

Regulatory Analysis Form

(Completed by Promulgating Agency)

INDEPENDENT REGULATORY
REVIEW COMMISSION

(All Comments submitted on this regulation will appear on IRRC's website)

(1) Agency
Department of State, Bureau of Professional and Occupational
Affairs, State Board of Medicine

(2) Agency Number: 16A
Identification Number: 4937

IRRC Number: 3034

(3) PA Code Cite: 49 Pa. Code §§ 16.11, 16.13 and Chapter 18, Subchapter K

(4) Short Title: Genetic Counselors

(5) Agency Contacts (List Telephone Number and Email Address):

Primary Contact: Teresa Lazo, Board Counsel, State Board of Medicine, Department of State;
(717)783-7200; P.O. Box 2649, Harrisburg, PA 17105-2649; (717)787-0251; tlazo@pa.gov

Secondary Contact: Cynthia K. Montgomery, Regulatory Counsel, Department of State; (717)783-
7200; P.O. Box 2649, Harrisburg, PA 17105-2649; (717)787-0251; cymontgome@pa.gov

(6) Type of Rulemaking (check applicable box):

PROPOSED REGULATION

Final Regulation

Final Omitted Regulation

Emergency Certification Regulation;

Certification by the Governor

Certification by the Attorney General

(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less)

The rulemaking effectuates the act of December 22, 2011, (P.L. 576, No. 125) (Act 125) providing for the licensure and regulation of genetic counselors.

(8) State the statutory authority for the regulation. Include specific statutory citation.

This rulemaking is required by section 3 of Act 125 and section 13.4 of the Medical Practice Act of 1985 (act) (63 P.S. § 422.13d).

(9) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as, any deadlines for action.

Yes, the rulemaking is mandated by Act 125.

2013 OCT -7 AM 10: 52

RECEIVED
IRRC

(10) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.

The proposed rulemaking is necessary to effectuate Act 125 and provide for the licensure and regulation of genetic counselors.

(11) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulations.

There are no applicable Federal licensure standards.

(12) How does this regulation compare with those of the other states? How will this affect Pennsylvania's ability to compete with other states?

Genetic counselors are licensed in 15 states in addition to Pennsylvania: California, Delaware, Illinois, Indiana, Massachusetts, New Mexico, Oklahoma, South Dakota, Tennessee, Utah and Washington; and in Hawaii, Nebraska, New Jersey and Ohio, bills have been passed, but regulations are not yet completed.

The laws in the 15 other states are substantially similar to the law in this Commonwealth; accordingly, the regulation will be consistent with the regulations of other states that license genetic counselors. This regulation will not adversely affect Pennsylvania's ability to compete with other states.

(13) Will the regulation affect any other regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

This proposed rulemaking would not affect other regulations of the Board or other state agencies.

(14) Describe the communications with and solicitation of input from the public, any advisory council/group, small businesses and groups representing small businesses in the development and drafting of the regulation. List the specific persons and/or groups who were involved. ("Small business" is defined in Section 3 of the Regulatory Review Act, Act 76 of 2012.)

The Board's Allied Health Professionals Committee discussed this proposed rulemaking at a series of public meetings, during which representatives from academia, practice and a statewide association of genetic counselors were present. The committee chair and Board counsel met several times with representatives of the genetic counselors community to work on the proposed rulemaking.

The Board met and discussed this proposed rulemaking at its public meetings. In addition, on May 22, 2012, genetic counseling stakeholders made a formal presentation to the Board at their regular public meeting, including additional suggestions for amendments to the regulations.

(15) Identify the types and number of persons, businesses, small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012) and organizations which will be affected by the regulation. How are they affected?

