

DATE: February 2, 2021

TO: The Honorable Shane E. Pendergrass
Chair, House Health and Government Operations Committee
Maryland House of Delegates

FROM: Maximilian Muenke, MD, FACMG
Chief Executive Officer
American College of Medical Genetics and Genomics

SUBJECT: Maryland House Bill 299 - State Board of Physicians - Genetic
Counselors – Licensing

POSITION: Support with Amendments

On behalf of the American College of Medical Genetics and Genomics (ACMG), I submit this letter of **support with amendments** for Maryland House Bill 299.

The specialty of medical genetics includes clinical geneticists (licensed MD/DO or equivalent), PhD medical geneticists (PhD), and laboratory geneticists (MD/DO or PhD or equivalent), as well as the clinical subspecialty of medical biochemical genetics (MD/DO or equivalent). These medical geneticists are board-certified by the American Board of Medical Genetics and Genomics (ABMGG), one of the 24 member boards of the American Board of Medical Specialties.

Genetic counselors work as part of the medical team to facilitate communication between patients and other healthcare providers on health issues with a genetic component. They receive specialized training in counseling patients to help them understand the medical, psychological, and familial implications of genetic information and findings. After two years, this training leads to a master's degree in genetic counseling, and individuals are certified by the American Board of Genetic Counseling. However, genetic counselors are not trained to practice medicine. The practice of medicine requires doctoral-level medical training followed by several years of additional specialized training and includes the following activities:

- 1) ordering medical tests, including genetic testing;
- 2) establishing a clinical diagnosis for a patient;
- 3) performing a medical examination of a patient;
- 4) medical management of a patient; and
- 5) medical treatment of a patient.

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ACMG supports the establishment of state licensure programs for genetic counselors and believes that licensure enhances the ability of genetic counselors to provide appropriate genetic counseling services to those who need them. Furthermore, licensure helps protect the public from the harms that would ensue from inaccurate and inappropriate counseling that could be provided by inadequately trained individuals holding themselves out to the public as genetic counselors. However, we strongly believe that genetic counselors should be licensed to provide genetic counseling services and not to practice medicine.

As currently worded, HB 299 would expand the scope of practice for genetic counselors to include certain aspects of the practice of medicine, including independent ordering of medical tests. It is important to note that the language in this legislation is not limited to just ordering of genetic tests but would allow genetic counselors to order any diagnostic study. Ordering of medical tests by a genetic counselor means that the results are returned to the counselor who is then interpreting those results and returning them to the patient without a physician being involved.

While there are certain types of genetic tests that can safely be ordered by an appropriately trained genetic counselor, such as those that are used to estimate risk of developing disease or guide family planning decisions, other genetic tests are used to establish a diagnosis or guide treatment decisions, activities that, as noted in HB 299, are not performed by genetic counselors. Some tests may require a medical evaluation or other types of laboratory testing to identify genetic testing needs. In certain cases, genetic testing should only be ordered *after* a patient has received a diagnosis from a physician. Others may require physician involvement to complete a diagnostic interpretation of results. While we believe that the majority of genetic counselors will continue to responsibly order only certain types of tests, and only when appropriate criteria are met, precautions need to be added to legislation to ensure that optimal patient care is always provided in a healthcare team environment.

The ordering of medical tests, including genetic tests, as well as interpreting and returning results, should be performed only by a physician or by a genetic counselor working collaboratively with the patient's physician. We recognize that some medical specialists may feel comfortable with having a genetic counselor independently order genetic tests that are routine to their practice. However, this does not hold true for many specialties that incorporate genetic testing to diagnose or inform medical management of their patients. For example, for patients with complex chronic undiagnosed conditions, a physician trained in genetics should be involved in deciding what test to order and interpreting the results.

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Patients benefit most when physicians and other allied healthcare professionals work together. It is likely that many of the testimonies you receive will mention team-based healthcare with genetic counselors working alongside physicians. ACMG, like most other medical associations, strongly supports such team-based healthcare. Among other benefits, such collaboration reduces instances of incorrect or unnecessary ordering of genetic tests. However, genetic counseling services are not always provided in a team-based healthcare environment. In recent years, there has been a significant rise in independent genetic counseling practices. This factor must be considered when expanding genetic counselor scope of practice to allow for ordering of genetic tests as well as any other diagnostic study. We believe that requiring collaboration with physicians when ordering medical tests, as well as interpreting and returning results, is in the best interest of patients.

We respectfully urge the Committee to support patient safety by supporting legislation for genetic counselor licensure in Maryland with amendments as noted above. We appreciate your careful consideration of this testimony and the need to put patient safety first.

About ACMG

ACMG is the only nationally recognized medical professional organization solely dedicated to improving health through the practice of medical genetics and genomics, and the only medical specialty society in the US that represents the full spectrum of medical genetics disciplines in a single organization. ACMG is the largest membership organization specifically for medical geneticists, providing education, resources, and a voice for more than 2,400 clinical and laboratory geneticists, genetic counselors, and other healthcare professionals, nearly 80% of whom are board-certified in the medical genetics specialties. ACMG's mission is to improve health through the clinical and laboratory practice of medical genetics as well as through advocacy, education and clinical research, and to guide the safe and effective integration of genetics and genomics into all of medicine and healthcare, resulting in improved personal and public health.

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