

[First Reprint]

**ASSEMBLY, No. 269**

**STATE OF NEW JERSEY**  
**213th LEGISLATURE**

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

**Sponsored by:**

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**District 39 (Bergen)**

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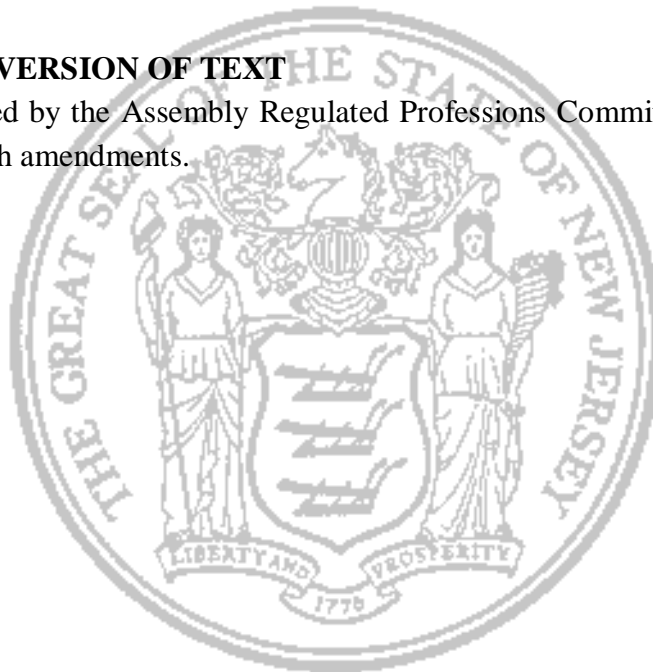
**District 6 (Camden)**

**SYNOPSIS**

Requires licensing of genetic counselors.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Regulated Professions Committee on January 24, 2008, with amendments.



**(Sponsorship Updated As Of: 1/25/2008)**

1 AN ACT concerning the licensure of genetic counselors and  
2 supplementing chapter 9 of Title 45 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. This act shall be known and may be cited as the "Genetic  
8 Counselor's Licensing Act."

9

10 2. The Legislature finds that: the profession of genetic  
11 counseling has existed for over 30 years now; the American Board  
12 of Genetic Counseling prepares and administers examinations to  
13 certify individuals who provide services in the clinical genetics  
14 specialty of genetic counseling and accredits training programs in  
15 genetic counseling; prior to the establishment of the American  
16 Board of Genetic Counseling, certification in this specialty was  
17 offered by the American Board of Medical Genetics.

18 The Legislature further finds that: genetic counseling is a  
19 communication process which deals with the human problems  
20 associated with the occurrence, or the risk of occurrence, of a  
21 genetic disorder, birth defect or mental retardation in a family. This  
22 process involves an attempt by one or more appropriately trained  
23 individuals to help an individual or family: comprehend the medical  
24 facts, including the diagnostic, probable course and available  
25 management of a disorder, as well as the risk of occurrence in  
26 specified relatives; understand the options for dealing with the risk  
27 of recurrence; choose the course of action that seems appropriate to  
28 that individual or family in view of the risk and the family goals  
29 and to act in accordance with that decision; and make the best  
30 possible adjustment to the disorder in affected family members and  
31 to the risk of occurrence or recurrence of the disorder.

32 The Legislature further finds that: the profession of genetic  
33 counseling profoundly affects the lives of the people of New Jersey;  
34 and informed individual decisions to undergo a genetic test and  
35 intellectually sound and emotionally healthy responses to the  
36 discovery of a genetic anomaly can be facilitated by professional  
37 genetic counseling; however, misuse of those same genetic tests or  
38 information used for individual decisions may result in  
39 inappropriate decision making, loss of privacy, discrimination,  
40 inappropriate medical referrals, and unnecessary emotional distress.

41 The Legislature declares, therefore, that this act is intended to  
42 protect the people of New Jersey by setting standards of  
43 qualification, education, training and experience for those persons  
44 seeking to practice and be licensed as genetic counselors and by

**EXPLANATION** – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly ARP committee amendments adopted January 24, 2008.