All genetic counselors who wish to practice in this Commonwealth will be required to comply with the regulation. Based on the records of the American Board of Genetic Counseling, there are currently 177 Certified Genetic Counselors in Pennsylvania. There may be 5 individuals certified by the American Board of Medical Genetics that practice as a genetic counselor. The Board cannot estimate whether there are any uncertified genetic counselors who will seek licensure. For purposes of this rulemaking, the Board estimates approximately 180 genetic counselors could seek licensure. Act 125 requires an individual who provides genetic counseling services to become licensed, therefore all individuals who continue to practice will be affected by the regulation. The individuals will be affected in that they will be required to submit an application and pay an application fee. They will also be affected in that they will be required to pay a biennial renewal fee. Genetic counselors will also incur the cost of complying with the 30 hours of biennial continuing education mandated by the Act; however, these costs are attenuated by the fact that the Board has approved the national genetic counseling credentialing body and association as pre-approved providers of continuing education and these are the same bodies that genetic counselors obtain continuing education from in order to maintain their National certification. Finally, genetic counselors will incur costs associated with obtaining and maintaining professional liability insurance as mandated by Act 125.

According to the Small Business Administration (SBA), there are approximately 982,692 businesses in Pennsylvania; of which 978,831 are small businesses; and 3,861 are large businesses. Of the 978,831 small businesses, 236,775 are small employers (those with fewer than 500 employees) and the remaining 772,056 are non-employers. Thus, the vast majority of businesses in Pennsylvania are considered small businesses. However, according to the state association, most genetic counselors are employed in hospitals or in academia. In fact, according to the Pennsylvania Department of Labor and Industry in 2008 (the most recent year for which data is available), 52% of genetic counselors in Pennsylvania work in general medical and surgical hospitals, psychiatric and substance abuse hospitals, and other hospitals; and 32% work in colleges and universities. About 5% work for government (federal, state and local), and only about 2% work in offices of physicians and other health care providers.

Small businesses are defined in Section 3 of the Regulatory Review Act, (71 P.S. § 745.3) which provides that a small business is defined by the SBA's Small Business Size Regulations under 13 CFR Ch. 1 Part 121. These size standards have been established for types of businesses under the North American Industry Classification System (NAICS). In applying the NAICS standards to the types of businesses where genetic counselors may work, the small business threshold for general medical and surgical hospitals (# 622110) or in psychiatric and substance abuse hospitals (# 622210) and other hospitals is \$34.5 million or less in average annual receipts. For colleges and universities, the small business threshold is \$25.5 million or less in average annual receipts. As for offices of physicians (#621111) is \$10 million or less in average annual receipts. Most hospitals and universities that employ genetic counselors in the Commonwealth are not considered "small businesses" because they exceed these thresholds. Therefore, this regulation will have little impact on small businesses.

(16) List the persons, groups or entities, including small businesses, that will be required to comply with the regulation. Approximate the number that will be required to comply.

All individuals who practice genetic counseling in the Commonwealth will be required to comply with the regulations. As noted in the response to question 15, the Board estimates approximately 180 individuals may seek licensure.

There is no requirement for any group or entity, including small businesses, to comply with the regulation. Some groups or entities, including small businesses, may voluntarily assume the cost of applying for licensure and making biennial registration of the license for their partners/associates/employees. However, the majority of genetic counselors work in hospitals, colleges and universities that do not meet the size standards to be considered small businesses.

(17) Identify the financial, economic and social impact of the regulation on individuals, small businesses, businesses and labor communities and other public and private organizations. Evaluate the benefits expected as a result of the regulation.

Genetic counselors will be required to pay an initial application for licensure fee of \$50 for those genetic counselors who have passed the National examination and are certified and \$100 for genetic counselors who seek licensure under the grandfathering provisions of Act 125. The application fee for individuals seeking licensure under the grandfathering provisions is higher because of the additional work required to review and verify the qualifications of the applicants. Once licensed, genetic counselors will be required to pay a biennial renewal fee of \$125 to renew their licenses. In addition, genetic counselors will incur some expense in completing continuing education mandated by Act 125; however, genetic counselors already engage in continuing education and the hours mandated by Act 125 are consistent with the number of hours individuals already take to maintain their National certification. The Board estimates the average biennial cost of completing 30 hours of continuing education is approximately \$425.

