

270 CMR: BOARD OF REGISTRATION OF GENETIC COUNSELORS

270 CMR 3.00: LICENSURE REQUIREMENTS AND PROCEDURES

Section

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3.01: General Licensure Requirement~~Limitation on Use of Title "Genetic Counselor"~~

Except as otherwise provided ~~in M.G.L. c. 112, § 257~~by law, no person shall represent himself or herself to be a genetic counselor, or use in connection with his or her name or place of business the title "genetic counselor", "licensed genetic counselor", "gene consultant", "genetic consultant", "genetic associate" or any words, letters, abbreviations or insignia indicating or implying a person holds a genetic counselor license unless such person holds a current ~~genetic counselor~~ license issued by the Board pursuant to M.G. L. c. 112 §§ 252 through 258.

3.02: Application for Provisional License~~Provisional Licensure as a Genetic Counselor~~

~~(1) — A provisional license to practice as a genetic counselor issued by the Board authorizes its holder to engage in supervised practice as a provisionally licensed genetic counselor pending the provisional licensee's notification in writing of a passing score on a certification examination for genetic counselors by the American Board of Genetic Counseling (ABGC), the American Board of Medical Genetics (ABMG), or other certifying agency that meets the standards established by the ABGC or the ABMG. An applicant for provisional licensure shall not practice as a genetic counselor until notified in writing by the Board that his or her application for such licensure has been approved. A provisional licensee shall apply to the Board for a full license as a genetic counselor within 60 days of receiving written notification from the certifying agency of a passing score on a certification examination pursuant to 270 CMR 3.05.~~

~~(2) An applicant for provisional licensure as a genetic counselor shall file with the Board a completed and signed application for a provisional license and shall include with such application documentation satisfactory to the Board that the applicant~~The Board may grant a provisional license to an applicant who:

- (a) is at least 18 years of age and of good moral character;
- ~~(b) — is of good moral character;~~
- (eb) holds one of the following either:

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~~1. a master's degree from a genetic counseling training program approved by the Board, provided that such program meets the educational standards established by the American Board of Genetic Counseling (ABGC); or~~

~~21. a master's degree from a genetic counseling training program accredited by the ABGC Accreditation Council for Genetic Counseling (ACGC) or its successor agency, or an equivalent program as determined by the ABGC/ACGC; or~~

~~32. a doctorate from a medical genetics training program accredited by the American Board of Medical Genetics (ABMG) or an equivalent program as determined by the ABMG; and~~

~~(dc) has been authorized to take is eligible to sit for a certifying examination by a certifying agency; and~~

~~(d) has submitted the following to the Board:~~

~~1. An accurate, complete and signed application for a provisional license, as specified by the Board for that purpose;~~

~~2. A copy of the written notice from the certifying agency to the applicant that he or she has been approved to take a certification examination;~~

~~3. A transcript or other documentation satisfactory to the Board that verifies that the applicant holds at least one of the degrees identified in 270 CMR 3.02(1)(b);~~

~~(e)4. Written notice to the Board of has provided the name, business address and telephone number, license number, genetic counselor certification number, and signature of the fully licensed genetic counselor, or licensed physician with current ABMG certification in clinical genetics, who has agreed to serve as the license applicant's supervisor pursuant to 270 CMR 3.03; and~~

~~(fd)5. Payment of roof that he or she has paid all applicable fees established by the Executive Office for Administration and Finance pursuant to M.G.L. c. 7, § 3B, unless waived in accordance with M.G.L. c. 112, § 1B.; and~~

~~(g) in addition to the professional experience required for certification as a genetic counselor by a certifying agency, has completed all professional experience or other requirements, or both, as may be established by the Board.~~

~~(32) An application for a provisional license initiated by the Board's receipt of a completed and signed application form and all applicable fees shall be considered valid for one year from the date of its initiation. If the application for a provisional license is not completed by the applicant and received by the Board within one year from the date of its initiation, such application shall no longer be valid. All fees are non-refundable. Any applicant whose application for a provisional license is no longer valid may submit to the Board a new application for a provisional license and all applicable fees pursuant to 270 CMR 3.02 and 3.07.~~

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~~(4) — An application for a provisional license as a genetic counselor once initiated may not be withdrawn.~~

