

**COMMONWEALTH OF MASSACHUSETTS
BOARD OF REGISTRATION OF GENETIC COUNSELORS**

**THIS AGENDA CONSTITUTES NOTICE OF THE REGULARLY SCHEDULED MEETING OF THE
BOARD OF REGISTRATION OF GENETIC COUNSELORS
IN COMPLIANCE WITH THE OPEN MEETING LAW, M.G.L. c. 30A, § 20
(OPEN SESSION)**

**Thursday, February 06, 2025
9:30 a.m.**

General Session is open to the public and will be held via Zoom at:

<https://zoom.us/j/98225388861?pwd=ZbOGQ0ZJtxa0Fxoz7Fr3nTSa6raQca.1>

Call-In Telephone number 1-646-931-3860

Meeting Number/Access Code: 982 2538 8861

All Votes Must Be Via Roll Call

Agenda

Time	Item #	Item	Staff Contact
9:30 a.m.	I	Call to Order Notice of Electronic Recording Determination of Quorum	Board Chair
	II	Approval of Agenda	Board Chair
	III	Approval of Minutes A. Approval of October 3, 2024, General Session Minutes.	Board Chair
	IV	Emergency amendments to regulations to implement Shield Law A. 270 CMR 3.00: Licensure Requirements, Procedures, Professional, and Ethical Standards of Conduct B. 270 CMR 4.00: Investigations, Complaints, and Board Actions.	Deputy Director
	V	Policies A. Standard Consent Agreement Terms B. Prosecutorial Discretion	Chief Prosecutor
	VI	M.G.L.c. 112, § 269: Good Moral Character A. Staff Action Policy Draft Proposal	Assistant Executive Director

If you need reasonable accommodations in order to participate in the meeting, contact the DPH ADA Coordinator Stacy Hart at 857-274-1120 in advance of the meeting. While the Board will do its best to accommodate you, certain accommodations may require distinctive requests or the hiring of outside contractors and may not be available if requested immediately before the meeting.

	VII	Flex Session A. Who will attend the next board meeting? B. Topics for next agenda	Assistant Executive Director
	VIII	Adjournment – Next Board meeting scheduled for Thursday, April 3, 2025.	Board Chair

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COMMONWEALTH OF MASSACHUSETTS
BOARD OF REGISTRATION OF GENETIC COUNSELORS
250 Washington Street
Boston, MA 02108

Thursday, February 06, 2025
Via Zoom
9:30 AM

GENERAL SESSION BOARD MEETING MINUTES
(Open Session)

Board Members Present: Allison Cirino, Genetic Counselor, Board Chair
Diane Ahern, Genetic Counselor, Vice-Chair
Stephanie Coury, Genetic Counselor
Shelley McCormick, Genetic Counselor

Board Members
Not Present: Jillian Fleming, Public Member

Staff Present: James Lavery, Director, Division of Health Professional Licensure
Lauren Nelson, Deputy Director, Division of Health Professional Licensure
Tracy Tam, Acting Executive Director, Multi-Boards 1, BHPL
Kayla Mikalauskis, Acting Executive Director, Multi-Boards 2, BHP
Carol Larkin, Office Support Specialist, Multi-Boards, BHPL
Tracy Ottina, Board Counsel, Office of the General Counsel, BHPL

I. Call to Order | Determination of Quorum

At 9:32 a.m. Ms. Allison Cirino, Board Chair, welcomed everyone to the meeting and called the meeting to order. Ms. Cirino reminded board members the meeting was being recorded and asked for a roll call vote to determine quorum.

Roll call as follows: Allison Cirino: present; Diane Ahern: present; Stephanie Coury: present; Shelley Mc Cormack: present
Absent: Jillian Fleming

II. Approval of General Session Agenda | Conflict of Interest

DISCUSSION:

Ms. Tracy Tam stated that Item V was deferred. Ms. Allison Cirino asked if any board members needed to recuse themselves from an item listed on the agenda. No recusals were noted.

ACTION:

Ms. Allison Cirino made a motion to approve the agenda as amended, which was seconded by Ms. Diane Ahern, and unanimously approved by roll call vote as follows: Allison Cirino: approve; Diane Ahern: approve; Stephanie Coury: approve; Shelley McCormick: approve.
Absent: Jillian Fleming.

Document: February 6, 2025, General Session Agenda

III. Approval of Minutes

DISCUSSION:

Ms. Allison Cirino asked board members to review the minutes and make a motion to approve when ready.

ACTION:

Ms. Allison Cirino made a motion to approve the minutes as written, which was seconded by Ms. Diane Ahern and unanimously approved by roll call vote as follows: Allison Cirino: approve; Diane Ahern: approve; Stephanie Coury: approve Shelley McCormick: approve.
Absent: Jillian Fleming.