The General Assembly, in enacting Act 125, has determined that the licensure of genetic counselors is necessary to protect the public health, safety and welfare.

(18) Explain how the benefits of the regulation outweigh any cost and adverse effects.

The costs associated with the regulation are minimal and are outweighed by the public protection benefits to the regulation. Individual genetic counselors should achieve a net economic gain from the increased ability to bill insurance providers afforded by licensure.

(19) Provide a specific estimate of the costs and/or savings to the regulated community associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

The Board anticipates only minor costs to the regulated community associated with compliance with the rulemaking. In addition to the initial licensure fee and biennial license renewal fee, the statute requires licensed genetic counselors to maintain liability insurance and to complete at least 30 hours of continuing education biennially.

The initial license fee is \$50 (\$100 for those genetic counselors applying under the grandfathering provision). The biennial renewal fee is \$125. Regarding the cost of continuing education, 27.7 hours of CE can be earned at the annual NSGC conference, with a 2012 registration fee of \$350 for members and \$580 for non-members. The Board estimates that the average biennial cost to complete 30 hours of continuing education will be approximately \$425. The estimated annual premium for professional liability insurance for genetic counselors for the required coverage is approximately \$225.

There are approximately 180 genetic counselors practicing in Pennsylvania. The Board has no way to determine how many will seek licensure under the Board versus the State Board of Osteopathic Medicine. For purposes of this RAF, both Boards have used the total number of anticipated licensees to estimate the cost to the regulated community.

Initial licensure – 180 applicants x \$50 = \$9,000
Annual professional liability insurance – 180 x \$225 = \$40,500
Biennial renewal – 180 x \$125 = \$22,500
Biennial CE – 180 x \$425 = \$76,500

Total Costs:

FY+1 - \$9,000 initial licensure + \$40,500 insurance = \$49,500
FY+2 - \$40,500 insurance
FY+3 - \$22,500 biennial renewal + \$40,500 insurance = \$63,000
(Continuing education is not required for the first renewal after licensure.)
FY+4 - \$40,500 insurance
FY+5 - \$22,500 biennial renewal + \$40,500 insurance + \$76,500 continuing education = \$139,500

(20) Provide a specific estimate of the costs and/or savings to the **local governments** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

The Board does not anticipate either costs or savings to local governments associated with compliance with the rulemaking.

(21) Provide a specific estimate of the costs and/or savings to the state government associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required. Explain how the dollar estimates were derived.

The Board does not anticipate either costs or savings to state government associated with the rulemaking. Costs to the Board in implementing and administering the rules will be offset by fees paid by licensees.

(22) For each of the groups and entities identified in items (19)-(21) above, submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements.

There are no legal, accounting or consulting procedures associated with the rulemaking. Genetic counselors will be required to report to the Board any arrest or discipline by another state licensing authority. Genetic counselors will be required to renew their licenses biennially. Genetic counselors will be required to maintain certificates of completion demonstrating their attendance at continuing education programs. Minimal paperwork costs are associated with these activities.

(23) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
SAVINGS:	\$	\$	\$	\$	\$	\$
Regulated Community						
Local Government						
State Government						
Total Savings						
COSTS:						
Regulated Community	\$0	\$49,500	\$40,500	\$63,000	\$40,500	\$139,500
Local Government						
State Government						
Total Costs						
REVENUE LOSSES:						
Regulated Community						
Local Government						
State Government						
Total Revenue Losses						

(23a) Provide the past three year expenditure history for programs affected by the regulation.

