

HB 857

SUBMITTED COMMENTS FOR THE RECORD PROVIDED TO
THE CONNECTICUT PUBLIC HEALTH COMMITTEE
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NATIONAL SOCIETY OF GENETIC COUNSELORS
FEBRUARY 20, 2015

Senator Gerratana, Representative Ritter and members of the Public Health Committee, the National Society of Genetic Counselors (NSGC) commends you for holding a hearing on SB 857, an Act Concerning Licensure for Genetic Counselors. The NSGC is the leading voice, authority and advocate for the genetic counselor profession. Currently, there are over 4,000 certified genetic counselors practicing in the United States.

NSGC supports SB 857 with the attached amendments that follow our submitted testimony to the committee. The amendments would ensure that licensure of genetic counselors in Connecticut is consistent with the other 19 states that have enacted laws. NH, MA, NJ and PA are states within the northeast that are licensing genetic counselors and in order to ensure the public is protected and that genetic counselors are able to practice to the full extent of their training in Connecticut, we are hopeful you will enact SB 857. NSGC is also helping counselors pursue licensure in more than 15 additional states with the ultimate goal of having all 50 states license genetic counselors.

Genetic counselors are healthcare providers with significant training and expertise in molecular biology, medical genetics and psychosocial counseling obtained through a 2-year Master's level program. Most students enter the field from a variety of disciplines including biology, genetics, psychology, and public health. There are currently 31 accredited training programs in the United States and this number is growing as more academic centers of excellence institute a focus on precision medicine. The genetic counselor profession is one of the fastest growing in the United States. Since 2006 there has been 75% growth and it continues at about 7% annually.

Protect the Public

SB 857 is extremely important as the bill would help protect the public from potential harms that may result from this occupation remaining unregulated. Harms caused by untrained individuals attempting to provide genetic counseling include:

- Misinformation regarding genetic risk or lack of risk;
- Misunderstanding of the implications of genetic information such as family history or test results, which can lead to:
 - unnecessary medical treatment and/or surgery
 - lack of prevention or disease monitoring strategies

- irreversible management decisions
- Avoidable fear, anxiety and guilt
- Inappropriately undertaking costly genetic testing

Genetic counselors, with their specialized training, are ideally suited to work hand-in-hand with physicians and health care providers to ensure the delivery of high quality, up-to-date genomics services and to make sure that the patients utilizing these services are adequately informed. As such, they are key players in appropriately integrating genomics into health care and in avoiding the significant harm that can occur when genetic risk is not identified or when a patient is not properly counseled before genetic testing is done.

In addition, genetic counselors provide services that are cost-effective. They assure tests are utilized appropriately. Many health care providers often request unnecessary testing or incorrect tests, which increases the cost of health care. Non-genetics health care professionals have also been demonstrated to underestimate patients' genetic risks because of ineffective family history evaluation. For many genetic conditions, 50% of first degree relatives (siblings, parents, children) of a person with a genetic mutation will also carry a mutation and are at risk to manifest the disease or transmit the mutation. Identifying those who carry a mutation offers the opportunity for preventive screening and treatment, thus lowering the chance of disease manifestations. Moreover, identifying those family members who do not carry a mutation eliminates the need for expensive clinical follow-up.

Improve Access to Genetic Counselors

Many health plans and hospitals require licensure to credential a healthcare practitioner. The absence of licensure impedes the delivery of genetic counseling services in these cases as genetic counselors are not permitted to practice to the full extent of their training. Licensure would allow a genetic counselor to practice to the full extent of their training and will improve access to the service. Many states see an increased demand for genetic counselors after licensure has been implemented.

Just last year at Ohio State University, licensure allowed credentialing to occur and the oncology department was able to create several genetic counselor clinics that increased the number of patients seen in one clinic alone from 6 patient slots per week to 16 per week. They hired additional genetic counselors to ensure access was maintained.

Conversely, states without licensure may have a hard time attracting new graduates to the state to practice as they are not able to practice to the full extent of their training or receive appropriate reimbursement. These circumstances could place Connecticut at a disadvantage compared to other states and it could result in a loss of employment opportunity, revenue and tax base. In addition, it could decrease patient access to the specialized health care services that genetic counselors provide.

