

**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**

**Thursday, October 4, 2018**

**09:30 a.m.**

**239 Causeway Street ~ 4<sup>th</sup> Floor ~ Room 421  
Boston, Massachusetts 02114**

**Agenda**

<b>Time</b>	<b>Item #</b>	<b>Item</b>	<b>Exhibits</b>	<b>Staff Contact</b>
	<b>I</b>	<b>Call to Order Determination of Quorum</b>		Board Chair
	<b>II</b>	<b>Approval of Agenda</b>	Draft Agenda	Board Chair
	<b>III</b>	<b>Approval of Minutes</b> A. April 05, 2018 Minutes B. July 26, 2018 Minutes	Draft Minutes	Board Chair
	<b>IV</b>	<b>Inquiries:</b> A. Provisional License Extension Request 1-PGC139: Yiru Zhao	Letter	Board Chair
	<b>V</b>	<b>Staff Action Policy</b> A. Issuance and Renewal of Licenses pursuant to M.G.L.c. 13 § 105 B. Staff Action Policy to Extend Provisional Licenses C. Board Staff Authority to Post Information on Board's Webpage	Draft Policy	MS
	<b>VII</b>	<b>Operational</b> A. License Application Checklist B. Update on Legislative Submission C. Legal Presentations 1-Regulatory Boards 2-Conflict Of Interest 3-Board Actions	Verbal Presentations	RC MS

	<b>VIII</b>	<b>Flex Session</b> A. Announcements 2019 Board Meeting Dates Request for feedback on draft legislation B. Topics for next agenda	Verbal	RC MS
	<b>VX</b>	<b>Executive Session: N/A</b> The Board will meet in Executive Session as authorized pursuant to M.G.L. c. 30A, § 21(a)(1) for the purposes of discussing the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against an individual.  1. Specifically, the Board will discuss and evaluate the necessity of modifying probation conditions for a Licensee.  2. Specifically, the Board will discuss complaints or charges brought against a Licensee or Licensees.  3. Finally, the Board will consider approving prior executive session minutes in accordance with M.G.L. ch.30A, § 22(a) for previous executive sessions of the Board.  <b>The Board will not reconvene in public session subsequent to the closed session(s).</b>	N/A	MS
	<b>X</b>	<b>65C Session: N/A</b>	N/A	MS
	<b>XI</b>	<b>Adjudicatory Session: N/A</b>	N/A	MS
	<b>XII</b>	<b>Adjournment</b> -next Board meeting scheduled for February 7, 2019.		Board Chair

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

**Board Meeting**  
**October 4, 2018**  
**239 Causeway Street, Boston, MA 02114**  
**Room 421**

**MINUTES**

Board Members Present: Kayla Sheets, GC, Genetic Counselor 4, Board Chair  
Lauren Lichten, GC, Genetic Counselor 1, Board Vice Chair  
Shelley McCormick, GC, Genetic Counselor 3, Board Secretary  
Jillian Fleming, Board Member, Public Member

Staff Present: Roberlyne Cherfils, Executive Director, Multi-Boards, BHPL  
Vita Berg, Chief Board Counsel, Office of the General Counsel, DPH  
Mary Strachan, Board Counsel, Office of the General Counsel, DPH  
Mary Hager, Temporary Office Support Specialist, Multi-Boards, BHPL  
Lauren Nelson, Director of Policy and Regulatory Affairs, DPH  
Jim Lavery, Director of Health Professions Licensure, BHPL

I. Call to Order - Determination of Quorum

Topic:

A quorum of the Board was present. Ms. Cherfils, Executive Director, called the meeting to order at 9:32 a.m.

II. Approval of the Agenda

DISCUSSION: Ms. Cherfils introduced the agenda. Ms. Sheets inquired if the board would receive an update on any pending legislation. Ms. Cherfils confirmed that the topic would be addressed during Item VIII, Flex Session. Ms. Lichten asked if any updates on new board members would be discussed. Ms. Cherfils stated that was not on the agenda, but a discussion about board recruitment could be added to the Flex Session.

ACTION: Ms. Lichten motioned to approve the agenda as amended. Ms. Sheets seconded the motion. The motion passed unanimously.