Program	FY -3	FY -2	FY -1	Current FY
Bd of Medicine	\$5,790,741.22	\$4,850,758.87	\$5,571,463.51	\$6,665,000.00

(24) For any regulation that may have an adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), provide an economic impact statement that includes the following:

- (a) An identification and estimate of the number of small businesses subject to the regulation.
 - (b) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record.
 - (c) A statement of probable effect on impacted small businesses.
 - (d) A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.
-
- (a) **There are approximately 180 genetic counselors practicing in the Commonwealth; it is not known how many are employed in small businesses. However, because the vast majority of genetic counselors work in hospitals, colleges and universities and most hospitals, colleges and universities in Pennsylvania are not considered small businesses, we estimate that very few small businesses will be impacted by the regulation.**
 - (b) **The only costs associated with the Act and these regulations are the fees for initial licensure and biennial renewal, the costs associated with mandated continuing education and the cost relating to professional liability insurance. Licensees must complete an initial application and provide supporting documentation to become licensed. Renewal of licenses is almost universally done online, so the paperwork requirement is slight. Licensees are required to retain documentation relating to completion of mandated continuing education and provide copies of that documentation when audited by the Board.**
 - (c) **The degree to which these costs affect small businesses depends on how many genetic counselors work in small businesses and whether the small business pays those costs on behalf of its employees. It is anticipated that the impact on small businesses is negligible.**
 - (d) **The Board sets fees based on an analysis of the expense of providing services to licensees; the Board sets the lowest fee to cover its estimated expenses. In addition, the Board adopted continuing education comparable to that which is already completed by genetic counselors to maintain their National certification. The Board can discern no less intrusive or less costly means of achieving licensure of genetic counselors as mandated by the General Assembly that would be consistent with the public health, safety and welfare.**

(25) List any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, the elderly, small businesses, and farmers.

The Board has not identified any affected groups or persons that might have particular needs relevant to this proposed rulemaking.

(26) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

The Board met extensively with the regulated community to discuss the provisions in this proposed rulemaking. The affected parties found that the current proposal places no significant burden on the regulated community. As noted above, the Board believes that this proposed rulemaking constitutes the least burdensome acceptable alternative consistent with the statute.

(27) In conducting a regulatory flexibility analysis, explain whether regulatory methods were considered that will minimize any adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), including:

- a) The establishment of less stringent compliance or reporting requirements for small businesses;
- b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
- c) The consolidation or simplification of compliance or reporting requirements for small businesses;
- d) The establishment of performing standards for small businesses to replace design or operational standards required in the regulation; and
- e) The exemption of small businesses from all or any part of the requirements contained in the regulation.

All genetic counselors will need to comply with the regulations. Because the Board does not collect, analyze and track information about the employment status of its licensees or whether licensees' employers meet the definition of a "small business" the Board cannot provide two separate sets of regulations for licensees who are or are employed by small businesses and those who are or are employed by big businesses. There are very few reporting requirements placed on licensees. The only deadlines in the regulations are deadlines to obtain and renew licensure and to complete continuing education. Licensees must report licenses held in other states, disciplinary actions taken by other states, and criminal convictions. None of these reporting requirements extend to the business. The Board does not anticipate any negative impact on small businesses stemming from the regulations, as the vast majority of genetic counselors work in hospitals, colleges and universities that are not considered small businesses. It would not be consistent with the public health, welfare and safety to exempt anyone from the requirements contained in the regulation.

(28) If data is the basis for this regulation, please provide a description of the data, explain in detail how the data was obtained, and how it meets the acceptability standard for empirical, replicable and testable data that is supported by documentation, statistics, reports, studies or research. Please submit data or supporting materials with the regulatory package. If the material exceeds 50 pages, please provide it in a searchable electronic format or provide a list of citations and internet links that, where possible, can be accessed in a searchable format in lieu of the actual material. If other data was considered but not used, please explain why that data was determined not to be acceptable.

The proposed rulemaking is not based on data.

(29) Include a schedule for review of the regulation including:

- | | |
|---|---|
| A. The date by which the agency must receive public comments: | 30 days after publication |
| B. The date or dates on which public meetings or hearings will be held: | The Board meets in public session every 4-6 weeks |
| C. The expected date of promulgation of the proposed regulation as a final-form regulation: | Fall 2013 |
| D. The expected effective date of the final-form regulation: | Upon final publication |
| E. The date by which compliance with the final-form regulation will be required: | Upon final publication |
| F. The date by which required permits, licenses or other approvals must be obtained: | By February 15, 2014 |

(30) Describe the plan developed for evaluating the continuing effectiveness of the regulations after its implementation.