~~(5) — The Board may issue an applicant a provisional license to engage in supervised practice as a genetic counselor if such issuance would be in the best interest of the public health, safety, and welfare.~~

3.03: General Supervision and Responsibilities of a Provisionally Licensed Genetic Counselor

(1) A provisionally licensed genetic counselor may perform clinical genetic counseling services ~~shall practice as a genetic counselor~~ only under the general supervision and direction of either a fully licensed genetic counselor whose license is in good standing, or a licensed physician whose license is in good standing with current ABMG certification in clinical genetics, ~~at all times during which the provisional licensee performs clinical genetic counseling services. The supervisor's full genetic counselor license and ABGC certification, or physician license and ABMG certification, shall be current and in good standing at all times during the supervisory relationship.~~

(2) A provisionally licensed genetic counselor shall notify the Board in writing of any change(s) relating to his or her supervisor within 15 days of any such change(s). In the event of a change of supervisor, a provisional licensee shall not practice as a genetic counselor at any time between the cessation of one supervisory relationship and the Board's ~~receipt and~~ approval of documentation complying with 270 CMR 3.02(21)(ed)4. with respect to the provisional licensee's succeeding supervisor.

(3) The supervisor of a provisionally licensed genetic counselor shall verify with the Board such provisional licensee's status before beginning and every three months during the supervisor's relationship.

~~(34)~~ The supervisor of a provisionally licensed genetic counselor shall be responsible for providing general supervision and direction to the provisional licensee, ~~which supervision that~~ shall be of a level sufficient to ensure that the provisional licensee performs all genetic counseling services in accordance with generally accepted standards of professional practice. ~~In accordance with~~ The Board has published and Board approved Guidelines for the General Supervision of Provisional Licensees adopted by, and available from, the Board, available on the Board's Website. ~~general~~ General supervision and direction of a provisional licensee shall include, but is not limited to:

(a) developing an annual supervision contract signed and dated by the supervisor and the provisional licensee that shall be on file with both parties and made available to the Board in a timely manner upon request;

~~(ab)~~ assessing and documenting the professional competence, skill, and experience of the provisional licensee;

~~(bc)~~ determining the nature and level of supervision required by the provisional licensee;

~~(c) — before beginning the accrual of supervision, developing an annual supervision contract signed and dated by the supervisor and the provisional~~

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~~licensee that shall be on file with both parties and made available to the Board in a timely manner upon request;~~

(d) convening regular meetings to review the provisional licensee's clinical services and administrative practices, either in face to face meetings or other form of communication; and

(e) conducting regular chart or case reviews with the provisional licensee.

(45) The supervisor of a provisionally licensed genetic counselor shall keep a complete and accurate written record of the general supervision and direction provided to each provisional licensee, ~~which record that~~ shall be retained by the supervisor for three years from the date such supervision ends and shall be made available to the Board by the supervisor in a timely manner upon request.

(56) The supervisor of a provisionally licensed genetic counselor shall not be required to be physically present where the provisional licensee provides clinical genetic counseling services; however, the supervisor shall be readily accessible for consultation and assistance whenever the provisional licensee provides such services.

(7) A provisionally licensed genetic counselor who has received written notification from a certifying agency of a passing score on a certification examination must notify the Board of such test results immediately and submit a completed license application form to the Board.

~~(6) The supervisor of a provisionally licensed genetic counselor shall verify with the Board such licensee's licensure by the Board and license status before beginning and throughout the supervisory relationship, and shall retain a copy of the provisional license issued to the provisional licensee by the Board. Documentation of the provisional licensee's licensure shall be made available to the Board by the supervisor in a timely manner upon request.~~

3.04: ~~Validity-Expiration~~ of a Provisional License

(1) A provisional license ~~to practice as a genetic counselor duly issued by the Board authorizing its holder to engage in supervised practice as a genetic counselor shall be valid for up to 36 months from its date of issuance and shall no longer be valid~~ expires upon the earliest of the following:

~~(a) 60 days after the date a provisional licensee receives written notification from a certifying agency of a passing score on a certification examination unless the Board has received from such provisional licensee within 60 days of such notification a completed and signed application for a full license as a genetic counselor and all applicable fees pursuant to 270 CMR 3.05;~~

