

SENATE BILL 763

J2

0lr1084
CF HB 1040

By: **Senator Lam**

Introduced and read first time: February 3, 2020

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 6, 2020

CHAPTER _____

1 AN ACT concerning

2 **State Board of Physicians – Genetic Counselors – Licensing**

3 FOR the purpose of requiring the State Board of Physicians to license genetic counselors;
4 providing that provisions of this Act do not limit the right of certain individuals to
5 practice certain occupations; requiring the Board to adopt certain regulations;
6 requiring the Board to set certain fees for certain services; requiring the Board to
7 pay certain fees to the Comptroller; requiring the Comptroller to distribute the fees
8 to the Board; requiring that the fees be used to cover certain costs; establishing the
9 Genetic Counseling Advisory Committee within the Board; providing for the
10 composition, appointment, qualifications, and terms of the Committee members;
11 requiring the Committee to elect a chair every certain number of years; establishing
12 certain powers and duties of the Committee; requiring the Board to consider certain
13 recommendations and provide the Committee with a certain annual report; requiring
14 that persons have certain immunity; requiring individuals, on or after a certain date,
15 to be licensed by the Board as genetic counselors before practicing genetic counseling
16 in the State except under certain circumstances; establishing certain qualification
17 and application requirements for certain applicants; providing for the issuance,
18 terms, renewal, and reinstatement of a certain license; prohibiting the Board from
19 issuing a license if certain criminal history records information has not been
20 received; providing that a genetic counseling license authorizes the licensee to
21 practice genetic counseling in the State while the license is effective; requiring a
22 licensed genetic counselor to refer a patient to a certain health care practitioner
23 under certain circumstances; authorizing the Board to grant a temporary license to
24 certain individuals; providing for the issuance, term, and scope of a certain
25 temporary license; requiring a qualified supervisor to have certain responsibility to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



~~assess the work of the holder of a temporary license; providing that a qualified supervisor is not required to be physically present at certain times; requiring the holder of a temporary license and a certain qualified supervisor to have a certain contract;~~ requiring a licensee to notify the Board of a change of name or address within a certain time period; prohibiting the surrender and lapse of a certain license under certain circumstances; authorizing a certain disciplinary panel, on a certain vote, to take certain actions against an applicant or licensee under certain circumstances; establishing certain criminal, civil, and administrative penalties; establishing certain hearing and appeal procedures; requiring a disciplinary panel to order the suspension or revocation of a license under certain circumstances; requiring certain hospitals, related institutions, alternative health systems, and employers to file certain reports and report certain information concerning certain genetic counselors to the Board under certain circumstances and within a certain time period; establishing certain requirements for certain genetic counselors who enter or consider entering certain treatment programs; providing that a certain report is not subject to subpoena or discovery in any civil action other than a certain proceeding; requiring the Board to disclose certain information on the Board's website; requiring the Board to establish and maintain certain profiles that include certain information and a certain statement; requiring the Board to forward a certain copy of a profile to a certain person under certain circumstances and maintain a certain website; requiring the Board to provide a mechanism for the notification of prompt correction of certain inaccuracies; prohibiting the unauthorized practice of genetic counseling in the State unless licensed by the Board except under certain circumstances; prohibiting an individual from making certain misrepresentations to the public; prohibiting a person from providing, attempting to provide, offering to provide, or representing that the person provides certain services except under certain circumstances; establishing a certain short title; providing that the Committee is subject to the provisions of the Maryland Program Evaluation Act and certain termination provisions; defining certain terms; specifying the initial terms of the members of the Committee; and generally relating to the licensing of genetic counselors.

BY adding to

Article – Health Occupations

Section 14-5G-01 through ~~14-5G-28~~ 14-5G-27 to be under the new subtitle

“Subtitle 5G. Genetic Counselors”

Annotated Code of Maryland

(2014 Replacement Volume and 2019 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Health Occupations

SUBTITLE 5G. GENETIC COUNSELORS.

14-5G-01.

1 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
2 INDICATED.

3 (B) "BOARD" MEANS THE STATE BOARD OF PHYSICIANS.

4 (C) "CERTIFIED GENETIC COUNSELOR" MEANS AN INDIVIDUAL CERTIFIED
5 AS A GENETIC COUNSELOR BY A NATIONAL CERTIFYING BOARD.

6 (D) "COMMITTEE" MEANS THE GENETIC COUNSELORS ADVISORY
7 COMMITTEE.

8 (E) "GENETIC ASSESSMENT" MEANS THE INTEGRATION OF GENETIC
9 LABORATORY TEST RESULTS AND OTHER DIAGNOSTIC STUDIES WITH THE MEDICAL
10 HISTORIES OF A PATIENT AND THE PATIENT'S FAMILY MEMBERS TO ASSESS THE
11 RISK FOR THE PATIENT OR THE PATIENT'S FAMILY MEMBERS OF:

12 (1) A GENETIC OR MEDICAL CONDITION OR DISEASE; AND

13 (2) THE RECURRENCE OF A GENETIC OR MEDICAL CONDITION OR
14 DISEASE.

15 (F) "LICENSED GENETIC COUNSELOR" MEANS AN INDIVIDUAL WHO IS
16 LICENSED UNDER THIS SUBTITLE TO PRACTICE GENETIC COUNSELING.

17 (G) "LICENSEE" MEANS A LICENSED GENETIC COUNSELOR ~~OR THE HOLDER~~
18 ~~OF A TEMPORARY LICENSE.~~

19 (H) "NATIONAL ACCREDITING COUNCIL" MEANS THE ACCREDITATION
20 COUNCIL FOR GENETIC COUNSELING, OR ITS SUCCESSOR, THAT ACCREDITS
21 EDUCATION PROGRAMS FOR GENETIC COUNSELORS.

22 (I) "NATIONAL CERTIFYING BOARD" MEANS THE AMERICAN BOARD OF
23 GENETIC COUNSELING, OR ITS SUCCESSOR, THAT CERTIFIES GENETIC
24 COUNSELORS.

25 (J) (1) "PRACTICE GENETIC COUNSELING" MEANS:

26 ~~(1)~~ (I) OBTAINING AND EVALUATING THE MEDICAL HISTORIES OF
27 A PATIENT AND THE PATIENT'S FAMILY MEMBERS FOR PURPOSES OF A GENETIC
28 ASSESSMENT;

~~(2)~~ (II) DISCUSSING THE FEATURES, NATURAL HISTORY, MEANS OF DIAGNOSIS, GENETIC AND ENVIRONMENTAL FACTORS, AND MANAGEMENT OF RISK FOR GENETIC OR MEDICAL CONDITIONS OR DISEASES;

~~(3)~~ (III) IDENTIFYING, ORDERING, AND COORDINATING GENETIC LABORATORY TESTS AND OTHER DIAGNOSTIC STUDIES, AS APPROPRIATE, FOR PURPOSES OF A GENETIC ASSESSMENT;