Document: October 4, 2018 Board Meeting Agenda

III. Approval of Minutes

A. April 5, 2018 Minutes

DISCUSSION: Ms. Strachan requested an edit for page 2 of 4, in the discussion of Item VA, what currently reads as "...employs assistants to the Attorney General..." should be actually read "...employs Assistant Attorneys General...". Ms. Strachan also requested on page 3 of 4, in the discussion of Item IV2, the word 'legislature' be changed to 'legislation'. The revised sentence will read "Ms. Strachan discussed changes to the legislation that DPH was working to establish."

ACTION: Ms. Lichten motioned to approve the minutes as amended. Ms. Sheets seconded the motion. The motion passed unanimously.

Lauren Nelson, Bureau Director of Policy, entered the room at 9:37 am.

Document: April 05, 2018 Regularly Scheduled Board Meeting Minutes

B. July 26, 2018 Minutes

DISCUSSION: Ms. Strachan requested an edit for page 2 of 5 under the discussion of Item VA. The first sentence of the section begins "Ms. Or Attorney. Strachan", Ms. Strachan requested one title be kept and the other eliminated. Ms. Strachan also requested a word change and an apostrophe be added in a later sentence of the section. The sentence currently reads "On her license application she disclosed discipline imposed by an employer, and was not related to the applicants practice." The revised sentence will read "On her license application she disclosed discipline imposed by an employer that was not related to the applicant's practice." Ms. McCormick requested the time listed for the next meeting under Item VIII be changed from 9:00 am to 9:30 am.

ACTION: Ms. Sheets motioned to approve the agenda as amended. Ms. Lichten seconded the motion. The motion passed unanimously.

Document: July 26, 2018 Regularly Scheduled Board Meeting Minutes

IV. Inquiries

A. Provisional License Extension Request

1. PGC139: Yiru Zhao – Request for extension of Provisional License

Ms. McCormick announced that she worked with the licensee and asked if she should recuse herself. Ms. Strachan agreed that would be best.

Ms. McCormick left the room at 9:39 am.

DISCUSSION: Ms. Strachan explained that the applicant held a provisional license, and had recently informed the board that she did not pass the test of the national exam. Ms. Strachan outlined what the statute relating to provisional licenses stated. She explained that in the

situation of a failed first exam, the provisional license would either expire within thirty days of the applicant being notified of a failed test, or within those thirty days the licensee could request a two year extension of their license from the board, provided they registered for the next upcoming exam. Ms. Strachan then went over the regulations and what they gave the board the authority to do in such a situation. The regulations specify that the licensee is to receive a written notification of a failed exam, though Ms. Strachan noted that this licensee reported only receiving verbal notification as she left the test site. Ms. Strachan went on to say that since the applicant had notified the Board within the time frame and was registered for the next exam, she should be considered within the requirements of the regulation. Ms. Strachan told the Board that it was fully their decision to decide whether or not the license would be extended.

ACTION: Ms. Sheets motioned to approve the extension of the license. Ms. Lichten seconded the motion. The motion passed unanimously with Ms. McCormick recused.

Ms. Nelson left the room at 9:43 am to invite Ms. McCormick back into the room.  
Ms. Nelson and Ms. McCormick reentered the room at 9:43 am.

DISCUSSION: Ms. Cherfils added that she felt it was necessary to follow up with the testing organization in regards to whether or not exam takers are meant to receive a print out of their exam scores. Ms. Lichten, Ms. Sheets, and Ms. McCormick reflected on their examination experiences. Ms. Cherfils stated that she would at least reach out to ABGC to find out their policy on notifying exam takers of their scores; so that the board has accurate expectations for this scenario. Ms. Sheets asked if ABGC communicates with the board regarding who passes and fails the exam. Ms. Cherfils said the board will receive a spreadsheet outlining all the participants of an exam; however, she will not receive this until roughly three months after the date of the exam. Ms. Strachan stated there was a point in the past where ABGC would only notify the board of passing scores. Ms. Berg asked how the Board knew that Ms. Zhao had actually sat for the exam. Ms. Cherfils and Ms. Strachan stated the only verification the Board had received was in Ms. Zhao's statement and the statement of her supervisor. Ms. Berg suggested that the extension of the license be contingent on verification from ABGC of the failed exam. Ms. Cherfils asked the Board if they would like to amend their vote to make the extension of Ms. Zhao's license contingent on the Board receiving verification from ABGC of the failed exam.

ACTION: Ms. Sheets amended her motion to approve the extension of the provisional license to make extension contingent on the Board's receipt of verification from ABGC of the failed exam. Ms. Lichten seconded the amended motion. The amended motion passed unanimously.