In summary, genomics is changing rapidly and genetic counselors are key players in appropriately and effectively integrating genomic applications into health care. Clinicians and patients need to know that the genetic counselors they work with/see are adequately trained and

up-to-date on genomic information. NSGC urges you to enact this legislation as it would establish requirements for the licensure of genetic counselors ensuring minimum standards for individuals in terms of academic achievement, clinical experience, and skills necessary to deliver high quality genetic counseling services. Currently in Connecticut, there is no legal standard for who can represent themselves as genetic counselors. As the field of medical genetics grows, there is and will continue to be a need to provide the citizens of Connecticut with accurate information regarding their genetic risks and results of genetic tests. At present, there is no mechanism that assures citizens that the individual who is providing this information is qualified to do so. In a climate where direct-to-consumer genetic testing via internet companies is widely available and where the complexity of genomic tests is increasing, the citizens of Connecticut deserve to have access to professionals who have been deemed qualified by the state to help them understand their potential genetic risks.

NSGC thanks the Co-Chairs and the committee for your attention to this important issue, and we offer ourselves as a resource as you move forward. *We respectfully submit the proposed amendments:*



PROPOSED AMENDMENT

General Assembly

January Session, 2015

Raised Bill No. 857

LCO No. 3012

03012_____PH_

Referred to Committee on PUBLIC HEALTH

Introduced by:

(PH)

AN ACT CONCERNING LICENSURE FOR GENETIC COUNSELORS.

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

Section 1. (NEW) (*Effective October 1, 2015*) As used in this section and sections 2 to 7, inclusive, of this act: (1) "Genetic counselor" means [an independent practitioner](#) [person] who has been licensed as a genetic counselor under the provisions of sections 2 to 7, inclusive, of this act; and (2) "genetic counseling" means the provision of services to individuals, couples, families and organizations by an appropriately trained individual to address the physical and psychological issues associated with the occurrence or risk of occurrence of a genetic disorder, birth defect or genetically influenced condition or disease in an individual or a family.

Sec. 2. (NEW) (*Effective October 1, 2015*) (a) No person may practice genetic counseling unless licensed pursuant to sections 3 and 4 of this act.

(b) No person may use [in connection with his or her name or place of business](#), the title "[genetic counselor](#)", "licensed genetic counselor" or the designation "LGC" ["gene counselor"](#), ["genetic consultant"](#), ["genetic associate"](#) or make use of any title, words, letters or abbreviations [or insignia](#) that may reasonably be confused with licensure as a genetic counselor unless such person is licensed pursuant to sections 3 and 4 of this act.

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

Sec. 3. (NEW) (*Effective October 1, 2015*) (a) The Commissioner of Public Health shall grant a license as a genetic counselor to any applicant who furnishes evidence satisfactory to the commissioner that such applicant has met the requirements [for certification by the American Board of Genetic Counseling, or any successor of said board, and](#) [of this] sections [2-7 of this act](#). The commissioner shall develop and provide application forms. The application fee shall be three hundred fifteen dollars.

(b) Licenses issued under this section may be renewed annually pursuant to section 19a-88 of the general statutes. The fee for such renewal shall be one hundred ninety dollars. Each licensed genetic counselor applying for license renewal shall furnish evidence satisfactory to the commissioner of having current certification with the American Board of Genetic Counseling, or any successor of said board, or the American Board of Medical Genetics [and that they are continuing to obtain Continuing Education Units \(CEUs\) as approved by the National Society of Genetic Counselors or the American Board of Genetic Counseling, or any successor of said boards. A genetic counselor may request to be excused from or granted an extension to comply with continuing education requirements due to illness or other extenuating circumstances.](#)

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

(b) An applicant for a license as a genetic counselor may, in lieu of the requirements set forth in subsection (a) of this section, submit evidence satisfactory to the commissioner of having, prior to October 1, 2015: (1) Acquired eight years of experience in the practice of genetic counseling; (2) earned, from an accredited institution of higher education, a master's or doctoral degree in genetics or a related field; and (3) attended a continuing education program approved by the National Society of Genetic Counselors within the five-year period prior to the date of application. [Licenses issued under this section may be renewed annually pursuant to section 19a-88 of the general statutes. The fee for such renewal shall be one hundred ninety dollars.](#)

Each licensed genetic counselor applying for license renewal shall furnish evidence satisfactory to the commissioner continuing to obtain Continuing Education Units (CEUs) as approved by the National Society of Genetic Counselors or the American Board of Genetic Counseling, or any successor of said boards. A genetic counselor may request to be excused from or granted an extension to comply with continuing education requirements due to illness or other extenuating circumstances.