~~(4)~~ (IV) USING THE MEDICAL HISTORIES OBTAINED UNDER ITEM ~~(1)~~ (I) OF THIS ~~SUBSECTION~~ PARAGRAPH AND THE RESULTS OF GENETIC LABORATORY TESTS AND OTHER DIAGNOSTIC STUDIES ORDERED UNDER ITEM ~~(3)~~ (III) OF THIS ~~SUBSECTION~~ PARAGRAPH FOR PURPOSES OF A GENETIC ASSESSMENT;

~~(5)~~ (V) EXPLAINING THE CLINICAL IMPLICATIONS OF GENETIC LABORATORY TESTS AND OTHER DIAGNOSTIC STUDIES AND THE RESULTS OF THE TESTS AND STUDIES AND COMMUNICATING THE RISK FACTORS FOR GENETIC OR MEDICAL CONDITIONS OR DISEASES IDENTIFIED BY A GENETIC ASSESSMENT;

~~(6)~~ (VI) EVALUATING THE RESPONSES OF A PATIENT AND THE PATIENT'S FAMILY MEMBERS TO THE RESULTS OF A GENETIC ASSESSMENT AND PROVIDING COUNSELING AND ANTICIPATORY GUIDANCE FOR A GENETIC OR MEDICAL CONDITION OR DISEASE;

~~(7)~~ (VII) IDENTIFYING AND USING COMMUNITY RESOURCES THAT PROVIDE MEDICAL, EDUCATIONAL, FINANCIAL, AND PSYCHOSOCIAL SUPPORT AND ADVOCACY FOR A GENETIC OR MEDICAL CONDITION OR DISEASE; AND

~~(8)~~ (VIII) PROVIDING WRITTEN DOCUMENTATION OF MEDICAL, GENETIC, AND COUNSELING INFORMATION FOR A PATIENT, A PATIENT'S FAMILY MEMBERS, OR APPROPRIATE HEALTH CARE PROFESSIONALS.

(2) "PRACTICE GENETIC COUNSELING" DOES NOT INCLUDE DIAGNOSING OR TREATING AN ILLNESS, A DISEASE, OR A CONDITION.

~~(K) "TEMPORARY LICENSE" MEANS A LICENSE ISSUED BY THE BOARD TO TEMPORARILY PRACTICE GENETIC COUNSELING UNDER § 14-5G-15 OF THIS SUBTITLE.~~

14-5G-02.

THIS SUBTITLE DOES NOT LIMIT THE RIGHT OF AN INDIVIDUAL TO PRACTICE A HEALTH OCCUPATION THAT THE INDIVIDUAL IS AUTHORIZED TO PRACTICE UNDER THIS ARTICLE.

1 **14-5G-03.**

2 **THE BOARD SHALL ADOPT REGULATIONS FOR THE LICENSURE AND PRACTICE**
3 **OF GENETIC COUNSELING.**

4 **14-5G-04.**

5 **(A) (1) THE BOARD SHALL SET REASONABLE FEES FOR THE ISSUANCE**
6 **AND RENEWAL OF LICENSES AND THE OTHER SERVICES THE BOARD PROVIDES TO**
7 **GENETIC COUNSELORS.**

8 **(2) THE FEES CHARGED SHALL BE SET SO AS TO PRODUCE FUNDS TO**
9 **APPROXIMATE THE COST OF MAINTAINING THE LICENSURE PROGRAM AND THE**
10 **OTHER SERVICES PROVIDED TO GENETIC COUNSELORS.**

11 **(B) (1) THE BOARD SHALL PAY ALL FEES COLLECTED UNDER THE**
12 **PROVISIONS OF THIS SUBTITLE TO THE COMPTROLLER.**

13 **(2) THE COMPTROLLER SHALL DISTRIBUTE ALL FEES TO THE**
14 **BOARD.**

15 **(C) THE FEES SHALL BE USED TO COVER THE ACTUAL DOCUMENTED**
16 **DIRECT AND INDIRECT COSTS OF FULFILLING THE STATUTORY AND REGULATORY**
17 **DUTIES OF THE BOARD AS PROVIDED BY THIS SUBTITLE.**

18 **14-5G-05.**

19 **THERE IS A GENETIC COUNSELING ADVISORY COMMITTEE WITHIN THE**
20 **BOARD.**

21 **14-5G-06.**

22 **(A) THE COMMITTEE CONSISTS OF MEMBERS APPOINTED BY THE BOARD AS**
23 **FOLLOWS:**

24 **(1) THREE SHALL BE INDIVIDUALS WHO PRACTICE GENETIC**
25 **COUNSELING AND WHO:**

26 **(I) ON OR BEFORE SEPTEMBER 30, 2022, ARE CERTIFIED**
27 **GENETIC COUNSELORS; AND**

28 **(II) ON OR AFTER OCTOBER 1, 2022, ARE LICENSED GENETIC**
29 **COUNSELORS;**

1 **(2) ONE SHALL BE A PRACTICING LICENSED PHYSICIAN WHO IS A**
2 **MEMBER OF THE BOARD; AND**

3 **(3) ONE SHALL BE A CONSUMER MEMBER.**

4 **(B) EACH GENETIC COUNSELOR MEMBER OF THE COMMITTEE MUST BE:**

5 **(1) IN GOOD STANDING WITH THE BOARD; AND**

6 **(2) A RESIDENT OF THE STATE WHO HAS AT LEAST 1 YEAR OF ACTIVE**
7 **GENETIC COUNSELING EXPERIENCE WITHIN THE 5-YEAR PERIOD IMMEDIATELY**
8 **PRECEDING THE DATE OF THE APPOINTMENT.**

9 **(C) THE LICENSED PHYSICIAN MEMBER OF THE COMMITTEE MUST BE IN**
10 **GOOD STANDING WITH THE BOARD.**

11 **(D) THE CONSUMER MEMBER OF THE COMMITTEE:**

12 **(1) MUST BE A RESIDENT OF THE STATE AND A MEMBER OF THE**
13 **GENERAL PUBLIC;**

14 **(2) MAY NOT BE OR EVER HAVE BEEN LICENSED TO PRACTICE A**
15 **HEALTH OCCUPATION UNDER THIS ARTICLE; AND**

16 **(3) MAY NOT HAVE A SUBSTANTIAL PERSONAL, BUSINESS,**
17 **PROFESSIONAL, OR PECUNIARY CONNECTION WITH GENETIC COUNSELING**
18 **EDUCATION, BUSINESS, OR PRACTICE.**

19 **(E) (1) THE TERM OF A MEMBER IS 3 YEARS.**

20 **(2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE**
21 **TERMS PROVIDED FOR MEMBERS OF THE COMMITTEE ON OCTOBER 1, 2020.**

22 **(3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL**
23 **A SUCCESSOR IS APPOINTED AND QUALIFIES.**

24 **(4) A MEMBER MAY NOT SERVE MORE THAN TWO CONSECUTIVE FULL**
25 **TERMS.**

26 **(5) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES**
27 **ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND**
28 **QUALIFIES.**

(F) FROM AMONG ITS MEMBERS, THE COMMITTEE SHALL ELECT A CHAIR EVERY 2 YEARS.

14-5G-07.

