
By: **Delegate Finifter**
Introduced and read first time: February 8, 2002
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Genetic Counselors Act**

3 FOR the purpose of establishing the State Board of Genetic Counselors; providing for
4 the membership, terms, and chairman of the Board; providing for the duties of
5 the Board; requiring the Board to adopt certain regulations; requiring
6 individuals to be licensed genetic counselors before they may conduct genetic
7 testing in the State; providing for the licensing of genetic counselors; prohibiting
8 a licensed genetic counselor from failing to meet certain requirements; defining
9 certain terms; stating certain findings of the General Assembly; and generally
10 relating to genetic counselors in the State.

11 BY adding to
12 Article - Health Occupations
13 Section 6A-101, 6A-102, 6A-201, 6A-202, 6A-203, 6A-301, 6A-302, and
14 6A-401, to be under the new title "Title 6A. Genetic Counselors"
15 Annotated Code of Maryland
16 (2000 Replacement Volume and 2001 Supplement)

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

19 **Article - Health Occupations**

20 TITLE 6A. GENETIC COUNSELORS

21 SUBTITLE 1. DEFINITIONS; FINDINGS.

22 6A-101.

23 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

24 (B) "BOARD" MEANS THE STATE BOARD OF GENETIC COUNSELORS.

1 (C) "CARRIER" MEANS AN INDIVIDUAL WHO HAS A GENETIC ANOMALY AND IS
2 AT RISK OF HAVING CHILDREN WITH A GENETICALLY INFLUENCED DISEASE, BUT
3 THE INDIVIDUAL HAS NO PREDISPOSITION OF INCURRING THE DISEASE.

4 (D) "CERTIFIED GENETIC COUNSELOR" MEANS AN INDIVIDUAL WHO HAS
5 VALID CERTIFICATION FROM THE AMERICAN BOARD OF GENETIC COUNSELING OR
6 THE AMERICAN BOARD OF MEDICAL GENETICS.

7 (E) "CLINICAL GENETICIST" MEANS A PHYSICIAN WITH A SPECIALTY IN
8 GENETICS AND WHO HAS BEEN CERTIFIED BY THE AMERICAN BOARD OF MEDICAL
9 GENETICS.

10 (F) "GENETIC ANOMALY" MEANS A VARIATION IN AN INDIVIDUAL'S DNA THAT
11 HAS BEEN SHOWN TO CONFER OR PREDISPOSE THE INDIVIDUAL TO A GENETICALLY
12 INFLUENCED DISEASE OR MAKES THE INDIVIDUAL A CARRIER OF THE VARIATION.

13 (G) (1) "GENETIC COUNSELING" MEANS AN EXPLANATION OR COUNSELING
14 REGARDING AN INDIVIDUAL'S GENETIC CONDITION INFERRED FROM THE
15 INDIVIDUAL'S FAMILY HISTORY OR GENETIC TESTS AND ITS IMPLICATION FOR THE
16 FUTURE HEALTH OF THE INDIVIDUAL AND THE INDIVIDUAL'S FAMILY.

17 (2) "GENETIC COUNSELING" INCLUDES INFORMATION AND
18 COUNSELING DESIGNED TO ELICIT AND SUPPORT AN INDIVIDUAL'S CHOICE TO GIVE
19 OR WITHHOLD INFORMED CONSENT TO A GENETIC TEST, OR DESIGNED TO CONVEY,
20 EXPLAIN, AND COUNSEL AN INDIVIDUAL IN REGARD TO THE RESULT OF A GENETIC
21 TEST.

22 (H) "GENETIC PREDISPOSITION" MEANS THE PRESENCE OF A VARIATION IN
23 THE COMPOSITION OF THE GENES OF AN INDIVIDUAL THAT IS SCIENTIFICALLY OR
24 MEDICALLY IDENTIFIABLE, AND THAT IS DETERMINED TO BE ASSOCIATED WITH AN
25 INCREASED STATISTICAL RISK OF BEING EXPRESSED AS A PHYSICAL OR MENTAL
26 DISEASE OR DISABILITY IN THE INDIVIDUAL, BUT THAT HAS NOT RESULTED IN A
27 DISEASE OR DISORDER.