Document: Provisional License Extension Request Letter

V. Staff Action Policy

- A. Issuance and Renewal of Licenses pursuant to M.G.L.c. 112 § 255
- B. Staff Action Policy to Extend Provisional Licenses

DISCUSSION: Ms. Strachan explains that the Board has an existing policy that authorizes Board Staff to issue and renew licenses on the Boards behalf provided there is no issue the

Board would need to decide on. Ms. Strachan placed two options before the Board. One was to amend the existing policy that gives Board Staff authority to issue and renew full licenses on the Board's behalf so that it also allows Board Staff to extend provisional licenses, under the circumstances outlined. The second option is to create a separate policy to address the extension of provisional licenses.

Ms. Hager left the room at 9:51 am.

Ms. Berg asked if Ms. Strachan advised one option over the other. Ms. Strachan said she was in favor of amending the existing policy. Ms. Cherfils asked if, regardless of which option was chosen, the policy should be edited to include the requirement that the Board receives verification of a failed exam from ABGC.

Ms. Hager reentered the room at 9:54 am.

Ms. McCormick asked if it would be the responsibility of the licensee to provide verification of the exam from ABGC, or if that would be something the Board handled. Ms. Cherfils said the licensee should be able to provide some sort of proof as they would have to register, pay, and receive results of any exam they took. Ms. McCormick asked if grouping the provisional license with the full license in the policy would have negatively impact the board in the future when the exams are offered more regularly and provisional licenses would most likely no longer be issued. Ms. Strachan stated all the board would have to do is revisit the policy and remove the language about provisional licenses.

ACTION: Ms. McCormick motioned to approve the amended existing policy, with language added to require verification of a failed exam. Ms. Fleming seconded the motion. The motion passed unanimously.

Document: Draft Policy

C. Board Staff Authority to Post Information on Board's Webpage

DISCUSSION: Ms. Strachan explained that this policy would allow Board Staff to post updates on the Board's webpage. Currently all updates must be approved by the Board, and since the Board meets quarterly it creates a lag for keeping the webpage updated. Ms. Cherfils outlined the types of information the policy would allow Board Staff to post.

ACTION: Ms. Lichten motioned to approve the policy. Ms. Sheets seconded the motion. The motion passed unanimously.

Document: Draft Policy

There was no Item VI on the Agenda

VII. Operational

A. License Application Checklist

Minutes of the October 4, 2018 Board Meeting  
Board of Registration of Genetic Counselors  
(To be approved at the Board meeting)

DISCUSSION: At the previous meeting the Board had requested to revisit the application checklist to discuss the requirement of undergraduate transcripts. Ms. Cherfils introduced the three operation application checklists used by Board Staff and explained that there is one for each type of application. Ms. Cherfils explained that applications do not get grouped. Every application must be complete by itself, so full license, provisional license, and license reinstatement applications are all processed independently. Ms. Sheets requested that the title of each checklist include the word 'license' to provide consistency among the documents. Ms. Sheets and Ms. Lichten notified Board Staff that the American Board of Medical Genetics (ABMG) had recently changed its name to the American Board of Medical Genetics and Genomics (ABMGG) and requested that the acronym be updated on the checklists. Ms. Sheets refocused on the issue of undergraduate transcripts, to ask if such a requirement was necessary if the applicants Genetic Counseling degree is a Master's Degree. Ms. Cherfils explained how among her other boards, programs have changed over the years from being associates, to bachelors, to masters and how such changes have kept applicants from meeting educational requirements for licensure. Ms. Cherfils asked if all Genetic Counseling degrees are Master's degrees. Ms. Lichten stated there was still some Certificate Program for undergraduate students. Ms. Sheets pointed out that such programs would not be accredited by the Accreditation Council for Genetic Counseling (ACGC) and would therefore not meet the licensing requirements. Ms. Cherfils agreed that undergraduate transcripts do not need to be a required application material provided the applicant can provide a transcript for a Master's in Genetic Counseling from an ACGC accredited institute. Ms. Cherfils asked the Board keep in mind that there may be a pool of applicants who do not have such a degree, due to being in the profession for so long, who may be required to provide undergraduate transcripts. At the next meeting Ms. Cherfils will bring back the application with updated language regarding transcripts from a master's degree or higher.

ACTION: No action taken.