(A) IN ADDITION TO THE POWERS SET FORTH ELSEWHERE IN THIS SUBTITLE, THE COMMITTEE SHALL:

(1) DEVELOP AND RECOMMEND TO THE BOARD REGULATIONS TO CARRY OUT THIS SUBTITLE;

(2) DEVELOP AND RECOMMEND TO THE BOARD CONTINUING EDUCATION REQUIREMENTS FOR LICENSE RENEWAL;

(3) DEVELOP AND RECOMMEND TO THE BOARD CRITERIA FOR INDIVIDUALS WHO ARE LICENSED TO PRACTICE GENETIC COUNSELING IN ANOTHER STATE OR TERRITORY OF THE UNITED STATES TO BECOME LICENSED IN THIS STATE;

(4) KEEP A RECORD OF ITS PROCEEDINGS; AND

(5) SUBMIT AN ANNUAL REPORT TO THE BOARD.

(B) THE BOARD SHALL:

(1) CONSIDER ALL RECOMMENDATIONS OF THE COMMITTEE; AND

(2) PROVIDE TO THE COMMITTEE AN ANNUAL REPORT ON THE DISCIPLINARY MATTERS INVOLVING LICENSEES.

14-5G-08.

A PERSON SHALL HAVE THE IMMUNITY FROM LIABILITY DESCRIBED UNDER § 5-715 OF THE COURTS ARTICLE FOR GIVING INFORMATION TO THE COMMITTEE OR OTHERWISE PARTICIPATING IN ITS ACTIVITIES.

14-5G-09.

(A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, ON OR AFTER OCTOBER 1, 2022, AN INDIVIDUAL SHALL BE LICENSED BY THE BOARD BEFORE THE INDIVIDUAL MAY PRACTICE GENETIC COUNSELING IN THE STATE.

(B) THIS SECTION DOES NOT APPLY TO:

(1) AN INDIVIDUAL WHO IS EMPLOYED BY THE UNITED STATES GOVERNMENT TO PRACTICE GENETIC COUNSELING WHILE PRACTICING WITHIN THE SCOPE OF THAT EMPLOYMENT;

(2) A CERTIFIED GENETIC COUNSELOR WHO IS LICENSED IN ANOTHER STATE AND PRACTICES GENETIC COUNSELING IN THE STATE FOR A PERIOD OF LESS THAN 30 DAYS EACH YEAR;

(3) A STUDENT WHO IS ENROLLED IN AN EDUCATION PROGRAM ACCREDITED BY A NATIONAL ACCREDITING ORGANIZATION IF THE STUDENT IS PRACTICING GENETIC COUNSELING WITHIN THE SCOPE OF THE EDUCATION PROGRAM; OR

(4) AN INDIVIDUAL WHO HOLDS A DOCTORAL DEGREE IN GENETIC COUNSELING OR A RELATED FIELD APPROVED BY THE BOARD.

14-5G-10.

(A) TO QUALIFY FOR A LICENSE TO PRACTICE GENETIC COUNSELING, AN APPLICANT SHALL BE AN INDIVIDUAL WHO MEETS THE REQUIREMENTS OF THIS SECTION.

(B) THE APPLICANT MUST BE OF GOOD MORAL CHARACTER.

(C) THE APPLICANT MUST BE AT LEAST 18 YEARS OLD.

(D) THE APPLICANT SHALL SUBMIT TO THE BOARD SATISFACTORY EVIDENCE OF CERTIFICATION AS A CERTIFIED GENETIC COUNSELOR.

(E) THE APPLICANT SHALL SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 14-308.1 OF THIS TITLE.

14-5G-11.

TO APPLY FOR A LICENSE, AN APPLICANT SHALL:

(1) SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 14-308.1 OF THIS TITLE;

(2) SUBMIT AN APPLICATION TO THE BOARD ON A FORM THAT THE BOARD REQUIRES; AND

(3) PAY TO THE BOARD AN APPLICATION FEE SET BY THE BOARD.

1 14-5G-12.

2 (A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE BOARD SHALL
3 ISSUE A LICENSE TO ANY APPLICANT WHO MEETS THE REQUIREMENTS OF THIS
4 SUBTITLE.

5 (B) (1) ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION
6 OF AN APPLICANT FOR LICENSURE FORWARDED TO THE BOARD IN ACCORDANCE
7 WITH § 14-308.1 OF THIS TITLE, IN DETERMINING WHETHER TO ISSUE A LICENSE,
8 THE BOARD SHALL CONSIDER:

9 (I) THE AGE AT WHICH THE CRIME WAS COMMITTED;

10 (II) THE NATURE OF THE CRIME;

11 (III) THE CIRCUMSTANCES SURROUNDING THE CRIME;

12 (IV) THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;

13 (V) SUBSEQUENT WORK HISTORY;

14 (VI) EMPLOYMENT AND CHARACTER REFERENCES; AND

15 (VII) OTHER EVIDENCE THAT DEMONSTRATES WHETHER THE
16 APPLICANT POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.

17 (2) THE BOARD MAY NOT ISSUE A LICENSE IF THE CRIMINAL HISTORY
18 RECORD INFORMATION REQUIRED UNDER § 14-308.1 OF THIS TITLE HAS NOT BEEN
19 RECEIVED.

20 14-5G-13.

21 (A) A GENETIC COUNSELOR LICENSE AUTHORIZES A LICENSEE TO
22 PRACTICE GENETIC COUNSELING IN THE STATE WHILE THE LICENSE IS EFFECTIVE.

23 (B) IF, WHILE PRACTICING GENETIC COUNSELING, A LICENSED GENETIC
24 COUNSELOR DETERMINES THAT A PATIENT REQUIRES A DIAGNOSIS OR TREATMENT,
25 THE GENETIC COUNSELOR SHALL REFER THE PATIENT TO A LICENSED PHYSICIAN
26 OR ANOTHER APPROPRIATE HEALTH CARE PRACTITIONER.

27 14-5G-14.

28 (A) (1) A LICENSE EXPIRES ON A DATE SET BY THE BOARD, UNLESS THE
29 LICENSE IS RENEWED FOR AN ADDITIONAL TERM AS PROVIDED IN THIS SECTION.

1 **(2) A LICENSE MAY NOT BE RENEWED FOR A TERM LONGER THAN 3**
2 **YEARS.**

3 **(B) AT LEAST 1 MONTH BEFORE A LICENSE EXPIRES, THE BOARD SHALL**
4 **SEND TO THE LICENSED GENETIC COUNSELOR A RENEWAL NOTICE THAT STATES:**

5 **(1) THE DATE ON WHICH THE CURRENT LICENSE EXPIRES;**

6 **(2) THE DATE BY WHICH THE RENEWAL APPLICATION MUST BE**
7 **RECEIVED BY THE BOARD FOR THE RENEWAL TO BE ISSUED AND SENT BEFORE THE**
8 **LICENSE EXPIRES; AND**

9 **(3) THE AMOUNT OF THE RENEWAL FEE.**

10 **(C) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, BEFORE A**
11 **LICENSE EXPIRES, A LICENSED GENETIC COUNSELOR PERIODICALLY MAY RENEW IT**
12 **FOR AN ADDITIONAL TERM, IF THE LICENSEE:**

