITLE, A PERSON MAY NOT USE THE TITLES "GENETIC COUNSELOR", "LICENSED
32 GENETIC COUNSELOR", "CERTIFIED GENETIC COUNSELOR", "GENE COUNSELOR",
33 "GENETIC CONSULTANT", "GENETIC ASSOCIATE", OR ANY WORDS, LETTERS, OR

1 SYMBOLS WITH THE INTENT TO IMPLY THAT THE PERSON PRACTICES GENETIC
2 COUNSELING OR IS A CERTIFIED GENETIC COUNSELOR OR LICENSED GENETIC
3 COUNSELOR.

4 14-5G-24.

5 A PERSON MAY NOT PROVIDE, ATTEMPT TO PROVIDE, OFFER TO PROVIDE, OR
6 REPRESENT THAT THE PERSON PROVIDES GENETIC COUNSELING SERVICES UNLESS
7 THE GENETIC COUNSELING IS PROVIDED BY AN INDIVIDUAL WHO IS AUTHORIZED TO
8 PRACTICE GENETIC COUNSELING UNDER THIS SUBTITLE.

9 14-5G-25.

10 (A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A LICENSED
11 GENETIC COUNSELOR OR A LICENSED PHYSICIAN MAY NOT EMPLOY OR SUPERVISE
12 AN INDIVIDUAL PRACTICING GENETIC COUNSELING WITHOUT A LICENSE.

13 (B) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A HOSPITAL,
14 RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM, OR EMPLOYER MAY NOT
15 EMPLOY AN INDIVIDUAL PRACTICING GENETIC COUNSELING WITHOUT A LICENSE.

16 (C) A DISCIPLINARY PANEL MAY IMPOSE A CIVIL PENALTY OF UP TO \$1,000
17 FOR A VIOLATION OF THIS SECTION.

18 (D) THE BOARD SHALL REMIT ANY PENALTY COLLECTED UNDER THIS
19 SECTION INTO THE GENERAL FUND OF THE STATE.

20 14-5G-26.

21 (A) A PERSON WHO VIOLATES ANY PROVISION OF §§ 14-5G-22 THROUGH
22 14-5G-25 OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS
23 SUBJECT TO A FINE NOT EXCEEDING \$1,000 OR IMPRISONMENT NOT EXCEEDING 1
24 YEAR OR BOTH.

25 (B) A PERSON WHO VIOLATES ANY PROVISION OF §§ 14-5G-22 THROUGH
26 14-5G-25 OF THIS SUBTITLE IS SUBJECT TO A CIVIL FINE OF NOT MORE THAN
27 \$5,000 TO BE LEVIED BY A DISCIPLINARY PANEL.

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

30 14-5G-27.

1 **THIS SUBTITLE MAY BE CITED AS THE MARYLAND GENETIC COUNSELING**
2 **ACT.**

3 **14-5G-28.**

4 **SUBJECT TO THE EVALUATION AND REESTABLISHMENT PROVISIONS OF THE**
5 **MARYLAND PROGRAM EVALUATION ACT AND SUBJECT TO THE TERMINATION OF**
6 **THIS TITLE UNDER § 14-702 OF THIS TITLE, THIS SUBTITLE AND ALL REGULATIONS**
7 **ADOPTED UNDER THIS SUBTITLE SHALL TERMINATE AND BE OF NO EFFECT AFTER**
8 **JULY 1, 2031.**

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

11 (1) one member who is a certified genetic counselor and one physician
12 member in 2023;

13 (2) one member who is a certified genetic counselor, one physician member,
14 and the consumer member in 2024; and

15 (3) two members who are certified genetic counselors and one physician
16 member in 2025.

17 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2021.