The Board continually reviews the efficacy of its regulations, as part of its annual review process under Executive Order 1996-1. The Board reviews its regulatory proposals at regularly scheduled public meetings, which are set forth on the Board's website (www.dos.state.pa.us/med). The Board meets on the following remaining dates in 2013: March 21, April 23, May 28, June 25, July 23, September 5, October 22 and December 9.

FEE REPORT FORM

Agency: State - BPOA

Date: September 27, 2012

Contact: Katie True
Commissioner, Bureau of Professional & Occupational Affairs

Phone No. 783-7192

Fee Title, Rate and Estimated Collections:

Application for Genetic Counselor License: \$50.00

Estimated Revenue: \$9,000 (180 applications x \$50.00)

Fee Description:

The fee will be charged to every applicant for a Genetic Counselor license.

Fee Objective:

The fee should (1) offset the identifiable costs incurred by the State Board of Medicine to process an application and (2) defray a portion of the Board's administrative overhead.

Fee-Related Activities and Costs:

Staff time-process application	(.75 hr)	26.65
Attorney – avg. time to review legal issues	(.25 hr)	13.46
Administrative Overhead:		<u>8.85</u>
	Total Estimated Cost:	\$ 48.96
	Proposed Fee:	\$ 50.00

Analysis, Comment, and Recommendation:

It is recommended that a fee of \$50.00 be established for processing an application for a Genetic Counselor license.

Application for Genetic Counselor License

Board Staff - receives application, reviews for completeness, verifies that supporting documents are attached, contacts applicant to request any missing information and/or documents. Information provided on the application regarding criminal conviction/chemical dependency/etc. may necessitate further research and review. Time to cover review and action by legal office has been averaged over total number of applications anticipated in a biennial cycle. Board staff issues license through computer when application is complete.

FEE REPORT FORM

Agency: State - BPOA

Date: September 27, 2012

Contact: Katie True
Commissioner, Bureau of Professional & Occupational Affairs

Phone No. 783-7192

Fee Title, Rate and Estimated Collections:

Application for Uncertified Genetic Counselor License:	\$100.00
Estimated Revenue:	\$1,000.00 (10 applications x \$100.00)

Fee Description:

The fee will be charged to every applicant for an Uncertified Genetic Counselor license.

Fee Objective:

The fee should (1) offset the identifiable costs incurred by the State Board of Medicine to process an application and (2) defray a portion of the Board's administrative overhead.

Fee-Related Activities and Costs:

Staff time-process application	(2.0 hrs)	71.08
Attorney – avg. time to review legal issues	(.25 hr)	13.46
Administrative Overhead:		<u>10.98</u>
	Total Estimated Cost:	\$ 95.52
	Proposed Fee:	\$ 100.00

Analysis, Comment, and Recommendation:

It is recommended that a fee of \$100.00 be established for processing an application for an Uncertified Genetic Counselor license.

Application for Uncertified Genetic Counselor License

Board Staff - receives application, reviews for completeness, verifies that supporting documents are attached, contacts applicant to request any missing information and/or documents. Information provided on the application regarding criminal conviction/chemical dependency/etc. may necessitate further research and review. Time to cover review and action by legal office has been averaged over total number of applications anticipated in a biennial cycle. Board staff issues license through computer when application is complete.

FEE REPORT FORM

Agency: State - BPOA

Date: September 27, 2012

Contact: Katie True
Commissioner, Bureau of Professional & Occupational Affairs

Phone No. 783-7192

Fee Title, Rate and Estimated Collections: **\$125.00**

Biennial Renewal Fee – Genetic Counselor

Estimated Biennial Revenue: \$25,000.00 (200 applications x \$125.00)

Fee Description:

The fee will be charged biennially to every Genetic Counselor applicant for license renewal.