13 **(1) OTHERWISE IS ENTITLED TO BE LICENSED;**

14 **(2) PAYS TO THE BOARD A RENEWAL FEE SET BY THE BOARD; AND**

15 **(3) SUBMITS TO THE BOARD:**

16 **(I) A RENEWAL APPLICATION ON THE FORM THAT THE BOARD**
17 **REQUIRES; AND**

18 **(II) SATISFACTORY EVIDENCE OF COMPLIANCE WITH ANY**
19 **CONTINUING EDUCATION OR COMPETENCY REQUIREMENTS AND OTHER**
20 **REQUIREMENTS SET UNDER THIS SECTION FOR LICENSE RENEWAL.**

21 **(D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**
22 **AS A CONDITION OF RENEWAL, THE BOARD SHALL REQUIRE A LICENSED GENETIC**
23 **COUNSELOR TO COMPLETE:**

24 **(I) 30 HOURS OF CONTINUING EDUCATION UNITS APPROVED**
25 **BY THE NATIONAL SOCIETY OF GENETIC COUNSELORS, OR ITS SUCCESSOR; OR**

26 **(II) OTHER REQUIREMENTS APPROVED BY THE NATIONAL**
27 **SOCIETY OF GENETIC COUNSELORS, OR ITS SUCCESSOR, FOR RECERTIFICATION AS**
28 **A CERTIFIED GENETIC COUNSELOR.**

1 **(2) THE BOARD MAY WAIVE CONTINUING EDUCATION**
2 **REQUIREMENTS, INCLUDING WAIVING ALL OR A PORTION OF THE REQUIREMENTS,**
3 **OR GRANT AN EXTENSION OF TIME TO COMPLETE THE REQUIREMENTS, IF:**

4 **(I) THE LICENSED GENETIC COUNSELOR SUBMITS A WRITTEN**
5 **REQUEST TO THE BOARD; AND**

6 **(II) THE BOARD DETERMINES THAT:**

7 **1. THE LICENSED GENETIC COUNSELOR HAS A**
8 **LONG-TERM PERSONAL ILLNESS;**

9 **2. A CLOSE RELATIVE OR INDIVIDUAL FOR WHOM THE**
10 **LICENSED GENETIC COUNSELOR HAS CAREGIVING RESPONSIBILITIES HAS A**
11 **LONG-TERM ILLNESS;**

12 **3. THE LICENSED GENETIC COUNSELOR**
13 **DEMONSTRATED THAT THE REQUIRED COURSES ARE NOT REASONABLY AVAILABLE**
14 **TO THE LICENSEE; OR**

15 **4. THE LICENSED GENETIC COUNSELOR**
16 **DEMONSTRATED ECONOMIC, TECHNOLOGICAL, OR LEGAL HARDSHIPS THAT**
17 **SUBSTANTIALLY RELATE TO THE ABILITY TO PERFORM OR COMPLETE THE**
18 **CONTINUING EDUCATION REQUIREMENTS.**

19 **(E) THE BOARD SHALL RENEW THE LICENSE OF EACH LICENSED GENETIC**
20 **COUNSELOR WHO MEETS THE REQUIREMENTS OF THIS SECTION.**

21 **(F) THE BOARD SHALL REINSTATE THE LICENSE OF AN INDIVIDUAL WHO**
22 **HAS FAILED TO RENEW A LICENSE TO PRACTICE GENETIC COUNSELING FOR ANY**
23 **REASON IF THE INDIVIDUAL:**

24 **(1) APPLIES FOR REINSTATEMENT AFTER THE DATE THE LICENSE**
25 **EXPIRES;**

26 **(2) MEETS THE RENEWAL REQUIREMENTS OF THIS SECTION; AND**

27 **(3) PAYS TO THE BOARD THE REINSTATEMENT FEE SET BY THE**
28 **BOARD.**

29 **(G) (1) THE BOARD SHALL REQUIRE A CRIMINAL HISTORY RECORDS**
30 **CHECK IN ACCORDANCE WITH § 14-308.1 OF THIS TITLE FOR:**

(I) ANNUAL RENEWAL APPLICANTS AS DETERMINED BY REGULATIONS ADOPTED BY THE BOARD; AND

(II) EACH FORMER LICENSED GENETIC COUNSELOR WHO FILES FOR REINSTATEMENT UNDER SUBSECTION (F) OF THIS SECTION.

(2) ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION OF A LICENSED GENETIC COUNSELOR FORWARDED TO THE BOARD IN ACCORDANCE WITH § 14-308.1 OF THIS TITLE, IN DETERMINING WHETHER DISCIPLINARY ACTION SHOULD BE TAKEN, BASED ON THE CRIMINAL HISTORY RECORD INFORMATION, AGAINST A LICENSED GENETIC COUNSELOR WHO RENEWED OR REINSTATED A LICENSE, THE BOARD SHALL CONSIDER THE CRITERIA UNDER § 14-5G-12(B) OF THIS SUBTITLE.

(3) THE BOARD MAY RENEW OR REINSTATE A LICENSE ONLY IF THE LICENSED GENETIC COUNSELOR OR APPLICANT ATTESTS THAT THE LICENSED GENETIC COUNSELOR OR APPLICANT HAS COMPLETED A CRIMINAL HISTORY RECORDS CHECK UNDER § 14-308.1 OF THIS TITLE.

~~14-5G-15.~~

~~(A) IN THIS SECTION, "QUALIFIED SUPERVISOR" MEANS A LICENSED GENETIC COUNSELOR, A PHYSICIAN, OR A NURSE PRACTITIONER WHO PROVIDES GENERAL SUPERVISION FOR THE HOLDER OF A TEMPORARY LICENSE UNDER THIS SECTION.~~

~~(B) THE BOARD MAY GRANT A TEMPORARY LICENSE TO AN INDIVIDUAL WHO:~~

~~(1) COMPLIES WITH § 14-5G-10(B), (C), AND (E) OF THIS SUBTITLE;~~
~~AND~~

~~(2) HAS BEEN GRANTED ADVANCED CANDIDATE STATUS BY A NATIONAL CERTIFYING BOARD.~~

~~(C) A TEMPORARY LICENSE AUTHORIZES THE HOLDER OF THE TEMPORARY LICENSE TO PRACTICE GENETIC COUNSELING;~~

~~(1) WHILE THE LICENSE IS EFFECTIVE; AND~~

~~(2) UNDER GENERAL SUPERVISION AS REQUIRED IN SUBSECTION (E) OF THIS SECTION.~~

~~(D) (1) A TEMPORARY LICENSE SHALL EXPIRE AUTOMATICALLY AT THE
EARLIEST OF THE FOLLOWING:~~

~~(I) ISSUANCE OF A FULL LICENSE;~~

~~(II) LOSS OF ADVANCED CANDIDATE STATUS BY THE NATIONAL
CERTIFYING BOARD; OR~~

~~(III) THE DATE SET BY THE BOARD.~~

~~(2) THE TERM OF A TEMPORARY LICENSE IS 2 YEARS.~~

~~(E) (1) THE HOLDER OF THE TEMPORARY LICENSE SHALL WORK UNDER
THE GENERAL SUPERVISION OF A QUALIFIED SUPERVISOR, WITH WHOM THE
HOLDER OF THE TEMPORARY LICENSE HAS AN ANNUAL SUPERVISION CONTRACT, AT
ALL TIMES WHILE PRACTICING GENETIC COUNSELING.~~