~~(b) the date the Board issues, or denies, a full genetic counselor license to a provisional licensee in connection with such licensee's application for a full license as a genetic counselor submitted to the Board pursuant to 270 CMR 3.05;~~

~~(c) the expiration date printed on the provisional license issued by the Board;~~

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~~(d) — the date the provisional licensee receives written notification of a failing score from a certifying agency after taking a certification examination for a second time, whereupon such licensee shall immediately cease all practice as a provisional licensee until duly licensed as a full licensee pursuant to 270 CMR 3.05;~~

~~(e) — the date the provisional license is suspended or surrendered by formal written agreement with the Board, suspended pending a hearing pursuant to 270 CMR 4.04, suspended or revoked by final decision and order pursuant to 270 CMR 4.00, or suspended or revoked as otherwise provided by law.~~

~~(a) The date that the Board issues a full license to the provisionally licensed genetic counselor; or~~

~~(b) 30 days after the provisionally licensed genetic counselor receives written notification of a failing score on the certification examination from a certifying agency, unless the Board has extended the provisional license in accordance with 270 CMR 3.04(2);~~

~~(c) Two years from the date that the provisional license was issued, unless the Board has extended the provisional license in accordance with 270 CMR 3.04(2); or~~

~~(d) Two years from the date that the Board has extended the provisional license in accordance with 270 CMR 3.04(2).~~

~~(2) A provisional licensee who receives written notification of a failing score from a certifying agency after taking a certification examination for the first time may continue supervised practice under his or her provisional license provided such provisional licensee has been authorized by the certifying agency to take the next available certification examination. The Board may extend the provisional license of a provisionally licensed genetic counselor who:~~

~~(a) has received written notification of a failing score on the first sitting of the certification examination from a certifying agency;~~

~~(b) has submitted, within 30 days of receiving such notification, a complete, accurate application for extension specified by the Board for this purpose that is signed by both the provisionally licensed genetic counselor and his or her supervisor.~~

~~(3) — Notwithstanding any other provision of 270 CMR 3.04, whenever a provisional license to practice as a genetic counselor issued by the Board is no longer valid by operation of 270 CMR 3.04(1)(a) or (c) while its holder was actively serving in the armed forces of the United States and such holder has applied to the Board for an extension of the validity of such license within the six months immediately following the date of release from said service, the Board, in accordance with the provisions of St. 1954, c. 627, § 51, and St. 1991, c. 110, § 4 shall extend the validity of the applicant's provisional license to allow such applicant an opportunity to resume compliance with the requirements of 270 CMR 3.00 upon the Board's receipt of documentation satisfactory to the Board of the applicant's release from said service; provided, however, that the applicant shall be of good moral character and extension of the validity of the applicant's provisional license would be in the best interest of the public. An applicant for an extension of the validity of a provisional license pursuant to 270 CMR 3.04(3) may~~

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~~practice on an expired license for up to three months from the date of such applicant's release from service in the armed forces.~~

3.05: Full Licensure as a Genetic Counselor

~~(1) — A provisionally licensed genetic counselor who has received written notification from a certifying agency of a passing score on a certification examination may continue practice as a provisional licensee provided the Board has received from the provisional licensee within 60 days of such notification a completed and signed application for a full license as a genetic counselor and all applicable fees pursuant to 270 CMR 3.05.~~

~~(2) — An applicant for a full license as a genetic counselor shall file with the Board a completed and signed application for a full license and shall include with such application proof satisfactory to the Board that the applicant:~~

~~(1) The Board may grant a full license to an applicant who:~~

~~(a) is at least 18 years of age and of good moral character;~~

~~(b) — is of good moral character;~~

~~(eb) holds one of the following either:~~

~~1. — a master's degree from a genetic counseling training program approved by the Board, provided that such program meets the educational standards established by the American Board of Genetic Counseling (ABGC); or~~

~~1. a master's degree from a genetic counseling training program that is accredited by the ABGC-ACGC or an equivalent program as determined by the ABGCACGC or its successor agency; or~~

~~2. a doctorate from a medical genetics training program that is accredited by the American Board of Medical Genetics (ABMG) or an equivalent program as determined by the ABMG; and~~