28 (I) "GENETIC TEST" MEANS AN ASSAY EMPLOYING DNA, CONSTITUENT
29 GENES, OR GENE PRODUCTS TO DIAGNOSE OR PREDICT THE PRESENCE OF A
30 GENETIC ANOMALY THAT IS LINKED TO A PHYSICAL OR MENTAL DISEASE OR
31 DISABILITY IN THE INDIVIDUAL OR THE INDIVIDUAL'S CHILDREN, OR
32 SUSCEPTIBILITY TO OR PREDISPOSITION FOR A GENETICALLY INFLUENCED DISEASE
33 OR DISABILITY.

34 (J) "LICENSED GENETIC COUNSELOR" MEANS AN INDIVIDUAL REGISTERED
35 UNDER § 6A-106 OF THIS TITLE.

36 (K) "MEDICAL GENETICIST" MEANS AN INDIVIDUAL HOLDING A DOCTORAL
37 DEGREE AND CERTIFIED AS A MEDICAL GENETICIST BY THE AMERICAN BOARD OF
38 MEDICAL GENETICS.

1 6A-102.

2 THE GENERAL ASSEMBLY FINDS THAT:

3 (1) ADVANCES IN THE SCIENCE OF HUMAN GENETICS ARE RAPIDLY
4 EXPANDING THE ABILITY TO DIRECTLY TEST DNA TO DETERMINE GENETIC
5 PREDISPOSITIONS TO AN INCREASING NUMBER OF GENETICALLY INFLUENCED
6 HEALTH CONDITIONS;

7 (2) THE INTERPRETATION OF GENETIC TESTS IS COMPLEX AND
8 REQUIRES SPECIALIZED KNOWLEDGE AND COMMUNICATION SKILLS TO ENABLE
9 INDIVIDUALS TO MAKE INFORMED DECISIONS TO UNDERGO A GENETIC TEST AND TO
10 CONVEY THE RESULTS OF THE TESTS TO THE PATIENT;

11 (3) THE NATIONAL SOCIETY OF GENETIC COUNSELORS, INC., A
12 VOLUNTARY PROFESSIONAL ASSOCIATION OF GENETIC COUNSELORS, SETS HIGH
13 STANDARDS OF PROFESSIONAL ETHICS BUT DOES NOT HAVE ENFORCEMENT POWER
14 TO ASSURE THE CLIENT OF THE COMPETENCE OR THE ETHICAL CONDUCT OF A
15 GENETIC COUNSELOR; AND

16 (4) GENETIC COUNSELING SHALL BE A LICENSED PROFESSION, IN
17 ORDER TO SECURE THE BENEFITS OF GENETIC TESTING FOR THE PEOPLE OF THE
18 STATE OF MARYLAND WHILE PROTECTING THEM FROM UNNECESSARY FEAR AND
19 INJURY TO THE INDIVIDUAL LIBERTIES OF THE PEOPLE.

20 SUBTITLE 2. STATE BOARD OF GENETIC COUNSELORS.

21 6A-201.

22 THERE IS A STATE BOARD OF GENETIC COUNSELORS.

23 6A-202.

24 (A) THE BOARD SHALL CONSIST OF NINE MEMBERS APPOINTED BY THE
25 GOVERNOR.

26 (B) OF THE NINE MEMBERS:

27 (1) FOUR SHALL BE CERTIFIED OR LICENSED GENETIC COUNSELORS
28 WITH AT LEAST 5 YEARS OF PROFESSIONAL EXPERIENCE IN THE STATE;

29 (2) THREE SHALL BE CLINICAL GENETICISTS, MEDICAL GENETICISTS,
30 OR MOLECULAR BIOLOGISTS WITH A GENETIC SPECIALIZATION;

31 (3) ONE SHALL BE A BIO-ETHICIST FROM A BIO-ETHICS RESEARCH
32 CENTER IN THE STATE; AND

33 (4) ONE SHALL BE AN ADVOCATE FOR INDIVIDUALS SUFFERING FROM
34 OR GENETICALLY PREDISPOSED TO GENETICALLY INFLUENCED DISEASE.

1 (C) THE MEMBERS SHALL SERVE 3-YEAR TERMS.

2 (D) THE CHAIRMAN SHALL BE SELECTED BY A MAJORITY VOTE OF THE
3 MEMBERS OF THE BOARD.

4 (E) A MAJORITY OF THE MEMBERS ON THE BOARD IS A QUORUM.