~~(2) WHEN PROVIDING GENERAL SUPERVISION, A QUALIFIED
SUPERVISOR:~~

~~(I) SHALL HAVE OVERALL RESPONSIBILITY TO ASSESS THE
WORK OF THE HOLDER OF THE TEMPORARY LICENSE, INCLUDING REGULAR
MEETINGS AND CHART REVIEW; AND~~

~~(II) IS NOT REQUIRED TO BE PHYSICALLY PRESENT WHILE THE
HOLDER OF THE TEMPORARY LICENSE PRACTICES GENETIC COUNSELING.~~

~~(3) THE HOLDER OF A TEMPORARY LICENSE AND A QUALIFIED
SUPERVISOR SHALL HAVE AN ANNUAL SUPERVISION CONTRACT THAT:~~

~~(I) IS SIGNED BY BOTH THE HOLDER OF THE TEMPORARY
LICENSE AND THE QUALIFIED SUPERVISOR; AND~~

~~(II) IS FILED WITH BOTH THE HOLDER OF THE TEMPORARY
LICENSE AND THE QUALIFIED SUPERVISOR.~~

~~14-5C-16. 14-5G-15.~~

(A) A LICENSEE SHALL NOTIFY THE BOARD IN WRITING OF A CHANGE OF
NAME OR ADDRESS WITHIN 60 DAYS AFTER THE CHANGE.

(B) A LICENSEE WHO FAILS TO COMPLY WITH SUBSECTION (A) OF THIS
SECTION IS SUBJECT TO AN ADMINISTRATIVE PENALTY OF \$100.

1 ~~14-5G-17.~~ 14-5G-16.

2 **UNLESS THE BOARD AGREES TO ACCEPT THE SURRENDER OF A LICENSE, A**
3 **LICENSEE MAY NOT SURRENDER THE LICENSE NOR MAY THE LICENSE LAPSE BY**
4 **OPERATION OF LAW WHILE THE LICENSEE IS UNDER INVESTIGATION OR WHILE**
5 **CHARGES ARE PENDING AGAINST THE LICENSEE.**

6 ~~14-5G-18.~~ 14-5G-17.

7 **(A) SUBJECT TO THE HEARING PROVISIONS OF § 14-405 OF THIS TITLE, A**
8 **DISCIPLINARY PANEL, ON THE AFFIRMATIVE VOTE OF A MAJORITY OF THE QUORUM**
9 **OF THE DISCIPLINARY PANEL, MAY DENY A LICENSE TO ANY APPLICANT,**
10 **REPRIMAND ANY LICENSEE, PLACE ANY LICENSEE ON PROBATION, OR SUSPEND OR**
11 **REVOKE A LICENSE, IF THE APPLICANT OR LICENSEE:**

12 **(1) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO**
13 **OBTAIN A LICENSE FOR THE APPLICANT OR LICENSEE OR FOR ANOTHER;**

14 **(2) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE;**

15 **(3) IS GUILTY OF UNPROFESSIONAL OR IMMORAL CONDUCT WHILE**
16 **PRACTICING GENETIC COUNSELING;**

17 **(4) IS PROFESSIONALLY, PHYSICALLY, OR MENTALLY INCOMPETENT;**

18 **(5) ABANDONS A PATIENT;**

19 **(6) IS HABITUALLY INTOXICATED;**

20 **(7) IS ADDICTED TO OR HABITUALLY ABUSES ANY NARCOTIC OR**
21 **CONTROLLED DANGEROUS SUBSTANCE AS DEFINED IN § 5-101 OF THE CRIMINAL**
22 **LAW ARTICLE;**

23 **(8) PROVIDES PROFESSIONAL SERVICES WHILE:**

24 **(I) UNDER THE INFLUENCE OF ALCOHOL; OR**

25 **(II) USING ANY NARCOTIC OR CONTROLLED DANGEROUS**
26 **SUBSTANCE AS DEFINED IN § 5-101 OF THE CRIMINAL LAW ARTICLE OR ANY OTHER**
27 **DRUG THAT IS IN EXCESS OF THERAPEUTIC AMOUNTS OR WITHOUT VALID MEDICAL**
28 **INDICATION;**

1 **(9) PROMOTES THE SALE OF SERVICES, DRUGS, DEVICES,**
2 **APPLIANCES, OR GOODS TO A PATIENT SO AS TO EXPLOIT THE PATIENT FOR**
3 **FINANCIAL GAIN;**

4 **(10) WILLFULLY MAKES OR FILES A FALSE REPORT OR RECORD IN THE**
5 **PRACTICE OF GENETIC COUNSELING;**

6 **(11) WILLFULLY FAILS TO FILE OR RECORD ANY REPORT AS REQUIRED**
7 **UNDER LAW, WILLFULLY IMPEDES OR OBSTRUCTS THE FILING OR RECORDING OF A**
8 **REPORT, OR INDUCES ANOTHER TO FAIL TO FILE OR RECORD A REPORT;**

9 **(12) BREACHES PATIENT CONFIDENTIALITY;**

10 **(13) PAYS OR AGREES TO PAY ANY SUM OR PROVIDE ANY FORM OF**
11 **REMUNERATION OR MATERIAL BENEFIT TO ANY PERSON FOR BRINGING OR**
12 **REFERRING A PATIENT OR ACCEPTS OR AGREES TO ACCEPT ANY SUM OR ANY FORM**
13 **OF REMUNERATION OR MATERIAL BENEFIT FROM AN INDIVIDUAL FOR BRINGING OR**
14 **REFERRING A PATIENT;**

15 **(14) KNOWINGLY MAKES A MISREPRESENTATION WHILE PRACTICING**
16 **GENETIC COUNSELING;**

17 **(15) KNOWINGLY PRACTICES GENETIC COUNSELING WITH AN**
18 **UNAUTHORIZED INDIVIDUAL OR AIDS AN UNAUTHORIZED INDIVIDUAL IN**
19 **PRACTICING GENETIC COUNSELING;**

20 **(16) KNOWINGLY DELEGATES A GENETIC COUNSELING DUTY TO AN**
21 **UNLICENSED INDIVIDUAL;**

22 **(17) OFFERS, UNDERTAKES, OR AGREES TO CURE OR TREAT DISEASE**
23 **BY A SECRET METHOD, TREATMENT, OR MEDICINE;**

24 **(18) IS DISCIPLINED BY A LICENSING OR DISCIPLINARY AUTHORITY OR**
25 **IS CONVICTED OR DISCIPLINED BY A COURT OF ANY STATE OR COUNTRY OR IS**
26 **DISCIPLINED BY ANY BRANCH OF THE UNITED STATES UNIFORMED SERVICES OR**
27 **THE U.S. DEPARTMENT OF VETERANS AFFAIRS FOR AN ACT THAT WOULD BE**
28 **GROUND FOR DISCIPLINARY ACTION UNDER THE BOARD'S DISCIPLINARY**
29 **STATUTES;**