~~(dc) has received a passing score on a genetic counselor certification examination as evidenced by a statement sent directly to the Board by the certifying agency that verifies such passing score or current certification, or both; and~~

~~(d) has submitted the following to the Board:~~

~~1. An accurate, complete and signed application for a full license, as specified by the Board for that purpose;~~

~~2. A transcript or other documentation satisfactory to the Board that verifies that the applicant holds at least one of the degrees identified in 270 CMR 3.05(1)(b);~~

~~3. Documentation satisfactory to the Board that he or she has received a passing score on a genetic counselor certification examination;~~

~~4.(ee) has paid Payment of all applicable fees established by the Executive Office for Administration and Finance pursuant to M.G.L. c. 7, § 3B, unless waived in accordance with M.G.L. c. 112, § 1B.; and~~

~~(f) — in addition to the professional experience required for genetic counselor certification by a certifying agency, has completed all professional experience or other requirements, or both, as may be established by the Board.~~

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(3) An application for a full license as a genetic counselor initiated by the Board's receipt of a completed and signed application form and all applicable fees shall be considered valid for one year from the date of its initiation. If the application for a full license is not completed by the applicant and received by the Board within one year from the date of its initiation, such application shall no longer be valid. Any applicant whose application for a full license is no longer valid may submit to the Board a new application for a full license pursuant to 270 CMR 3.05 ~~and 3.07~~.

~~(4) An application for a full license as a genetic counselor once initiated may not be withdrawn.~~

~~(5) The Board may issue an applicant a full license to practice as a genetic counselor if such issuance would be in the best interest of the public health, safety, and welfare.~~

3.06: Expiration and Full License Renewal of a Full License

~~(1) Each fully licensed genetic counselor must renew his or her license to practice. A full license to practice as a genetic counselor duly issued by the Board shall expire on or before January 31st of each odd-numbered year, and, if not surrendered, suspended or revoked, shall be renewed every two years on or before its expiration date if the full licensee intends to continue to hold himself or herself out in any way as a genetic counselor or to represent to the public, directly or indirectly, that he or she is licensed by the Board as a genetic counselor. A fully licensed genetic counselor who fails to renew his or her license on or before the expiration date may not practice until he or she renews his or her license. A fully licensed genetic counselor who continues to practice after the expiration date may be subject to disciplinary action by the Board.~~

~~(2) A Genetic Counselor who fails to renew his or her license on or before the expiration date shall no longer be authorized to practice until he or she renews his or her license, and he or she may be subject to disciplinary action by the Board. A fully licensed genetic counselor who (a) meets the continuing education requirements in 270 CMR 3.06(3) and (b) maintains certification as a genetic counselor through a certifying agency may apply to renew his or her license by submitting an application in the manner specified by the Board, together with payment of the license renewal fees prescribed by the Executive Office of Administration and Finance pursuant to M.G.L. c. 7, § 3B, unless waived in accordance with M.G.L. c. 112, § 1B.~~

~~(3) Continuing Education.~~

~~(a) Except as provided in 270 CMR 3.06(3)(b), each fully licensed genetic counselor shall complete a minimum of 50 contact hours of Board approved continuing education per license renewal period and shall submit proof thereof to the Board upon request.~~

~~(b) A genetic counselor issued a full license between February 1 of an even-numbered year and January 31 of an odd numbered year shall complete a~~

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minimum of 25 contact hours of Board approved continuing education during the first renewal period.

(c) Continuing education contact hours may not be carried over from one license renewal period to another.

(d) Continuing education programs and activities that have been approved by a certifying agency satisfy the requirement of Board approval.

~~(2) — A fully licensed genetic counselor who intends to continue to hold himself or herself out in any way as a genetic counselor or to represent to the public, directly or indirectly, that he or she is licensed by the Board as a genetic counselor shall, on or before January 31st of each odd-numbered year, file with the Board a completed and signed application for renewal of a full license on forms provided by the Board. The license renewal applicant shall include with such application documentation satisfactory to the Board that the applicant:~~

~~(a) — has maintained certification as a genetic counselor through a certifying agency;~~

~~(b) — is of good moral character;~~

~~(c) — has attested to completion of all continuing education required for license renewal pursuant to 270 CMR 3.08; and~~