5 (F) A MEMBER OF THE BOARD MAY NOT RECEIVE COMPENSATION FOR
6 SERVING ON THE BOARD, BUT IS ENTITLED TO REIMBURSEMENT FOR EXPENSES
7 UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE
8 BUDGET.

9 6A-203.

10 (A) THE BOARD SHALL MAKE RECOMMENDATIONS TO THE SECRETARY ON:

11 (1) APPROPRIATE PROFESSIONAL GUIDELINES FOR GENETIC
12 COUNSELORS, INCLUDING THE CONTINUING PROFESSIONAL EDUCATION
13 NECESSARY TO ENSURE THE CURRENCY OF THE GENETIC COUNSELOR'S
14 KNOWLEDGE OF THE RAPIDLY DEVELOPING FIELD OF GENETICS, AFTER
15 CONSULTING WITH THE NATIONAL SOCIETY OF GENETIC COUNSELORS;

16 (2) THE GENETIC TESTS THAT PREDICT WITH VERY HIGH PROBABILITY
17 SERIOUS LIFE-THREATENING DISEASES OR SEVERE DISABILITY, AND WHETHER THE
18 SECRETARY SHOULD REQUIRE COUNSELING BY LICENSED GENETIC COUNSELORS
19 AS A NECESSARY COMPONENT OF INFORMED CONSENT TO UNDERGO THE TESTS;
20 AND

21 (3) THE CRITERIA BY WHICH PHYSICIANS SHOULD RECOGNIZE THE
22 NEED TO REFER PATIENTS TO LICENSED GENETIC COUNSELORS.

23 (B) THE BOARD SHALL:

24 (1) CONSULT WITH THE JOINT NATIONAL INSTITUTE OF HEALTH AND
25 FEDERAL DEPARTMENT OF ENERGY WORKING GROUP ON ETHICAL, LEGAL, AND
26 SOCIAL IMPLICATIONS OF THE HUMAN GENOME PROJECT;

27 (2) ASSESS THE RELIABILITY OF EACH NEW GENETIC TEST ANNUALLY;
28 AND

29 (3) RECOMMEND RULES ENSURING THAT THE USE OF THE GENETIC
30 TEST AS A SCREENING TEST FOR GROUPS OF INDIVIDUALS WILL NOT POSE UNDUE
31 RISKS TO INDIVIDUAL LIBERTIES AND CIVIL RIGHTS.

32 (C) THE BOARD SHALL STUDY AND MAKE RECOMMENDATIONS TO THE
33 GOVERNOR AND THE GENERAL ASSEMBLY WITH RESPECT TO:

34 (1) ENSURING THAT ANY USE OF A NEW GENETIC TEST BY INSURERS,
35 EMPLOYERS, OR EDUCATIONAL INSTITUTIONS SHALL NOT COMPROMISE THE

1 INDIVIDUAL LIBERTIES AND CIVIL RIGHTS OF INDIVIDUALS OR CAUSE INDIVIDUALS
2 TO BE DISCRIMINATED AGAINST;

3 (2) ENSURING THE AVAILABILITY OF ADEQUATE PROFESSIONAL
4 GENETIC COUNSELING TO INDIVIDUALS FOUND TO HAVE A GENETIC ANOMALY
5 WITH POTENTIAL CONSEQUENCES TO THE INDIVIDUAL'S HEALTH; AND

6 (3) CREATING AN ENVIRONMENT IN WHICH THERE IS EQUITABLE
7 ACCESS TO THE BENEFITS OF GENETIC TESTS TO ALL CITIZENS REGARDLESS OF
8 ECONOMIC STATUS.

9 (D) THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS
10 OF THIS TITLE.

11 SUBTITLE 3. REGISTRATION.

12 6A-301.

13 AN INDIVIDUAL SHALL BE REGISTERED AS A LICENSED GENETIC COUNSELOR
14 BEFORE THE INDIVIDUAL MAY CONDUCT GENETIC TESTING IN THE STATE.

15 6A-302.

