



# Senate

General Assembly

**File No. 520**

February Session, 2014

Substitute Senate Bill No. 437

*Senate, April 14, 2014*

The Committee on Public Health reported through SEN. GERRATANA of the 6th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT CONCERNING LICENSURE FOR GENETIC COUNSELORS  
AND THE PRACTICE OF NATUREOPATHY.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2014*) As used in this section  
2 and sections 2 to 7, inclusive, of this act: (1) "Genetic counselor" means  
3 a person who has been licensed as a genetic counselor under the  
4 provisions of sections 2 to 7, inclusive, of this act; and (2) "genetic  
5 counseling" means the provision of services to individuals, couples,  
6 families and organizations by an appropriately trained individual to  
7 address the physical and psychological issues associated with the  
8 occurrence or risk of occurrence of a genetic disorder, birth defect or  
9 genetically influenced condition or disease in an individual or a family.

10 Sec. 2. (NEW) (*Effective October 1, 2014*) (a) No person may practice  
11 genetic counseling unless licensed pursuant to sections 1 to 7,  
12 inclusive, of this act.

13 (b) No person may use the title "licensed genetic counselor" or the

14 designation "LGC" or make use of any title, words, letters or  
15 abbreviations that may reasonably be confused with licensure as a  
16 genetic counselor unless such person is licensed pursuant to sections 1  
17 to 7, inclusive, of this act.

18 (c) The provisions of this section shall not apply to a person who (1)  
19 is licensed under chapter 370 of the general statutes, (2) is an advanced  
20 practice registered nurse licensed under chapter 378 of the general  
21 statutes, (3) is a nurse-midwife licensed under chapter 377 of the  
22 general statutes, (4) provides genetic counseling while acting within  
23 the scope of practice of the person's license and training, provided the  
24 person does not hold himself or herself out to the public as a genetic  
25 counselor, (5) is employed by the federal government to provide  
26 genetic counseling while in the discharge of the person's official duties,  
27 or (6) is a student enrolled in (A) a genetic counseling educational  
28 program, (B) a medical genetics educational program accredited by the  
29 American Board of Genetic Counseling, or any successor of said board,  
30 or the American Board of Medical Genetics, or (C) a graduate nursing  
31 education program in genetics and genetic counseling is an integral  
32 part of the student's course of study and the student is performing  
33 such counseling under the direct supervision of a licensed genetic  
34 counselor or physician.

35 Sec. 3. (NEW) (*Effective October 1, 2014*) (a) The Commissioner of  
36 Public Health shall grant a license as a genetic counselor to any  
37 applicant who furnishes evidence satisfactory to the commissioner that  
38 such applicant has met the requirements of this section. The  
39 commissioner shall develop and provide application forms. The  
40 application fee shall be three hundred fifteen dollars.

41 (b) Licenses issued under this section may be renewed annually  
42 pursuant to section 19a-88 of the general statutes. The fee for such  
43 renewal shall be one hundred ninety dollars. Each licensed genetic  
44 counselor applying for license renewal shall furnish evidence  
45 satisfactory to the commissioner of having current certification with  
46 the American Board of Genetic Counseling, or any successor of said

47 board, or the American Board of Medical Genetics.

48 Sec. 4. (NEW) (*Effective from passage*) (a) Except as provided in  
49 subsections (b) and (c) of this section, an applicant for a license as a  
50 genetic counselor shall submit evidence satisfactory to the  
51 Commissioner of Public Health of having earned a certification as a  
52 genetic counselor from the American Board of Genetic Counseling, or  
53 any successor of said board, or the American Board of Medical  
54 Genetics or a certification as a medical geneticist from the American  
55 Board of Medical Genetics.

56 (b) Prior to October 1, 2014, an applicant for a license as a genetic  
57 counselor may, in lieu of the requirements set forth in subsection (a) of  
58 this section, submit evidence satisfactory to the commissioner of  
59 having: (1) Acquired eight years of experience in the practice of genetic  
60 counseling; (2) earned, from an accredited institution of higher  
61 education, a master's or doctoral degree in genetics or a related field;  
62 and (3) attended a continuing education program approved by the  
63 National Society of Genetic Counselors within the five-year period  
64 prior to the date of application.