~~(d) — has paid all applicable fees established by the Executive Office for Administration and Finance pursuant to M.G.L. c. 7, § 3B.~~

~~(3) — A fully licensed genetic counselor whose license has expired and who intends to hold himself or herself out in any way as a genetic counselor or to represent to the public, directly or indirectly, that he or she is licensed by the Board as a genetic counselor, and whose license has not been surrendered, suspended or revoked, shall file with the Board a completed and signed application for renewal of a full license on forms provided by the Board. The license renewal applicant shall submit with such application documentation satisfactory to the Board that the applicant:~~

~~(a) — is certified as a genetic counselor by a certifying agency;~~

~~(b) — is of good moral character;~~

~~(c) — has attested to completion of all continuing education required for license renewal pursuant to 270 CMR 3.08;~~

~~(d) — has paid a license renewal fee, a late renewal fee, and any other applicable fees established by the Executive Office for Administration and Finance pursuant to M.G.L. c. 7, § 3B; and~~

~~(e) — has met all other prerequisites for license renewal as may be determined by the Board, which may include the completion of continuing education in addition to the continuing education required for license renewal pursuant to 270 CMR 3.08.~~

~~(4) — Notwithstanding any other provision of 270 CMR 3.06, whenever a full license issued by the Board has expired while its holder was actively serving in the armed forces of the United States and such holder has applied to the Board for full license renewal within the six months immediately following the date of release from said service, the Board, in accordance with the provisions of St. 1954, c. 627, § 51, and St. 1991, c. 110,~~

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~~§4, shall renew the applicant's license upon receipt of a completed and signed application for renewal of a full license accompanied by documentation satisfactory to the Board of the applicant's release from said service and payment of the applicable license renewal fee; provided, however, that the applicant shall be of good moral character and license renewal would be in the best interest of the public. An applicant for renewal of a full license pursuant to 270 CMR 3.06(4) may practice on his or her expired license for up to three months from the date of such applicant's release from service in the armed forces.~~

~~3.07: Responsibilities of License Applicants and Licensees~~

~~(1) — Each applicant for a provisional or full license, extension of the validity of a provisional license pursuant to 270 CMR 3.04(3), renewal of a full license, or reinstatement of a license pursuant to 270 CMR 4.05 shall be responsible for ensuring that all information provided to the Board in connection with his or her application is accurate and complete. An applicant has a continuing duty to timely notify the Board in writing of any and all material changes in any information provided to the Board in connection with his or her application that may occur during the application process. Such changes include, but are not limited to, a change in any of the information provided by the applicant in response to the information requested on the application.~~

~~(2) — The Board may require an applicant for a provisional or full license, extension of the validity of a provisional license pursuant to 270 CMR 3.04(3), renewal of a full license, or reinstatement of a license pursuant to 270 CMR 4.05 to submit to it such additional information as the Board may reasonably require to determine whether the applicant is qualified and suitable for licensure. The Board may require an applicant to provide such information either in person or in writing. An applicant's failure to respond to, or cooperate with, such requests shall constitute grounds for denial of the application.~~

~~(3) — Each applicant for a provisional or full license, extension of the validity of a provisional license pursuant to 270 CMR 3.04(3), renewal of a full license, or reinstatement of a license pursuant to 270 CMR 4.05 shall be responsible for payment of all fees and charges required in connection with application for, and issuance of, a license. All such fees and charges are non-refundable unless otherwise indicated by the Board in writing.~~

~~(4) — Each provisional or full licensee shall inform the Board in writing as directed by the Board of any change in the address where the licensee receives mail within 30 days of such change. Failure to comply with 270 CMR 3.07(4) shall not excuse a full licensee from the responsibility to renew his or her license, or a provisional licensee to extend the validity of his or her license pursuant to 270 CMR 3.04(3), and to respond to Board communications in a timely manner.~~

~~(5) — Each provisional or full licensee shall inform the Board in writing as directed by the Board of any name change within 30 days of such change. Failure to comply with 270 CMR 3.07(5) shall not excuse a full licensee from the responsibility to renew his or her~~

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~~license, or a provisional licensee to extend the validity of his or her license pursuant to 270 CMR 3.04(3), in a timely manner.~~