1 promoting high standards of professional performance for those  
2 presently practicing as genetic counselors and for those who will be  
3 licensed to practice genetic counseling in the State.

4

5 3. As used in this act:

6 "Board" means the State Board of Medical Examiners  
7 established pursuant to R.S.45:9-1.

8 "Certified genetic counselor" means a person who holds a  
9 current, valid certificate issued by the American Board of Medical  
10 Genetics or the American Board of Genetic Counseling.

11 "Director" means the Director of the Division of Consumer  
12 Affairs in the Department of Law and Public Safety.

13 "Genetic Counseling Advisory Committee" or "committee"  
14 means the Genetic Counseling Advisory Committee established  
15 pursuant to section 9 of this act.

16 "Genetic counselor" means a health professional with specialized  
17 education, training and experience in medical genetics who meets  
18 the requirements for licensure as provided in this act.

19 "Licensed genetic counselor" means a person who holds a  
20 current, valid license issued pursuant to section 6 of this act.

21 "Supervision" means the direct review of a supervisee for the  
22 purpose of teaching, training, administration, accountability or  
23 clinical review by a supervisor in the same area of specialized  
24 practice.

25

26 4. a. No person shall engage in the practice of genetic  
27 counseling as a genetic counselor, or present, call or represent  
28 himself as a genetic counselor unless licensed pursuant to this act.

29 b. Only an individual may be licensed to practice genetic  
30 counseling within the State. No firm, partnership, association or  
31 corporation shall advertise or otherwise offer to provide or convey  
32 the impression that it is providing genetic counseling services  
33 unless an individual holding a current valid license pursuant to the  
34 provisions of this act shall be rendering the genetic counseling  
35 services.

36

37 5. The provisions of this act shall not apply to:

38 a. A person licensed by the State to practice medicine and  
39 surgery when acting within the scope of the person's profession and  
40 doing work of a nature consistent with the person's training, if the  
41 person does not hold himself out to the public as a genetic  
42 counselor;

43 b. A student enrolled in an educational program accredited, or  
44 in candidacy for accreditation, by the American Board of Genetic  
45 Counseling, if the student is practicing as part of a supervised  
46 course of study and is clearly designated by the title "genetic  
47 counseling intern;"

1 c. A person performing limited counseling as a genetic  
2 assistant under the direct supervision of a certified medical  
3 geneticist or 'licensed' genetic counselor; 'or'

4 d. A person who is licensed as a registered nurse when acting  
5 within the scope of the person's profession and doing work of a  
6 nature consistent with the person's training, if the person does not  
7 hold himself out to the public as a licensed genetic counselor '[; or

8 e. A person engaged in the practice of genetic counseling as an  
9 employee of a clinical laboratory who provides genetic counseling  
10 services only in relation to testing performed by that laboratory or  
11 referred to another laboratory or provider by that laboratory ']'.  
12

13 6. a. The board, in consultation with the committee, shall issue  
14 a license to an applicant who holds a current, valid certificate as a  
15 "certified genetic counselor" from the American Board of Medical  
16 Genetics or the American Board of Genetic Counseling and who  
17 satisfactorily meets the requirements of this act except that, a  
18 license shall not be issued to an applicant who has committed any  
19 act which if committed by a licensee would be grounds for  
20 suspension or revocation, or has misrepresented any material fact  
21 on the application.

22 b. The board, in consultation with the committee, shall issue a  
23 provisional license to an applicant who is granted active candidate  
24 status by the American Board of Genetic Counseling. The  
25 provisional license shall expire with the expiration of '[board  
26 eligible] active candidate' status as defined by the American Board  
27 of Genetic Counseling.