30 **(19) FAILS TO MEET APPROPRIATE STANDARDS FOR THE DELIVERY OF**
31 **GENETIC COUNSELING SERVICES;**

32 **(20) KNOWINGLY SUBMITS FALSE STATEMENTS TO COLLECT FEES FOR**
33 **WHICH SERVICES ARE NOT PROVIDED;**

1 **(21) (I) HAS BEEN SUBJECT TO INVESTIGATION OR DISCIPLINARY**
2 **ACTION BY A LICENSING OR DISCIPLINARY AUTHORITY OR BY A COURT OF ANY**
3 **STATE OR COUNTRY FOR AN ACT THAT WOULD BE GROUNDS FOR DISCIPLINARY**
4 **ACTION UNDER THE BOARD'S DISCIPLINARY STATUTES; AND**

5 **(II) HAS:**

6 **1. SURRENDERED THE LICENSE, IF ANY, ISSUED BY THE**
7 **STATE OR COUNTRY; OR**

8 **2. ALLOWED THE LICENSE, IF ANY, ISSUED BY THE**
9 **STATE OR COUNTRY TO EXPIRE OR LAPSE;**

10 **(22) KNOWINGLY FAILS TO REPORT SUSPECTED CHILD ABUSE IN**
11 **VIOLATION OF § 5-704 OF THE FAMILY LAW ARTICLE;**

12 **(23) SELLS, PRESCRIBES, GIVES AWAY, OR ADMINISTERS DRUGS FOR**
13 **ILLEGAL OR ILLEGITIMATE MEDICAL PURPOSES;**

14 **(24) PRACTICES OR ATTEMPTS TO PRACTICE BEYOND THE**
15 **AUTHORIZED SCOPE OF PRACTICE;**

16 **(25) IS CONVICTED OF OR PLEADS GUILTY OR NOLO CONTENDERE TO**
17 **A FELONY OR TO A CRIME INVOLVING MORAL TURPITUDE, WHETHER OR NOT ANY**
18 **APPEAL OR OTHER PROCEEDING IS PENDING TO HAVE THE CONVICTION OR PLEA**
19 **SET ASIDE;**

20 **(26) REFUSES, WITHHOLDS FROM, DENIES, OR DISCRIMINATES**
21 **AGAINST AN INDIVIDUAL WITH REGARD TO THE PROVISION OF PROFESSIONAL**
22 **SERVICES FOR WHICH THE LICENSEE IS LICENSED AND QUALIFIED TO RENDER**
23 **BECAUSE THE INDIVIDUAL IS HIV POSITIVE;**

24 **(27) PRACTICES OR ATTEMPTS TO PRACTICE GENETIC COUNSELING**
25 **PROCEDURES OR USES OR ATTEMPTS TO USE GENETIC ASSESSMENTS IF THE**
26 **APPLICANT OR LICENSEE HAS NOT RECEIVED EDUCATION AND TRAINING IN THE**
27 **PERFORMANCE OF THE PROCEDURE OR THE USE OF THE GENETIC ASSESSMENT;**

28 **(28) FAILS TO COOPERATE WITH A LAWFUL INVESTIGATION OF THE**
29 **BOARD OR A DISCIPLINARY PANEL; OR**

30 **(29) FAILS TO SUBMIT TO OR COMPLETE A CRIMINAL HISTORY**
31 **RECORDS CHECK UNDER § 14-308.1 OF THIS TITLE.**

(B) EXCEPT AS OTHERWISE PROVIDED IN TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE, BEFORE THE BOARD OR A DISCIPLINARY PANEL TAKES ANY ACTION UNDER SUBSECTION (A) OF THIS SECTION, IT SHALL GIVE THE INDIVIDUAL AGAINST WHOM THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE BOARD OR THE DISCIPLINARY PANEL IN ACCORDANCE WITH THE HEARING REQUIREMENTS OF § 14-405 OF THIS TITLE.

(C) (1) ON THE FILING OF CERTIFIED DOCKET ENTRIES WITH THE BOARD BY THE OFFICE OF THE ATTORNEY GENERAL, A DISCIPLINARY PANEL SHALL ORDER THE SUSPENSION OF A LICENSE IF THE LICENSEE IS CONVICTED OF OR PLEADS GUILTY OR NOLO CONTENDERE WITH RESPECT TO A CRIME INVOLVING MORAL TURPITUDE, WHETHER OR NOT ANY APPEAL OR OTHER PROCEEDING IS PENDING TO HAVE THE CONVICTION OR PLEA SET ASIDE.

(2) AFTER COMPLETION OF THE APPELLATE PROCESS, IF THE CONVICTION HAS NOT BEEN REVERSED OR THE PLEA HAS NOT BEEN SET ASIDE WITH RESPECT TO A CRIME INVOLVING MORAL TURPITUDE, A DISCIPLINARY PANEL SHALL ORDER THE REVOCATION OF A LICENSE ON THE CERTIFICATION BY THE OFFICE OF THE ATTORNEY GENERAL.

~~14-5G-19.~~ 14-5G-18.

(A) (1) ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD UNDER THIS SUBTITLE MAY TAKE A DIRECT JUDICIAL APPEAL.

(2) THE APPEAL SHALL BE MADE AS PROVIDED FOR JUDICIAL REVIEW OF FINAL DECISIONS IN TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

(B) AN ORDER OF THE BOARD MAY NOT BE STAYED PENDING REVIEW.

(C) THE BOARD MAY APPEAL FROM ANY DECISION THAT REVERSES OR MODIFIES ITS ORDER.

~~14-5G-20.~~ 14-5G-19.

(A) EXCEPT AS PROVIDED IN SUBSECTIONS (B) AND (D) OF THIS SECTION, HOSPITALS, RELATED INSTITUTIONS, ALTERNATIVE HEALTH SYSTEMS AS DEFINED IN § 1-401 OF THIS ARTICLE, AND EMPLOYERS SHALL FILE WITH THE BOARD A REPORT THAT THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM, OR EMPLOYER LIMITED, REDUCED, OTHERWISE CHANGED, OR TERMINATED ANY LICENSED GENETIC COUNSELOR FOR ANY REASON THAT MIGHT BE GROUNDS FOR DISCIPLINARY ACTION UNDER ~~§ 14-5G-18~~ § 14-5G-17 OF THIS SUBTITLE.