Fee Objective:

The fee should defray a portion of the State Board of Medicine's administrative overhead.

Analysis, Comment, and Recommendation:

It is recommended that a renewal fee of \$125.00 be established for Genetic Counselor licensees, thereby causing those licensees to contribute to the operational costs of the State Board of Medicine.

FEE REPORT FORM

Agency: State - BPOA

Date: September 27, 2012

Contact: Katie True
Commissioner, Bureau of Professional & Occupational Affairs

Phone No. 783-7192

Fee Title, Rate and Estimated Collections:

Application for Reactivation of Genetic Counselor License: \$50.00
Estimated Revenue: \$250 (5 applications x \$50.00)

Fee Description:

The fee will be charged to every applicant for Reactivation of a Genetic Counselor license.

Fee Objective:

The fee should (1) offset the identifiable costs incurred by the State Board of Medicine to process an application and (2) defray a portion of the Board's administrative overhead.

Fee-Related Activities and Costs:

Staff time-process application	(.75 hr)	26.65
Attorney – avg. time to review legal issues	(.25 hr)	13.46
Administrative Overhead:		<u>8.85</u>
	Total Estimated Cost:	\$ 48.96
	Proposed Fee:	\$ 50.00

Analysis, Comment, and Recommendation:

It is recommended that a fee of \$50.00 be established for processing an application for reactivation of a Genetic Counselor license.

Application for Reactivation of a Genetic Counselor License

Board Staff - receives application, reviews for completeness, verifies that supporting documents are attached, contacts applicant to request any missing information and/or documents. Information provided on the application regarding criminal conviction/chemical dependency/etc. may necessitate further research and review. Time to cover review and action by legal office has been averaged over total number of applications anticipated in a biennial cycle. Board staff issues license through computer when application is complete.

FEE REPORT FORM

Agency: State - BPOA

Date: September 27, 2012

Contact: Katie True
Commissioner, Bureau of Professional & Occupational Affairs

Phone No. 783-7192

Fee Title, Rate and Estimated Collections:

Application for Temporary Provisional Genetic Counselor License: \$50.00

Estimated Revenue: \$500 (10 applications x \$50.00)

Fee Description:

The fee will be charged to every applicant for a Temporary Provisional Genetic Counselor license.

Fee Objective:

The fee should (1) offset the identifiable costs incurred by the State Board of Medicine to process an application and (2) defray a portion of the Board's administrative overhead.

Fee-Related Activities and Costs:

Staff time-process application	(.75 hr)	26.65
Attorney – avg. time to review legal issues	(.25 hr)	13.46
Administrative Overhead:		<u>8.85</u>
	Total Estimated Cost:	\$ 48.96
	Proposed Fee:	\$ 50.00

Analysis, Comment, and Recommendation:

It is recommended that a fee of \$50.00 be established for processing an application for a Temporary Provisional Genetic Counselor license.

Application for Temporary Provisional Genetic Counselor License

Board Staff - receives application, reviews for completeness, verifies that supporting documents are attached, contacts applicant to request any missing information and/or documents. Information provided on the application regarding criminal conviction/chemical dependency/etc. may necessitate further research and review. Time to cover review and action by legal office has been averaged over total number of applications anticipated in a biennial cycle. Board staff issues license through computer when application is complete.

