

270 CMR: BOARD OF REGISTRATION OF GENETIC COUNSELORS

270 CMR 3.00: LICENSURE REQUIREMENTS, PROCEDURES, AND PROFESSIONAL AND ETHICAL STANDARDS OF CONDUCT

Section

- 3.01: General Licensure Requirement
- 3.02: Application for Provisional License
- 3.03: General Supervision and Responsibilities of a Provisionally Licensed Genetic Counselor
- 3.04: Expiration of a Provisional License
- 3.05: Full Licensure as a Genetic Counselor
- 3.06: Full License Renewal
- 3.07: Full License Retirement
- 3.08: Standards of Conduct for Genetic Counselors Investigation and Action on Complaints
- 3.09: Legally Protected Health Care Activity

3.01: General Licensure Requirement

Except as otherwise provided in M.G.L. c. 112, § 257, 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 license issued by the Board pursuant to M.G.L. c. 112 §§ 252 through 258.

3.02: Application for Provisional License

- (1) The Board may grant a provisional license to an applicant who:
 - (a) is 18 years of age or older and of good moral character;
 - (b) holds either:
 - 1. a master's degree from a genetic counseling training program accredited by the Accreditation Council for Genetic Counseling (ACGC) or its successor agency, or an equivalent program as determined by the ACGC; or
 - 2. 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;
 - (c) 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);
 - 4. Written notice to the Board of 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
 - 5. 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.
- (2) 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.

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

- (1) A provisionally licensed genetic counselor may perform clinical genetic counseling services 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.

270 CMR: BOARD OF REGISTRATION OF GENETIC COUNSELORS

3.03: continued

(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 approval of documentation complying with 270 CMR 3.02(1)(d)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.

(4) The supervisor of a provisionally licensed genetic counselor shall be responsible for providing general supervision and direction to the provisional licensee 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 and Board approved Guidelines for the General Supervision of Provisional Licensees available on the Board's Website. 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;
- (b) assessing and documenting the professional competence, skill, and experience of the provisional licensee;
- (c) determining the nature and level of supervision required by the provisional licensee;
- (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.

(5) 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 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.

(6) 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.

3.04: Expiration of a Provisional License

(1) A provisional license expires upon the earliest of the following:

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

270 CMR: BOARD OF REGISTRATION OF GENETIC COUNSELORS

3.04: continued

- (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.

3.05: Full Licensure as a Genetic Counselor

- (1) The Board may grant a full license to an applicant who:
 - (a) is 18 years of age or older and of good moral character;
 - (b) holds either:
 - 1. a master's degree from a genetic counseling training program that is accredited by the ACGC or an equivalent program as determined by the ACGC or its successor agency; or
 - 2. a doctorate from a medical genetics training program that is accredited by the ABMG or an equivalent program as determined by the ABMG; and
 - (c) has received a passing score on a genetic counselor certification examination; 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. 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.
- (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.

3.06: Full License Renewal

- (1) Each fully licensed genetic counselor must renew his or her license to practice on or before January 31st of each odd-numbered year. 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 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 1st of an even-numbered year and January 31st of an odd numbered year shall complete a 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.

270 CMR: BOARD OF REGISTRATION OF GENETIC COUNSELORS

3.06: continued

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

3.07: Full License Retirement

- (1) A licensee who meets the eligibility requirements in 270 CMR 3.07(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 270 CMR 3.07 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.

3.08: Standards of Conduct for Genetic Counselors Investigation and Action on Complaints

The Standards of Conduct for genetic counselors include the following:

- (1) Use of Title. A genetic counselor shall only identify himself or herself as a genetic counselor while in possession of a current license.
- (2) Misrepresentation of Credentials. A genetic counselor shall not misrepresent his or her credentials related to the practice of genetic counseling including, but not limited to, education, type of license, professional experience, or any other credential related to his or her work as a genetic counselor.
- (3) Practice under a False or Different Name. A genetic counselor shall engage in the practice of genetic counseling only under the name in which such license has been issued.
- (4) Acts Within Scope of Practice. A fully licensed genetic counselor shall only perform acts within the scope of practice as defined in M.G.L. c. 112, § 252 and 270 CMR 2.02: Practice of Genetic Counseling. A provisionally licensed genetic counselor shall only perform acts within the scope of practice as defined in M.G.L. c. 112, § 252 and 270 CMR 2.02: Practice of Genetic Counseling only under general supervision in accordance with 270 CMR 3.03.
- (5) Competency. A genetic counselor shall only assume those duties and responsibilities within his or her scope of practice and for which he or she has acquired and maintained necessary knowledge, skills, and abilities.
- (6) Responsibility and Accountability. A genetic counselor shall be responsible and accountable for his or her judgments, actions, and competency in the course of performing his or her duties as a genetic counselor.
- (7) Documentation. A genetic counselor shall make complete, accurate, and legible entries in all records required by federal, state and local laws and regulations.
- (8) Falsification of Information. A genetic counselor shall not knowingly falsify, or attempt to falsify, any documentation or information related to any aspect of licensure as a genetic counselor or the delivery of genetic counseling services.