Document: October 03, 2024, General Session Minutes

IV. Emergency amendments to regulations to implement the Shield Law

- C. 270 CMR 3.00: Licensure Requirements, Procedures, Professional, and Ethical Standards of Conduct
- D. 270 CMR 4.00: Investigations, Complaints, and Board Actions

DISCUSSION:

Ms. Tracy Tam introduced Ms. Lauren Nelson, Deputy Director, to do a presentation on Proposed Emergency Amendments for 270 CMR 3.00: Licensure Requirements, Procedures, Professional, and Ethical Standards of Conduct and 270 CMR 4.00: Investigations, Complaints, and Board Actions.

Ms. Lauren Nelson presented the following:

The proposed amendments would implement and codify into regulation the provisions of M.G.L. c. 112, § 105, as amended by St. 2022, c. 127, An Act Expanding Protections For Reproductive And Gender Affirming Care (Chapter 127). This statute protects genetic counselors from disqualification from licensure, and from Board discipline, on the basis of providing, or assisting in providing, reproductive health care services and gender affirming health care services if the services provided would be lawful and consistent with good professional practice in Massachusetts. Protection extends to discipline based on judgement, discipline, or other sanction arising from such services. proposed emergency amendments will need emergency approval. The amendment would reassure genetic counselors that their Massachusetts license would not be disciplined due to the provision of reproductive health care services and gender affirming health care services or due to a conviction, judgement, discipline, or other sanction in another jurisdiction arising from such services. The amendment provides clarity for Massachusetts licenses regarding legally protected health care services considering rapidly evolving variations in the laws applicable to these services across different states.

This amendment would codify these protections in Board regulations across applicable authorities and would avoid a chilling effect on genetic counselors who fear adverse actions as a result of providing these services.

Ms. Nelson advised the Board that these amendments have already been adopted by six other boards. The following new section is proposed to be added to 270 CMR 3.00:

3.09: Legally Protected Health Care Activity: No person shall be denied initial licensure or denied renewal due to a complaint, criminal charge conviction, judgement, 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, § 11I 1/2, so long as the services provided would have been lawful in Massachusetts and are consistent with standards for good professional practice in Massachusetts.

The following language is proposed to be added to 270 CMR4.03:

Grounds For Board Action:

(3) Notwithstanding the grounds for discipline specified in 270 CMR 4.03, no license shall be subject to discipline for providing or assisting in providing reproductive health care services, or gender affirming health care services, as defined at of M.G.L. c. 12, § 11I1/2, or for any conviction, judgement, discipline, or other sanction arising from such health care services, so long as the services provided would have been lawful in Massachusetts and are consistent with standards for good professional practice in Massachusetts.

Ms. Nelson stated that as this is an emergency amendment, the Board's vote would kick off an emergency process that must be completed within 90 days. The regulatory amendments become effective immediately following the Board vote and filing with the Secretary of State. The public notice and comment period would then begin. A public hearing would be held, and written comments would be collected. The Board would then vote to approve post-comment regulatory amendments, if any. The last step would be filing the Amended regulations with the Secretary of State for promulgation in accordance with the filing schedule. If the process is not completed within 90 days, the amendments voted on today would be ineffective. Ms. Nelson thanked the Board for allowing her presentation and stated she would be back to meet with the board in a couple of months.

Ms. Diane Ahern asked how the public is notified and Ms. Nelson explained that there is a thirty-day period for public notification and comments. Once the Amendment is filed with the Secretary of State, a notification is placed in several publications. The public can go to the public hearing and give oral testimony and will have to provide written comments as well. The comments will then go to the Board and the Board counsel to see if there are further amendments. If there are supportive comments, the Board counsel will place them in a grid and present them to the Board. Ms. Ahern asked if other states had implemented shield laws and Ms. Nelson stated that 17 states and D.C. have implemented Shield Laws for gender-affirming health care and 23 states have shield laws protecting Reproductive Health Care. Ms. Ahern asked if she could bring their discussion before a group of Genetic Counselors from other states and Ms. Nelson answered in the affirmative. Ms. Nelson states that Genetic Counselors in Shield Law states that are being sued in other states but have extradition and subpoena protection within the Shield Law. There is also protection while participating in telemedicine if you are located in Massachusetts. Mr. Lavery would advise genetic counselors in Massachusetts to contact their employers and legal counsels with questions.

ACTION

Ms. Allison Cirino made a motion to approve the amendment, and the motion was seconded by Ms. Shelley McCormick and unanimously approved by roll call vote as follows: Allison Cirino: approve; Diane Ahern: approve; Stephanie Coury: approve; Shelley McCormick: approve
Absent: Jillian Fleming.