16 (A) TO QUALIFY FOR REGISTRATION AS A LICENSED GENETIC COUNSELOR IN
17 THE STATE, AN APPLICANT SHALL PAY A REGISTRATION FEE DETERMINED BY THE
18 BOARD AND SUBMIT SATISFACTORY EVIDENCE THAT THE APPLICANT:

19 (1) IS AT LEAST 21 YEARS OLD;

20 (2) IS OF GOOD MORAL CHARACTER;

21 (3) HAS EARNED A CERTIFICATE FROM THE AMERICAN BOARD OF
22 GENETIC COUNSELING OR THE AMERICAN BOARD OF MEDICAL GENETICS, BASED ON
23 A NATIONAL EXAMINATION OR OTHER REQUIREMENTS; AND

24 (4) HAS MET ANY OTHER REQUIREMENTS THE BOARD ADOPTS BY
25 REGULATION.

26 (B) (1) TO QUALIFY FOR REGISTRATION WITH A PROVISIONAL LICENSE IN
27 GENETIC COUNSELING, AN APPLICANT SHALL PAY A REGISTRATION FEE
28 DETERMINED BY THE BOARD AND SUBMIT SATISFACTORY EVIDENCE THAT THE
29 APPLICANT:

30 (I) IS AT LEAST 21 YEARS OLD;

31 (II) IS OF GOOD MORAL CHARACTER;

32 (III) HAS BEEN FOUND ELIGIBLE BY THE AMERICAN BOARD OF
33 GENETIC COUNSELING, BY COMPLETION OF THE REQUIRED ACADEMIC COURSES

1 AND CLINICAL EXPERIENCE, TO TAKE THE EXAMINATIONS FOR CERTIFICATION AS A
2 GENETIC COUNSELOR; AND

3 (IV) HAS MET ANY OTHER REQUIREMENTS THE BOARD ADOPTS BY
4 REGULATION.

5 (2) A PRACTICING GENETIC COUNSELOR SHALL QUALIFY FOR A
6 PROVISIONAL LICENSE UPON PAYMENT OF A REGISTRATION FEE AS DETERMINED
7 BY THE BOARD AND UPON SUBMISSION OF SATISFACTORY EVIDENCE THAT THE
8 GENETIC COUNSELOR:

9 (I) IS AT LEAST 21 YEARS OLD;

10 (II) IS OF GOOD MORAL CHARACTER;

11 (III) HAS BEEN CONTINUOUSLY ENGAGED IN GENETIC
12 COUNSELING WITHIN AN ESTABLISHED HUMAN GENETICS PROGRAM AFFILIATED
13 WITH A HOSPITAL, CLINIC, LABORATORY, OR OTHER HEALTH CARE PROVIDER, AT
14 LEAST HALF-TIME FOR 1 YEAR OR MORE AT THE TIME OF APPLICATION FOR THE
15 PROVISIONAL LICENSE; AND

16 (IV) MEETS ANY OTHER REQUIREMENTS THE BOARD ADOPTS BY
17 REGULATION.

18 (3) WHILE IT IS EFFECTIVE, A PROVISIONAL LICENSE UNDER THIS
19 SECTION AUTHORIZES THE HOLDER TO CONDUCT GENETIC COUNSELING SUBJECT
20 TO THE SAME RESTRICTIONS IMPOSED ON A HOLDER OF A GENERAL LICENSE TO
21 CONDUCT GENETIC COUNSELING.

22 (4) A PROVISIONAL LICENSE EXPIRES AFTER 2 YEARS AND MAY NOT BE
23 RENEWED MORE THAN THREE TIMES.

24 SUBTITLE 4. PROHIBITED ACTS; DISCIPLINARY PROCEDURES.

25 6A-401.

26 (A) A LICENSED GENETIC COUNSELOR UNDER THIS TITLE MAY BE
27 DISCIPLINED BY THE BOARD IF THE LICENSED GENETIC COUNSELOR FAILS TO:

28 (1) RESPECT PATIENT CONFIDENTIALITY;

29 (2) RESPECT A PATIENT'S BELIEFS, CULTURAL TRADITIONS,
30 INCLINATIONS, CIRCUMSTANCES, OR EMOTIONAL WELL-BEING;

31 (3) REFER PATIENTS TO OTHER COMPETENT PROFESSIONALS WHEN
32 THE LICENSED GENETIC COUNSELOR IS UNABLE TO CARE FOR THE PATIENT; OR

33 (4) ABIDE BY STANDARDS OF PROFESSIONAL CONDUCT ESTABLISHED
34 BY THE BOARD.

1 (B) THE BOARD SHALL ADOPT REGULATIONS ESTABLISHING DISCIPLINARY
2 PROCEEDINGS OF LICENSED GENETIC COUNSELORS.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2002.