65 (c) An applicant for licensure by endorsement shall present  
66 evidence satisfactory to the commissioner that the applicant is licensed  
67 or certified as a genetic counselor, or as a person entitled to perform  
68 similar services under a different designation, in another state or  
69 jurisdiction whose requirements for practicing in such capacity are  
70 substantially similar to or higher than those of this state and that there  
71 are no disciplinary actions or unresolved complaints pending.

72 Sec. 5. (NEW) (*Effective October 1, 2014*) The Department of Public  
73 Health may issue a temporary permit to an applicant for licensure as a  
74 genetic counselor who holds a master's degree or higher in genetic  
75 counseling or a related field. Such temporary permit shall authorize  
76 the holder to practice as a genetic counselor. Such temporary permit  
77 shall be valid for a period not to exceed five hundred calendar days  
78 after the date of attaining such master's degree or higher and shall not  
79 be renewable. Such temporary permit shall become void and shall not

80 be reissued in the event the applicant fails to pass the examination for  
81 certification as a genetic counselor or medical geneticist by the  
82 American Board of Genetic Counseling, or any successor of said board,  
83 or the American Board of Medical Genetics. The fee for a temporary  
84 permit shall be fifty dollars.

85       Sec. 6. (NEW) (*Effective October 1, 2014*) The Commissioner of Public  
86 Health may take any disciplinary action set forth in section 19a-17 of  
87 the general statutes against a genetic counselor for any of the following  
88 reasons: (1) Failure to conform to the accepted standards of the  
89 profession; (2) conviction of a felony; (3) fraud or deceit in obtaining or  
90 seeking reinstatement of a license to practice genetic counseling; (4)  
91 fraud or deceit in the practice of genetic counseling; (5) negligent,  
92 incompetent or wrongful conduct in professional activities; (6)  
93 physical, mental or emotional illness or disorder resulting in an  
94 inability to conform to the accepted standards of the profession; (7)  
95 alcohol or substance abuse; or (8) wilful falsification of entries in any  
96 hospital, patient or other record pertaining to genetic counseling. The  
97 commissioner may order a license holder to submit to a reasonable  
98 physical or mental examination if his or her physical or mental  
99 capacity to practice safely is the subject of an investigation. The  
100 commissioner may petition the superior court for the judicial district of  
101 Hartford to enforce such order or any action taken pursuant to section  
102 19a-17 of the general statutes. The commissioner shall give notice and  
103 an opportunity to be heard on any contemplated action under section  
104 19a-17 of the general statutes.

105       Sec. 7. (NEW) (*Effective October 1, 2014*) The Commissioner of Public  
106 Health may adopt regulations, in accordance with the provisions of  
107 chapter 54 of the general statutes, to implement the provisions of  
108 sections 1 to 6, inclusive, of this act.

109       Sec. 8. Subsection (c) of section 19a-14 of the 2014 supplement to the  
110 general statutes is repealed and the following is substituted in lieu  
111 thereof (*Effective October 1, 2014*):

112       (c) No board shall exist for the following professions that are

- 113 licensed or otherwise regulated by the Department of Public Health:
- 114 (1) Speech and language pathologist and audiologist;
- 115 (2) Hearing instrument specialist;
- 116 (3) Nursing home administrator;
- 117 (4) Sanitarian;
- 118 (5) Subsurface sewage system installer or cleaner;
- 119 (6) Marital and family therapist;
- 120 (7) Nurse-midwife;
- 121 (8) Licensed clinical social worker;
- 122 (9) Respiratory care practitioner;
- 123 (10) Asbestos contractor and asbestos consultant;
- 124 (11) Massage therapist;
- 125 (12) Registered nurse's aide;
- 126 (13) Radiographer;
- 127 (14) Dental hygienist;
- 128 (15) Dietitian-Nutritionist;
- 129 (16) Asbestos abatement worker;
- 130 (17) Asbestos abatement site supervisor;
- 131 (18) Licensed or certified alcohol and drug counselor;
- 132 (19) Professional counselor;
- 133 (20) Acupuncturist;