~~3.08: Continuing Education Requirements for Renewal of a Full License~~

~~(1) — Each applicant for renewal of a full license shall complete all required continuing education in Board approved education programs or activities as a prerequisite to such renewal. Continuing education programs and activities approved by a certifying agency shall be deemed Board approved continuing education programs and activities.~~

~~(2) — Each applicant for renewal of a full license shall have completed a minimum of 50 contact hours of Board approved continuing education during each preceding two year license renewal period commencing on February 1st of each odd numbered year and ending on January 31st of the next odd numbered year as a prerequisite to license renewal.~~

~~(3) — Each applicant for renewal of a full license shall submit to the Board with an application for full license renewal a statement, signed under the penalties of perjury, that the applicant has satisfactorily completed all of the continuing education required for license renewal.~~

~~(4) — Continuing education contact hours may not be carried over from one license renewal period to another.~~

~~(5) — A genetic counselor issued a full license in the second year of the two year license renewal period shall complete a minimum of 25 contact hours of Board approved continuing education as a prerequisite to license renewal.~~

~~(6) — A licensed genetic counselor seeking full license renewal in Massachusetts, but residing and engaged in the practice of genetic counseling in another state or jurisdiction, shall comply with the continuing education requirements set forth in 270 CMR 3.08.~~

~~(7) — Notwithstanding any other provision of 270 CMR 3.08, an applicant for renewal of a full license who has failed to complete the number of continuing education contact hours required for license renewal pursuant to 270 CMR 3.08 due to extenuating circumstances shall submit to the Board before license expiration a written statement on forms provided by the Board, signed under the penalties of perjury, describing with detail and specificity such extenuating circumstances. The Board may require the license renewal applicant to provide supporting documentation satisfactory to the Board. The Board shall determine whether to grant or deny license renewal and shall notify the applicant in writing of its decision and the basis for such decision.~~

~~(8) — Each licensed genetic counselor to whom certificates of completion of continuing education contact hours have been issued shall retain such certificates for the two completed full license renewal periods immediately preceding the current license renewal period.~~

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~~(9) — A certificate of completion of continuing education contact hours acceptable to the Board at a minimum shall contain:~~

- ~~(a) — the name and address of the continuing education provider;~~
- ~~(b) — the name of the participant;~~
- ~~(c) — the title of the continuing education program or activity;~~
- ~~(d) — the location of the program or activity;~~
- ~~(e) — the date of completion of the program or activity; and~~
- ~~(f) — the number of contact hours of continuing education earned.~~

~~(10) — Certificates of completion of continuing education contact hours are subject to Board review and shall be timely made available to the Board upon request. Failure or refusal to timely provide proof of completion of required continuing education contact hours upon the Board's request shall constitute grounds for disciplinary action by the Board. In the absence of documentation satisfactory to the Board of completion of the continuing education required for full license renewal, the Board shall presume that the license renewal applicant did not complete such continuing education. Knowingly submitting false information, or knowingly misrepresenting a material fact, to the Board in connection with license renewal shall constitute grounds for disciplinary action by the Board.~~

3.09: Full License Retirement

(1) A licensee who meets the eligibility requirements in 3.09(2) may submit a petition to the Board to request that his or her license be placed on retired status. A retired status is a nondisciplinary license status. The Board may review any petition for reinstatement or return to current status from any licensee whose status has been changed to retired status.

(2) A licensee will be eligible to submit a petition for retired status, if her or she:
(a) Has a license that is not surrendered, suspended or revoked at the time of the petition; and
(b) Demonstrates, to the Board's satisfaction, that he or she intends to permanently retire from active practice in the Commonwealth and in all other jurisdictions.

(3) A licensee with a retired status may not practice.

(4) Nothing in this section shall prevent the Board from initiating, pursuing or taking a disciplinary action against a licensee whose license is in retired status, including an action that imposes discipline or changes the license status from retired to revoked or suspended, if the Board determines that such action is in the best interests of public health, safety or welfare.

REGULATORY AUTHORITY

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270 CMR 3.00: M.G.L. c.13 §§ 103, 105; c. 112 §§ 61, 252 through 258; St. 1954, c.627, § 51 and St. 1994, c.110, § 4; St. 2008, c. 451, §§ 21,22,72 and 73. 7/10/09 270 CMR 21