3.08: continued

- (9) Alteration or Destruction of Records. A genetic counselor shall not inappropriately destroy or alter any record related to his or her work as a genetic counselor.
- (10) Discrimination. A genetic counselor shall not withhold or deny care or services based on age, ancestry, marital status, sex, sexual orientation, gender identity, race, color, religious creed, national origin, diagnosis, or mental or physical disability.
- (11) Patient Abuse, Neglect, Mistreatment, or Other Harm. A genetic counselor shall not abuse, neglect, mistreat, or otherwise harm a patient.
- (12) Patient Dignity and Privacy. A genetic counselor shall safeguard a patient's dignity and right to privacy.
- (13) Patient Confidential Information. A genetic counselor shall safeguard patient information from any person or entity, not entitled to such information. A genetic counselor shall share appropriate information only as required by law or authorized by the patient for the well-being or protection of the patient.
- (14) Sexual Contact. A genetic counselor shall not have sexual contact with any patient with whom he or she has a current genetic counselor/patient relationship or with any former patient who may be vulnerable by virtue of disability, age, illness, or cognitive ability.
- (15) Professional Boundaries. A genetic counselor shall establish and observe professional boundaries with respect to any patient with whom he or she has a current genetic counselor/patient relationship. A genetic counselor shall continue to observe professional boundaries with his or her former patients who may be vulnerable by virtue of disability, age, illness, or cognitive ability.
- (16) Exercise of Undue Influence. A genetic counselor shall not exercise undue influence on a patient, including the promotion or sale of services, goods, appliances or drugs, in such a manner as to exploit the patient for financial gain for the benefit of the genetic counselor or a third party.
- (17) Borrowing from Patients. A genetic counselor shall not borrow money, materials, or other property from any patient.
- (18) Undue Benefit or Gain. A genetic counselor shall interact with patients without undue benefit or gain to the genetic counselor or a third party.
- (19) Relationship Affecting Professional Judgment. A genetic counselor shall not initiate or maintain a genetic counselor/patient relationship that is likely to adversely affect the genetic counselor's professional judgment.
- (20) Advertising. A genetic counselor shall not engage in false, deceptive, or misleading advertising related to genetic counseling.
- (21) Fraudulent Practices. A genetic counselor shall not engage in any fraudulent practice including, but not limited to, billing for services not rendered or submitting false claims for reimbursement.
- (22) Impersonation. A genetic counselor shall not impersonate another genetic counselor or other health care provider, or knowingly allow or enable another person to impersonate him or her.
- (23) Aiding Unlawful Activity. A genetic counselor shall not aid any person in performing any act prohibited by law or regulation.
- (24) Circumvention of Law. A genetic counselor shall not receive from, or offer, give, or promise anything of value or benefit to, any official to circumvent any federal, state or local laws or regulations.

270 CMR: BOARD OF REGISTRATION OF GENETIC COUNSELORS

3.08: continued

(25) Practice While Impaired. A genetic counselor shall not act as a genetic counselor while impaired.

(26) Unlawful Acquisition and Possession of Controlled Substances. A genetic counselor shall not unlawfully obtain or possess controlled substances.

(27) Duty to Report to the Board. A genetic counselor has a duty to report to the Board if he or she directly observes another genetic counselor:

- (a) abuse a patient;
- (b) practice genetic counseling while impaired by substance use;
- (c) divert controlled substances.

(28) Violence. A genetic counselor shall not endanger the safety of the public, patients, or coworkers by making actual or implied threats of violence, or carrying out an act of violence.

(29) Compliance with Agreements and Orders. A genetic counselor shall comply with all provisions contained:

- (a) in any agreement he or she has entered into with the Board; or
- (b) in any order issued to him or her by the Board.

3.09: Legally Protected Health Care Activity

No person shall be denied initial licensure or denied renewal due to any complaint, criminal charge conviction, judgment, discipline, or other sanction due to providing or assisting in providing reproductive health care services or gender-affirming health care services, as defined at M.G.L. c. 12, § 111½, so long as the services provided would have been lawful in Massachusetts and are consistent with standards for good professional practice in Massachusetts.

REGULATORY AUTHORITY

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