- 134 (21) Occupational therapist and occupational therapist assistant;
- 135 (22) Lead abatement contractor, lead consultant contractor, lead  
136 consultant, lead abatement supervisor, lead abatement worker,  
137 inspector and planner-project designer;
- 138 (23) Emergency medical technician, advanced emergency medical  
139 technician, emergency medical responder and emergency medical  
140 services instructor;
- 141 (24) Paramedic;
- 142 (25) Athletic trainer;
- 143 (26) Perfusionist;
- 144 (27) Master social worker subject to the provisions of section 20-  
145 195v;
- 146 (28) Radiologist assistant, subject to the provisions of section 20-74tt;
- 147 (29) Homeopathic physician;
- 148 (30) Certified water treatment plant operator, certified distribution  
149 system operator, certified small water system operator, certified  
150 backflow prevention device tester and certified cross connection  
151 survey inspector, including certified limited operators, certified  
152 conditional operators and certified operators in training; [and]
- 153 (31) Tattoo technician; and
- 154 (32) Genetic counselor.

155 The department shall assume all powers and duties normally vested  
156 with a board in administering regulatory jurisdiction over such  
157 professions. The uniform provisions of this chapter and chapters 368v,  
158 369 to 381a, inclusive, 383 to 388, inclusive, 393a, 395, 398, 399, 400a  
159 and 400c, including, but not limited to, standards for entry and  
160 renewal; grounds for professional discipline; receiving and processing

161 complaints; and disciplinary sanctions, shall apply, except as otherwise  
162 provided by law, to the professions listed in this subsection.

163 Sec. 9. Section 20-34 of the general statutes is repealed and the  
164 following is substituted in lieu thereof (*Effective October 1, 2014*):

165 (a) The practice of natureopathy means the science, art and practice  
166 of healing [by natural methods as recognized by the Council of  
167 Natureopathic Medical Education and] that comprises diagnosis,  
168 prevention and treatment of disease and health optimization by  
169 stimulation and support of the body's natural healing processes, as  
170 approved by the State Board of Natureopathic Examiners, with the  
171 consent of the [commissioner] Commissioner of Public Health, and  
172 shall include (1) counseling; [and] (2) the practice of the mechanical  
173 and material sciences of healing as follows: The mechanical sciences  
174 such as mechanotherapy, articular manipulation, corrective and  
175 orthopedic gymnastics, physiotherapy, hydrotherapy, electrotherapy  
176 and phototherapy; and the material sciences such as nutrition,  
177 dietetics, phytotherapy, treatment by natural substances and external  
178 applications; (3) ordering diagnostic tests and other diagnostic  
179 procedures; (4) ordering medical devices, including continuous  
180 glucose monitors, glucose meters, glucose test strips, barrier  
181 contraceptives and durable medical equipment; and (5) removing ear  
182 wax, removing foreign bodies from the ear, nose and skin, shaving  
183 corns and calluses, spirometry, tuberculosis testing, vaccine  
184 administration, venipuncture for blood testing and minor wound  
185 repair, including suturing.

186 (b) For purposes of subsection (a) of this section, "natural  
187 substances" means substances [which] that are not narcotic substances,  
188 as defined in subdivision (30) of section 21a-240, do not require the  
189 written or oral prescription of a licensed practitioner to be dispensed  
190 and are only administered orally.

This act shall take effect as follows and shall amend the following sections:

|           |                        |             |
|-----------|------------------------|-------------|
| Section 1 | <i>October 1, 2014</i> | New section |
| Sec. 2    | <i>October 1, 2014</i> | New section |
| Sec. 3    | <i>October 1, 2014</i> | New section |
| Sec. 4    | <i>from passage</i>    | New section |
| Sec. 5    | <i>October 1, 2014</i> | New section |
| Sec. 6    | <i>October 1, 2014</i> | New section |
| Sec. 7    | <i>October 1, 2014</i> | New section |
| Sec. 8    | <i>October 1, 2014</i> | 19a-14(c)   |
| Sec. 9    | <i>October 1, 2014</i> | 20-34       |

**Statement of Legislative Commissioners:**

In sections 2(a) and (b), the phrase, "sections 3 and 4 of this act" was changed to "sections 1 to 7, inclusive, of this act", for accuracy; and in section 2(c)(6)(C), the phrase "and is performing" was changed to "and the student is performing", for clarity.