28 c. An applicant who satisfies the board that the applicant is  
29 licensed or registered under the laws of another state, territory or  
30 jurisdiction of the United States, which in the opinion of the board  
31 imposes substantially the same licensing requirements as this act,  
32 may be licensed pursuant to this act.  
33

34 7. a. Except in the case of a provisional license issued pursuant  
35 to section 6 of this act, all licenses shall be issued for a two-year  
36 period upon the payment of the licensing fee prescribed by the  
37 director, and shall be renewed upon the filing of a renewal  
38 application and the payment of the licensing renewal fee.

39 b. A genetic counselor whose license is suspended or revoked  
40 or whose surrender of license with or without prejudice has been  
41 accepted by the board or the committee, shall promptly deliver the  
42 original license and current biennial registration to the board or  
43 committee.

44 c. In addition to any other requirements for licensure, at the  
45 time of renewal, an applicant shall execute and submit a sworn  
46 statement on a form provided by the board that neither the  
47 certificate from the American Board of Medical Genetics or the

1 American Board of Genetic Counseling or a license or registration  
2 from another state, territory or jurisdiction on which the State  
3 licensed is based, has been revoked, suspended or not renewed.

4 d. Each applicant shall present satisfactory evidence when  
5 seeking license renewal that in the period since the license was  
6 issued or last renewed, the applicant has completed 3.0 American  
7 Board of Genetic Counseling-eligible continuing education units.

8

9 8. A licensed genetic counselor shall not be required to disclose  
10 any confidential information that the genetic counselor may have  
11 acquired from a client or patient while performing genetic  
12 counseling services to that client or patient unless:

13 a. Disclosure is required by other State law;

14 b. Failure to disclose the information presents a clear and  
15 present danger to the health or safety of an individual;

16 c. The genetic counselor is a party to a civil, criminal or  
17 disciplinary action arising from the genetic counseling services  
18 provided, in which case a waiver of the privilege accorded by this  
19 section shall be limited to that action;

20 d. The patient or client is a defendant in a criminal proceeding  
21 and the use of the privilege would violate the defendant's right to  
22 present testimony and witnesses on that person's behalf; or

23 e. A patient or client agrees to waive the privilege accorded by  
24 this section or, in the case in which more than one person in a  
25 family is receiving genetic counseling services, each family  
26 member who is receiving the counseling services agrees to waive  
27 the privilege. A genetic counselor shall not disclose information  
28 received from any family member without obtaining a waiver from  
29 each family member who is receiving the counseling services.

30

31 9. There is established in the State Board of Medical  
32 Examiners a Genetic Counseling Advisory Committee. The  
33 committee shall consist of five members who are residents of this  
34 State, who are appointed by the Governor. One member shall be a  
35 public member, one member shall be a physician licensed to  
36 practice medicine and surgery in this State, and three members shall  
37 be, except for those first appointed, genetic counselors licensed  
38 pursuant to this act. The genetic counselor members first appointed  
39 to the committee shall be genetic counselors certified by the  
40 American Board of Genetic Counseling or the American Board of  
41 Medical Genetics.

42 The members shall be appointed for a term of three years, except  
43 that of the members first appointed, two shall be appointed for a  
44 term of one year, two shall be appointed for a term of two years and  
45 one shall be appointed for a term of three years. Each member shall  
46 serve until his successor has been qualified. Any vacancy in the  
47 membership of the committee shall be filled for the unexpired term  
48 in the same manner as the original appointments were made. No

1 member shall serve for more than two consecutive terms in addition  
2 to any unexpired term to which he has been appointed. The  
3 Governor may remove a member of the committee for cause.

4 Members of the committee shall be <sup>1</sup>['compensated and']<sup>1</sup>  
5 reimbursed for actual expenses reasonably incurred in the  
6 performance of their official duties in accordance with subsection a.  
7 of section 2 of P.L.1977, c.285 (C.45:1-2.5).

8

9 10. The State Board of Medical Examiners shall <sup>1</sup>, after  
10 consultation with the Genetic Counseling Advisory Committee.<sup>1</sup>  
11 adopt rules and regulations pursuant to the "Administrative  
12 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to carry out  
13 the provisions of this act.

14

15 11. This act shall take effect on the 180th day after enactment.