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

Sec. 5. (NEW) (*Effective October 1, 2015*) The Department of Public Health may issue a temporary permit to an applicant for licensure as a genetic counselor who holds a master's degree or higher in genetic counseling or a related field. Such temporary permit shall authorize the holder to practice as a genetic counselor. Such temporary permit shall be valid for a period not to exceed five hundred calendar days after the date of attaining such master's degree or higher and shall not be renewable. Such temporary permit shall become void and shall not be reissued in the event the applicant fails to pass the examination, after two attempts, for certification as a genetic counselor or medical geneticist by the American Board of Genetic Counseling, or any successor of said board, or the American Board of Medical Genetics. The fee for a temporary permit shall be fifty dollars.

Sec. 6. (NEW) (*Effective October 1, 2015*) The Commissioner of Public Health may take any disciplinary action set forth in section 19a-17 of the general statutes against a genetic counselor for any of the following reasons: (1) Failure to conform to the accepted standards of the profession; (2) conviction of a felony; (3) fraud or deceit in obtaining or seeking reinstatement of a license to practice genetic counseling; (4) fraud or deceit in the practice of genetic counseling; (5) negligent, incompetent or wrongful conduct in professional activities; (6) physical, mental or emotional illness or disorder resulting in an inability to conform to the accepted standards of the profession; (7) alcohol or substance abuse; or (8) wilful falsification of entries

in any hospital, patient or other record pertaining to genetic counseling. The commissioner may order a license holder to submit to a reasonable physical or mental examination if his or her physical or mental capacity to practice safely is the subject of an investigation. The commissioner may petition the superior court for the judicial district of Hartford to enforce such order or any action taken pursuant to section 19a-17 of the general statutes. The commissioner shall give notice and an opportunity to be heard on any contemplated action under section 19a-17 of the general statutes.

Sec. 7. (NEW) (*Effective October 1, 2015*) The Commissioner of Public Health may adopt regulations, in accordance with the provisions of chapter 54 of the general statutes, to implement the provisions of sections 1 to 6, inclusive, of this act.

Sec. 8. Subsection (c) of section 19a-14 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2015*):

(c) No board shall exist for the following professions that are licensed or otherwise regulated by the Department of Public Health:

- (1) Speech and language pathologist and audiologist;
- (2) Hearing instrument specialist;
- (3) Nursing home administrator;
- (4) Sanitarian;
- (5) Subsurface sewage system installer or cleaner;
- (6) Marital and family therapist;
- (7) Nurse-midwife;
- (8) Licensed clinical social worker;
- (9) Respiratory care practitioner;
- (10) Asbestos contractor and asbestos consultant;

- (11) Massage therapist;
- (12) Registered nurse's aide;
- (13) Radiographer;
- (14) Dental hygienist;
- (15) Dietitian-Nutritionist;
- (16) Asbestos abatement worker;
- (17) Asbestos abatement site supervisor;
- (18) Licensed or certified alcohol and drug counselor;
- (19) Professional counselor;
- (20) Acupuncturist;
- (21) Occupational therapist and occupational therapist assistant;
- (22) Lead abatement contractor, lead consultant contractor, lead consultant, lead abatement supervisor, lead abatement worker, inspector and planner-project designer;
- (23) Emergency medical technician, advanced emergency medical technician, emergency medical responder and emergency medical services instructor;
- (24) Paramedic;
- (25) Athletic trainer;
- (26) Perfusionist;
- (27) Master social worker subject to the provisions of section 20-195v;
- (28) Radiologist assistant, subject to the provisions of section 20-74tt;
- (29) Homeopathic physician;

(30) Certified water treatment plant operator, certified distribution system operator, certified small water system operator, certified backflow prevention device tester and certified cross connection survey inspector, including certified limited operators, certified conditional operators and certified operators in training; [and]

(31) Tattoo technician; and

(32) Genetic counselor.

The department shall assume all powers and duties normally vested with a board in administering regulatory jurisdiction over such professions. The uniform provisions of this chapter and chapters 368v, 369 to 381a, inclusive, 383 to 388, inclusive, 393a, 395, 398, 399, 400a and 400c, including, but not limited to, standards for entry and renewal; grounds for professional discipline; receiving and processing complaints; and disciplinary sanctions, shall apply, except as otherwise provided by law, to the professions listed in this subsection.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015</i>	New section
Sec. 2	<i>October 1, 2015</i>	New section
Sec. 3	<i>October 1, 2015</i>	New section
Sec. 4	<i>from passage</i>	New section
Sec. 5	<i>October 1, 2015</i>	New section
Sec. 6	<i>October 1, 2015</i>	New section
Sec. 7	<i>October 1, 2015</i>	New section
Sec. 8	<i>October 1, 2015</i>	19a-14(c)

Statement of Purpose:

To establish licensure requirements for genetic counselors.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]