**PH**            *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

## **OFA Fiscal Note**

### **State Impact:**

| <b>Agency Affected</b>                           | <b>Fund-Effect</b> | <b>FY 15 \$</b> | <b>FY 16 \$</b> |
|--|--------------------|-----------------|-----------------|
| Public Health, Dept.                             | GF - Cost          | 28,821          | 26,407          |
| State Comptroller - Fringe Benefits <sup>1</sup> | GF - Cost          | 7,010           | 8,657           |
| Resources of the General Fund                    | GF - Revenue Gain  | 19,000          | 14,650          |

**Municipal Impact:** None

### **Explanation**

The bill results in a net state cost of \$16,831 in FY 15 and \$20,414 in FY 16 from the establishment of a new "Genetic Counselor" licensure category within the Department of Public Health (DPH). The cost to DPH of \$28,821 in FY 15 reflects compensation for a half-time Office Assistant with an 9/1/14 hire date, equipment (computer and scanner), 100 hours of consultant work at a rate of \$75 per hour and associated other expenses (office supplies, printing and postage). Of the \$26,407 cost to DPH in FY 16, \$26,065 reflects the salary for the half-time Office Assistant, associated other expenses and 30 hours of compliant investigation by a consultant. The remaining \$342 expense to DPH in FY 16 reflects transaction costs for 60 licensure renewal payments, required to be completed through DPH's eLicensing website under the bill. These payments will incur a 3% transaction cost per payment. The State Comptroller - Fringe benefit cost for the Office Assistant is \$7,010 in FY 15 and \$8,657 in FY 16. Anticipated

<sup>1</sup>The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 36.66% of payroll in FY 15 and FY 16.

General Fund revenue of \$19,000 in FY 15 and \$14,650 in FY 16 reflects the collection of fees associated with Genetic Counselor temporary permits, initial licenses and, beginning in FY 16, renewal licenses.

One hundred hours of consultant work is included in the FY 15 DPH cost in order to accommodate the development of the new licensure program. This includes the establishment of necessary forms and materials, the development of application processing and credential review procedures and drafting associated regulations. It is anticipated that this consultant will also train the half-time Office Assistant. The Office Assistant is provided to process temporary permits, initial licenses and, beginning in FY 16, licensure renewals. Costs for 30 hours of consultant work is included beginning in FY 16 to investigate an anticipated three complaints annually. This assumes that compliant investigation will take approximately 10 hours on average to complete.

It is anticipated that DPH will issue two temporary permits and 60 initial licenses in FY 15 and two temporary permits, 10 initial licenses and 60 license renewals in FY 16. Revenue associated with these permits and licenses total \$19,000 in FY 15 and \$14,650 in FY 16.

### ***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation and the number of genetic counselor temporary permits, initial and renewal licenses issued.

**OLR Bill Analysis****sSB 437*****AN ACT CONCERNING LICENSURE FOR GENETIC COUNSELORS AND THE PRACTICE OF NATUREOPATHY.*****SUMMARY:**

This bill requires anyone practicing genetic counseling to be licensed by the Department of Public Health (DPH). Licenses cost \$350 and may be renewed annually through the DPH online system for \$190. The bill establishes license qualifications, application and renewal processes, and grounds for disciplinary action against licensees. It also allows DPH to issue nonrenewable temporary permits.

Under the bill, “genetic counseling” means providing services that address the physical and psychological issues associated with the occurrence or risk of a genetic disorder, birth defect, or genetically influenced condition or disease in an individual or a family. The bill allows the commissioner to adopt regulations to implement genetic counseling licensing and specifies that no board exists for genetic licensure.

The bill also expands the definition of naturopathy and its scope of practice to specifically include, among other things, the science, art, and practice of healing that comprises diagnosing, preventing, and treating diseases and optimizing health by stimulating and supporting the body’s natural healing processes. It eliminates the requirement that the natural healing methods be recognized by the Council of Natureopathic Medical Education. By law, and unchanged by the bill, these methods must be approved by the State Board of Natureopathic Examiners, with the consent of the public health commissioner.

The bill also makes technical changes.

EFFECTIVE DATE: October 1, 2014, except for the genetic counselor licensing requirement, which is effective upon passage.