Document: License Application Checklists

B. Update on Legislative Submission

DISCUSSION: Ms. Berg gave an update on legislation that has been proposed regarding Genetic Counselors. Ms. Berg notified the Board which pieces of legislation had not gone through and where in the process of being approved the pieces still standing are. Ms. Sheets asked how the Board would be notified if any piece of legislation gets approved. Ms. Strachan stated that's the sort of information, with the newly approved web posting policy, which the Board Staff would add to the webpage. Ms. Strachan stated the Board Staff would then begin looking to see if the new legislation would require any updates to the Board's regulations. Ms. Sheets asked if Board Members would be notified directly. Ms. Cherfils confirmed that she would personally notify Board Members and keep them updated on how the Bureau would be working to notify the public. Ms. Berg informed the Board if the legislation made a large enough change the Board could arrange a meeting outside its regular schedule.

Jim Lavery entered the room at 10:36.

Mr. Lavery introduced himself and joined the meeting. Ms. Berg asked if there were any questions about the legislative update. Ms. Lichten asked if the legislative update could become a standing agenda item. Ms. Berg agreed that could be done.

Ms. Berg and Ms. Nelson left the room at 10:37.

ACTION: No action taken.

Document: None

C. Legal Presentations

1. Regulatory Boards

DISCUSSION: Ms. Strachan began her presentation explaining the purpose and mission of the board. Ms. Strachan explained that the Board is granted its authority to oversee the profession by the Legislature. She explained that from these statutes the Board has the power to create its own set of rules and regulations. The Board only has the authority to change their rules and regulations. The Board cannot change the statute that governs them. Changes to the statutes must occur through the Legislature.

ACTION: None

Document: None

2. Conflict of Interest

DISCUSSION: Ms. Strachan stated that this presentation would mostly focus on the difference between an actual conflict of interest and the appearance of a conflict of interest. Ms. Strachan explained an actual conflict of interest is a concrete financial link between a board member and a specific agenda item. This link is not always direct, commonly a board member and a licensee or applicant coming before the board may share an employer. In the instance of a conflict of interest the Board member is required to recuse themselves from the meeting for the duration of the agenda item with which they have a conflict of interest. Ms. Cherfils explained another area common for conflicts of interest is when a board member becomes a provider of continuing education credits. Ms. Cherfils explained the Ethics Commission is available to vet potential conflicts. Ms. Lichten asked how far appearance bias goes, given her role as an educator in a genetic counseling program who also connects students to internships. Ms. Strachan explained this was not an uncommon situation for board members, and should Ms. Lichten recognize a name on an agenda, the best thing for her to do would be to reach out and alert Ms. Strachan. From there her options would be to either recuse herself while that piece of the agenda was addressed, or she could file a disclosure of an appearance of conflict of interest form with the Governor's office, the boards appointing authority, if she felt she could remain unbiased despite knowing the person coming before the board.

ACTION: None



Document: None

3. Board Actions

DISCUSSION: Ms. Strachan explained Board Actions as the Board's authority to discipline licensees who violate a rule set forth in the regulations or statutes or a standard of care. Ms. Strachan explained the process for investigating complaints filed against licensees. The findings of the investigation would be brought before the Board, who would then decide if the conduct merited discipline, and if so, what actions the Board may take. Ms. Strachan explained the various options for discipline and outlined how and whether each is public and reportable to national databanks.

Mr. Lavery left the meeting at 11:09.

ACTION: None

Document: None

VIII. FLEX SESSION

A. Announcements

2019 Board Meeting Dates

DISCUSSION: None.

Request for feedback on draft legislation

DISCUSSION: Ms. Cherfils gave an update on Board recruitment. The Board discussed Board member term limits.

B. Topics for next Agenda

Bring back application with altered language about Master's degree and transcript

Standing item of Legislative update

Research for authority to accept license reciprocity

VX. EXECUTIVE SESSION N/A

X. 65c SESSION N/A

XI. ADJUDICATORY SESSION N/A

XII. ADJOURNMENT

There being no other business before the Board, Ms. Lichten made a motion to adjourn the meeting; Ms. Sheets seconded the motion. Motion passed with Board members present and voting in favor unanimously. The meeting adjourned at 11:29 a.m.

The next meeting of the Board of Registration of Genetic Counselors is scheduled for Thursday, February 7, 2019, at 9:30 a.m. in Boston, MA.

Respectfully submitted:

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Kayla Sheets, GC, Chair

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Shelley McCormick, GC, Secretary

7/25/19  
\_\_\_\_\_  
Date