VI.

Good Moral Character

M.G.L.c. 112, § 269: Good Moral Character

A. Staff Action Policy Draft Proposal

DISCUSSION:

Ms. Tracy Tam stated that the Staff Action Policy Draft Proposal was drawn up by the Board staff. The proposal has been approved by other Boards. The purpose of the policy is to facilitate the application process, especially with this being a quarterly Board. There have been applications with very old charges from ten years or more that have been dismissed, and applicants wait for four months to appear before the Board. The proposal allows Board staff to evaluate the application for good moral character and if adopted it will mean that applications that fit under the following criteria can be approved by Board staff without having to appear before the Board for a vote. The criteria applies to applicants who have a history of only one arrest, indictment, or conviction that occurred five years or more prior to submission of their application. That history cannot involve violence against another person. It must be fully resolved in the court system with no outstanding obligations and if their arrest, indictment, or conviction involves operating under the influence of drugs or alcohol and there is no other evidence of substance abuse disorder. Ms. Cirino asked if there were any comments or questions. Ms. Ahern stated that this was fine and that she always felt bad for the applicants who had some indiscretion in college. Ms. Tam stated that the Board would still ask for a background check, court documents, police reports, and a personal statement. Ms. Ahern stated that the only change would be not to appear before us. Ms. Cirino asked what is other evidence of substance abuse and what does that look like? Ms. Ottino stated that evidence of substance abuse might include taking a leave of absence after being under the influence. The evidence would not be going after the status of the applicant, but the conduct and if that conduct would be a risk to public safety. Ms. McCormick asked if this policy is approved by other Boards. Ms. Tam stated yes and that five other licensing Boards have approved the policy. Ms. Ottino stated that this policy would free up time for the board to focus on more substantial work. Ms. Cirino and Ms. McCormick have not had the experience of many Good Moral Character issues. Ms. Tam stated that any red flag issues would be presented to the board. Ms. Ahern asked where the five-year mark came from, and Ms. Tam said that the five-year timeframe was adopted by other boards ten years ago and that length was deemed long enough not to see a substance abuse pattern.

ACTION

Ms. Allison Cirino made a motion to approve the Staff Action Policy, which was seconded by Ms. Diane Ahern and unanimously approved by roll call vote as follows: Allison Cirino: approve; Diane Ahern: approve; Stephanie Coury: approve; Shelley McCormick: approve.
Absent: Jillian Fleming.

VII. FLEX SESSION

DISCUSSION:

Ms. Tracy Tam asked for attendance at the next board meeting scheduled on Thursday, April 3rd, 2025, at 9:30 AM. All board members present stated they would be able to attend.

Ms. Tam stated that there are term seats expiring and if Board members are interested in reapplying, please send her an email with a letter of intent along with an updated resume to be reappointed to the Board seat. A full term lasts for a duration of three years. Ms. Ottino stated that on other Boards, if a person leaves before her term, the person replacing her would serve the original term, not a three-year term and she would have to look into this Board. Ms. Cirino and Ms. McCormick discussed the fact that they didn't know how long they had been on the Board and Ms. McCormick stated that she would be willing to resign to give someone else the chance. Ms. Tam stated that there has not been a new candidate request, but there is a new webpage on mass.gov with board vacancies and potential candidates can actually upload an application on the website. Ms. Tam stated that there are no vacancies at this time as the last vacancy was filled in 2020. Ms. Tam stated she will send out information after the meeting on the expiration of term seats. Ms. McCormick asked Ms. Tam what would happen if she resigned. Ms. Tam stated that she would not be able to stay on if she resigned but she can stay on as a holdover until a new member is recruited. Ms. Ottino stated that a board member can only serve two full consecutive terms, but when there are no new candidates, the holdovers are allowed. After the two terms, if a Board member takes a year off, they can return. Ms. McCormick asked if she should write a letter to the effect that she would be a holdover Ms. Tam stated no, she would make a note of it. Ms. Tam stated recruiting could be done at conferences, networking, social media postings, or in-person recruitment and any individuals can reach out to her directly if interested.

VIII. ADJOURNMENT

There being no other business before the board, Ms. Allison Cirino motioned to adjourn the meeting which was seconded by Ms. Stephanie Coury and unanimously approved by roll call vote as follows: Allison Cirino: approve; Diane Ahern: approve; Shelley McCormick: approve; Stephanie Coury: approve.

Absent: Jillian Fleming.

Let the records show the meeting adjourned at 10:12 a.m.

The next meeting of the Board of Registration of Genetic Counselors is scheduled for April 3rd, 2025, via Zoom at 9:30a.m.

Respectfully submitted,
The Board of Registration of Genetic Counselors