## **GENETIC COUNSELING**

### **§ 2 — Restrictions on Practice**

Under the bill, no one without a genetic counseling license may (1) practice genetic counseling or (2) use the title “licensed genetic counselor”; the designation “LGC”; or any title, words, letters, or abbreviations that may reasonably be confused with a genetic counselor license, unless he or she is:

1. licensed as a doctor, advanced practice registered nurse, physician’s assistant, or nurse-midwife;
2. employed by the federal government to provide genetic counseling; or
3. a student enrolled in a (a) genetic counseling education program, medical genetics education program accredited by the American Board of Genetic Counseling or the American Board of Medical Genetics, or (b) a graduate nursing education program in genetics of which genetic counseling is an integral part, and also working under the direct supervision of a licensed genetic counselor or physician.

Others may provide genetic counseling while acting within the scope of their licenses and training, provided they do not present themselves as genetic counselors.

### **§§ 3 & 4 — License Requirements, Applications, and Renewals**

The bill requires the DPH commissioner to issue a genetic counseling license to any applicant who submits, on a DPH form, evidence that he or she is certified (1) by the American Board of Genetic Counseling or the American Board of Medical Genetics or (2) as a medical geneticist by the American Board of Medical Genetics. To renew, licensees must prove they are certified with the American Board of Genetic Counseling or the American Board of Medical

Genetics.

Those applying for licensure prior to October 1, 2014, may instead submit evidence of having (1) practiced genetic counseling for eight years, (2) earned a master's or doctoral degree in genetics or a related field from an accredited higher education institution, and (3) attended a continuing education program approved by the National Society of Genetic Counselors within the five years before applying.

Applicants for licensure by endorsement must provide evidence that they are licensed or certified as genetic counselors (or as a person entitled to perform similar services under a different title) in another state or jurisdiction, provided that (1) the requirements for practicing are similar or higher than those in Connecticut, and (2) there are no pending disciplinary actions or unresolved complaints against the applicant.

#### **§ 6 — Enforcement and Disciplinary Action**

The bill authorizes the commissioner to take any appropriate disciplinary action within her authority, including, among other things, revoking or suspending a license or censuring a licensee, for:

1. failure to conform to the accepted standards of the profession;
2. felony convictions;
3. fraud or deceit in (a) obtaining or renewing a license or (b) the practice of genetic counseling;
4. negligence, incompetence, or wrongful conduct in professional activities;
5. physical, mental, or emotional illness or disorder resulting in an inability to conform to professional standards (the bill allows the commissioner to require a licensee submit to a reasonable physical or mental examination if his or her ability to practice safely is being investigated);

6. alcohol or substance abuse; or
7. willfully falsifying entries in any hospital, patient, or other related record.

The commissioner must give a licensee notice and an opportunity to be heard prior to taking disciplinary action and may ask Hartford Superior Court to enforce any such action.

### **§ 5 — Temporary Permits**

The bill allows DPH to issue nonrenewable temporary permits to applicants with at least a master's degree in genetic counseling or a related field allowing them to practice genetic counseling for up to 500 calendar days after receiving their degree. The permit is void and cannot be reissued if the applicant fails to pass the genetic counselor or medical geneticist certification exam offered by the American Board of Genetic Counseling or the American Board of Medical Genetics. The temporary permit fee is \$50.

### **NATUROPATHY**

The bill expands the scope of naturopathic practice to include:

1. ordering diagnostic tests and other diagnostic procedures;
2. ordering medical devices, including continuous glucose monitors, glucose meters and test strips, barrier contraceptives, and durable medical equipment;
3. removing ear wax and foreign bodies from the ear, nose and skin;
4. shaving corns and calluses;
5. spirometry (i.e. breath and lung capacity analysis);
6. tuberculosis testing;
7. vaccine administration; and

8. venipuncture for blood testing and minor wound repair, including suturing.

By law, unchanged by the bill, naturopathic practitioners can conduct counseling; offer treatment by natural substances; and perform several mechanical therapies, including orthopedic gymnastics and hydrotherapy.

**COMMITTEE ACTION**

Public Health Committee

Joint Favorable Substitute

Yea 25      Nay 0      (03/27/2014)