(B) A HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM, OR EMPLOYER THAT HAS REASON TO KNOW THAT A LICENSED GENETIC COUNSELOR HAS COMMITTED AN ACT OR HAS A CONDITION THAT MIGHT BE GROUNDS FOR REPRIMAND OR PROBATION OF THE LICENSED GENETIC COUNSELOR OR SUSPENSION OR REVOCATION OF THE LICENSE BECAUSE THE LICENSED GENETIC COUNSELOR IS ALCOHOL-IMPAIRED OR DRUG-IMPAIRED IS NOT REQUIRED TO REPORT THE LICENSED GENETIC COUNSELOR TO THE BOARD IF:

(1) THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM, OR EMPLOYER KNOWS THAT THE LICENSED GENETIC COUNSELOR IS:

(I) IN AN ALCOHOL OR DRUG TREATMENT PROGRAM THAT IS ACCREDITED BY THE JOINT COMMISSION ON ACCREDITATION OF HEALTHCARE ORGANIZATIONS OR THAT IS CERTIFIED BY THE DEPARTMENT; OR

(II) UNDER THE CARE OF A HEALTH CARE PRACTITIONER WHO IS COMPETENT AND CAPABLE OF DEALING WITH ALCOHOLISM AND DRUG ABUSE; AND

(2) (I) THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM, OR EMPLOYER IS ABLE TO VERIFY THAT THE LICENSED GENETIC COUNSELOR REMAINS IN THE TREATMENT PROGRAM UNTIL DISCHARGE; AND

(II) THE ACTION OR CONDITION OF THE LICENSED GENETIC COUNSELOR HAS NOT CAUSED INJURY TO ANY PERSON WHILE THE GENETIC COUNSELOR IS PRACTICING GENETIC COUNSELING.

(C) (1) IF THE LICENSED GENETIC COUNSELOR ENTERS, OR IS CONSIDERING ENTERING, AN ALCOHOL OR DRUG TREATMENT PROGRAM THAT IS ACCREDITED BY THE JOINT COMMISSION ON ACCREDITATION OF HEALTHCARE ORGANIZATIONS OR THAT IS CERTIFIED BY THE DEPARTMENT, THE LICENSED GENETIC COUNSELOR SHALL NOTIFY THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM, OR EMPLOYER OF THE LICENSED GENETIC COUNSELOR'S DECISION TO ENTER THE TREATMENT PROGRAM.

(2) IF THE LICENSED GENETIC COUNSELOR FAILS TO PROVIDE THE NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION, AND THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM, OR EMPLOYER LEARNS THAT THE LICENSED GENETIC COUNSELOR HAS ENTERED A TREATMENT PROGRAM, THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM, OR EMPLOYER SHALL REPORT TO THE BOARD THAT THE LICENSED GENETIC COUNSELOR HAS ENTERED A TREATMENT PROGRAM AND HAS FAILED TO PROVIDE THE REQUIRED NOTICE.

(3) IF THE LICENSED GENETIC COUNSELOR IS FOUND TO BE NONCOMPLIANT WITH THE TREATMENT PROGRAM'S POLICIES AND PROCEDURES WHILE IN THE TREATMENT PROGRAM, THE TREATMENT PROGRAM SHALL NOTIFY THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM, OR EMPLOYER OF THE LICENSED GENETIC COUNSELOR'S NONCOMPLIANCE.

(4) ON RECEIPT OF THE NOTIFICATION REQUIRED UNDER PARAGRAPH (3) OF THIS SUBSECTION, THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM, OR EMPLOYER OF THE LICENSED GENETIC COUNSELOR SHALL REPORT THE LICENSED GENETIC COUNSELOR'S NONCOMPLIANCE TO THE BOARD.

(D) A PERSON IS NOT REQUIRED UNDER THIS SECTION TO MAKE ANY REPORT THAT WOULD BE IN VIOLATION OF ANY FEDERAL OR STATE LAW, RULE, OR REGULATION CONCERNING THE CONFIDENTIALITY OF ALCOHOL- AND DRUG ABUSE-RELATED PATIENT RECORDS.

(E) THE HOSPITAL, RELATED INSTITUTION, ALTERNATIVE HEALTH SYSTEM, OR EMPLOYER SHALL SUBMIT THE REPORT WITHIN 10 DAYS AFTER ANY ACTION DESCRIBED IN THIS SECTION.

(F) A REPORT MADE UNDER THIS SECTION IS NOT SUBJECT TO SUBPOENA OR DISCOVERY IN ANY CIVIL ACTION OTHER THAN A PROCEEDING ARISING OUT OF A HEARING AND DECISION OF THE BOARD OR A DISCIPLINARY PANEL UNDER THIS TITLE.

(G) (1) THE BOARD MAY IMPOSE A CIVIL PENALTY OF UP TO \$1,000 FOR FAILURE TO REPORT UNDER THIS SECTION.

(2) THE BOARD SHALL REMIT ANY PENALTY COLLECTED UNDER THIS SUBSECTION INTO THE GENERAL FUND OF THE STATE.

~~14-5G-21.~~ 14-5G-20.

(A) FOLLOWING THE FILING OF CHARGES OR NOTICE OF INITIAL DENIAL OF LICENSE APPLICATION, THE BOARD SHALL DISCLOSE THE FILING TO THE PUBLIC ON THE BOARD'S WEBSITE.

(B) THE BOARD SHALL CREATE AND MAINTAIN A PUBLIC INDIVIDUAL PROFILE ON EACH LICENSEE THAT INCLUDES THE FOLLOWING INFORMATION:

(1) A SUMMARY OF CHARGES FILED AGAINST THE LICENSEE, INCLUDING A COPY OF THE CHARGING DOCUMENT, UNTIL A DISCIPLINARY PANEL

1 HAS TAKEN ACTION UNDER ~~§ 14-5G-18~~ § 14-5G-17 OF THIS SUBTITLE BASED ON
2 THE CHARGES OR HAS RESCINDED THE CHARGES;

3 (2) A DESCRIPTION OF ANY DISCIPLINARY ACTION TAKEN BY THE
4 BOARD OR A DISCIPLINARY PANEL AGAINST THE LICENSEE WITHIN THE MOST
5 RECENT 10-YEAR PERIOD THAT INCLUDES A COPY OF THE PUBLIC ORDER;

6 (3) A DESCRIPTION IN SUMMARY FORM OF ANY FINAL DISCIPLINARY
7 ACTION TAKEN BY A LICENSING BOARD IN ANY OTHER STATE OR JURISDICTION
8 AGAINST THE LICENSEE WITHIN THE MOST RECENT 10-YEAR PERIOD;

9 (4) A DESCRIPTION OF A CONVICTION OR ENTRY OF A PLEA OF
10 GUILTY OR NOLO CONTENDERE BY THE LICENSEE FOR A CRIME INVOLVING MORAL
11 TURPITUDE THAT IS THE BASIS FOR DISCIPLINARY ACTION TAKEN UNDER §
12 ~~14-5G-18(c)~~ § 14-5G-17(c) OF THIS SUBTITLE; AND

13 (5) THE PUBLIC ADDRESS OF THE LICENSEE.

14 (C) IN ADDITION TO THE REQUIREMENTS OF SUBSECTION (B) OF THIS
15 SECTION, THE BOARD SHALL INCLUDE ON EACH LICENSEE'S PROFILE A STATEMENT
16 OF INFORMATION TO BE TAKEN INTO CONSIDERATION BY A CONSUMER WHEN
17 VIEWING A LICENSEE'S PROFILE, INCLUDING A DISCLAIMER STATING THAT A
18 CHARGING DOCUMENT DOES NOT INDICATE A FINAL FINDING OF GUILT BY A
19 DISCIPLINARY PANEL.

20 (D) THE BOARD:

21 (1) ON RECEIPT OF A WRITTEN REQUEST FOR A LICENSEE'S PROFILE
22 FROM ANY PERSON, SHALL FORWARD A WRITTEN COPY OF THE PROFILE TO THE
23 PERSON; AND

24 (2) SHALL MAINTAIN A WEBSITE THAT SERVES AS A SINGLE POINT OF
25 ENTRY WHERE ALL LICENSEE PROFILE INFORMATION IS AVAILABLE TO THE PUBLIC
26 ON THE INTERNET.

27 (E) THE BOARD SHALL PROVIDE A MECHANISM FOR THE NOTIFICATION
28 AND PROMPT CORRECTION OF ANY FACTUAL INACCURACIES IN A LICENSEE'S
29 PROFILE.

30 (F) THE BOARD SHALL INCLUDE INFORMATION RELATING TO CHARGES
31 FILED AGAINST A LICENSEE BY A DISCIPLINARY PANEL AND ANY FINAL
32 DISCIPLINARY ACTION TAKEN BY A DISCIPLINARY PANEL AGAINST A LICENSEE IN
33 THE LICENSEE'S PROFILE WITHIN 10 DAYS AFTER THE CHARGES ARE FILED OR THE
34 ACTION BECOMES FINAL.

1 ~~14-5G-22.~~ 14-5G-21.

2 (A) SUBJECT TO SUBSECTION (C) OF THIS SECTION, ON THE APPLICATION
3 OF AN INDIVIDUAL WHOSE LICENSE HAS BEEN REVOKED, A DISCIPLINARY PANEL,
4 ON THE AFFIRMATIVE VOTE OF A MAJORITY OF ITS FULL AUTHORIZED
5 MEMBERSHIP, MAY REINSTATE A REVOKED LICENSE.

6 (B) IF A DISCIPLINARY PANEL REINSTATES A LICENSE UNDER SUBSECTION
7 (A) OF THIS SECTION, THE DISCIPLINARY PANEL SHALL NOTIFY THE BOARD OF THE
8 REINSTATEMENT.

9 (C) A DISCIPLINARY PANEL MAY NOT REINSTATE A REVOKED LICENSE THAT
10 HAS BEEN REVOKED FOR A PERIOD OF MORE THAN 1 YEAR UNLESS THE LICENSEE:

11 (1) MEETS THE REQUIREMENTS FOR REINSTATEMENT AS
12 ESTABLISHED UNDER THIS TITLE; AND

13 (2) SUBMITS TO A CRIMINAL HISTORY RECORDS CHECK IN
14 ACCORDANCE WITH § 14-308.1 OF THIS TITLE.

15 ~~14-5G-23.~~ 14-5G-22.

16 EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A PERSON MAY NOT
17 PRACTICE, ATTEMPT TO PRACTICE, OR OFFER TO PRACTICE GENETIC COUNSELING
18 IN THIS STATE UNLESS LICENSED TO PRACTICE GENETIC COUNSELING BY THE
19 BOARD.

20 ~~14-5G-24.~~ 14-5G-23.

21 (A) UNLESS AUTHORIZED TO PRACTICE GENETIC COUNSELING UNDER THIS
22 SUBTITLE, A PERSON MAY NOT REPRESENT TO THE PUBLIC BY TITLE, BY
23 DESCRIPTION OF SERVICES, METHODS, OR PROCEDURES, OR OTHERWISE, THAT THE
24 PERSON IS AUTHORIZED TO PRACTICE GENETIC COUNSELING IN THIS STATE.

25 ~~(B) UNLESS AUTHORIZED TO PRACTICE GENETIC COUNSELING UNDER THIS~~
26 ~~SUBTITLE, A PERSON MAY NOT USE THE TITLES "GENETIC COUNSELOR", "LICENSED~~
27 ~~GENETIC COUNSELOR", "CERTIFIED GENETIC COUNSELOR", "GENE COUNSELOR",~~
28 ~~"GENETIC CONSULTANT", "GENETIC ASSOCIATE", "HOLDER OF A TEMPORARY~~
29 ~~LICENSE", OR ANY WORDS, LETTERS, OR SYMBOLS WITH THE INTENT TO IMPLY THAT~~
30 ~~THE PERSON PRACTICES GENETIC COUNSELING OR IS A CERTIFIED GENETIC~~
31 ~~COUNSELOR, LICENSED GENETIC COUNSELOR, OR HOLDER OF A TEMPORARY~~
32 ~~LICENSE.~~

(B) UNLESS AUTHORIZED TO PRACTICE GENETIC COUNSELING UNDER THIS SUBTITLE, A PERSON MAY NOT USE THE TITLES “GENETIC COUNSELOR”, “LICENSED GENETIC COUNSELOR”, “CERTIFIED GENETIC COUNSELOR”, “GENE COUNSELOR”, “GENETIC CONSULTANT”, “GENETIC ASSOCIATE”, OR ANY WORDS, LETTERS, OR SYMBOLS WITH THE INTENT TO IMPLY THAT THE PERSON PRACTICES GENETIC COUNSELING OR IS A CERTIFIED GENETIC COUNSELOR OR LICENSED GENETIC COUNSELOR.

~~14-5G-25.~~ 14-5G-24.

A PERSON MAY NOT PROVIDE, ATTEMPT TO PROVIDE, OFFER TO PROVIDE, OR REPRESENT THAT THE PERSON PROVIDES GENETIC COUNSELING SERVICES UNLESS THE GENETIC COUNSELING IS PROVIDED BY AN INDIVIDUAL WHO IS AUTHORIZED TO PRACTICE GENETIC COUNSELING UNDER THIS SUBTITLE.

~~14-5G-26.~~ 14-5G-25.

(A) A PERSON WHO VIOLATES § 14-5G-22, § 14-5G-23, OR § 14-5G-24 OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.

(B) A PERSON WHO VIOLATES § 14-5G-22, § 14-5G-23, OR § 14-5G-24 OF THIS SUBTITLE IS SUBJECT TO A CIVIL FINE OF NOT MORE THAN \$5,000 TO BE LEVIED BY A DISCIPLINARY PANEL.

(C) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS SECTION INTO THE BOARD OF PHYSICIANS FUND.

~~14-5G-27.~~ 14-5G-26.

THIS SUBTITLE MAY BE CITED AS THE MARYLAND GENETIC COUNSELING ACT.

~~14-5G-28.~~ 14-5G-27.

SUBJECT TO THE EVALUATION AND REESTABLISHMENT PROVISIONS OF THE MARYLAND PROGRAM EVALUATION ACT AND SUBJECT TO THE TERMINATION OF THIS TITLE UNDER § 14-702 OF THIS TITLE, THIS SUBTITLE AND ALL REGULATIONS ADOPTED UNDER THIS SUBTITLE SHALL TERMINATE AND BE OF NO EFFECT AFTER JUNE 1, 2030.

SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial members of the Genetic Counseling Advisory Committee shall expire as follows:

1 (1) one member who is a certified genetic counselor in 2022;

2 (2) one member who is a certified genetic counselor and the physician
3 member in 2023; and

4 (3) one member who is a certified genetic counselor and the consumer
5 member in 2024.

6 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2020.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.