2013 OCT -7 AM 10: 53

FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU

(Pursuant to Commonwealth Documents Law)

DO NOT WRITE IN THIS SPACE

Copy below is hereby approved as to
form and legality. Attorney General


(DEPUTY ATTORNEY GENERAL)

SEP 20 2013

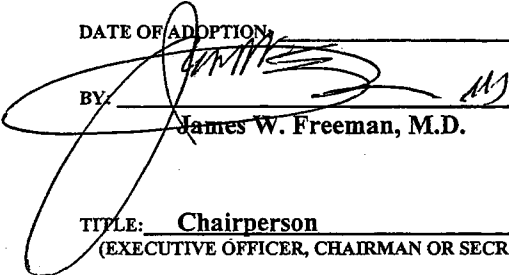
DATE OF APPROVAL

Copy below is hereby certified to be a true and correct
copy of a document issued, prescribed or promulgated by:

State Board of Medicine
(AGENCY)

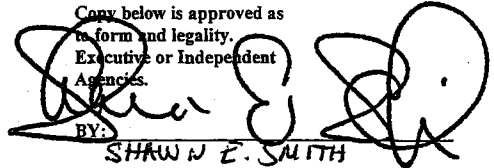
DOCUMENT/FISCAL NOTE NO. 16A-4937

DATE OF ADOPTION

BY: 
James W. Freeman, M.D.

TITLE: Chairperson
(EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)

Copy below is approved as
to form and legality.
Executive or Independent
Agencies.


BY: SHAWN E. SMITH

AUG 27 2013
DATE OF APPROVAL

(Executive Deputy General Counsel
Strike inapplicable title)

[] Check if applicable
Copy not approved.
Objections attached.

[] Check if applicable. No
Attorney General approval or
objection within 30 day after
submission.

NOTICE OF PROPOSED RULEMAKING

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF MEDICINE

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

Subchapter K. GENETIC COUNSELORS

§§ 16.11, 16.13, 18.701 - 18.710

The State Board of Medicine (Board) proposes to amend §§ 16.11 and 16.13 (relating to licenses, certificates and registrations; and licensure, certification, examination and registration fees) and to amend Chapter 18 to add a new Subchapter K (relating to genetic counselors), to read as set forth in Annex A.

Effective Date

The amendments will be effective upon publication of the final-form rulemaking in the Pennsylvania Bulletin.

Statutory Authority

The act of December 22, 2011 (P.L. 576, No. 125) (Act 125) amended the Medical Practice Act of 1985 (63 P.S. §§ 422.1 – 422.51a) (act), to require the Board to issue licenses to genetic counselors, to issue temporary permits to graduates of genetic counseling education programs, and to regulate the practice of genetic counseling and discipline licensees. Specifically, section 3 of Act 125 directs the Board to promulgate regulations to license genetic counselors. Section 8 of the act (63 P.S. § 422.8) authorizes the Board to adopt regulations as are reasonably necessary to carry out the purposes of the act.

Description of Proposed Amendments

The proposed rulemaking would amend § 16.11 (relating to licenses, certificates and registrations) to add genetic counselors to the list of individuals licensed by the Board. The proposed rulemaking would also amend § 16.13 (relating to licensure, certification, examination and registration fees) to provide for fees for the application for genetic counselor license, application for uncertified genetic counselor, biennial renewal of genetic counselor license, application for reactivation of genetic counselor license and application for temporary provisional genetic counselor license.

The proposed rulemaking would amend Chapter 18 to create a new Subchapter K setting forth the standards for licensure of genetic counselors. Section 18.701 (relating to purpose) states the purpose of the subchapter – to implement the amendments to the act related to genetic counselors. Section 18.702 (relating to definitions) sets forth definitions of terms used in the new subchapter.

Section 18.703 (relating to application for genetic counselor license) provides the information necessary for an applicant who holds National certification to apply for a license to practice as a genetic counselor. The qualifications for licensure are set forth in section 13.4(e) of the act (63 P.S. § 422.13d(c)), and are repeated in this section for clarity to applicants.

Section 18.704 (relating to application for genetic counselor license of uncertified person) provides the information necessary for an applicant who does not hold National certification to apply for a license to practice as a genetic counselor. These qualifications for licensure are set forth in section 13.4(f) of the act, and are repeated in this section for clarity to applicants. Section 13.4(f) of the act provides that noncertified persons may only obtain licenses for a

period of 3 years after the effective date of the section. The Board has included this limitation in § 18.704(b)(1).

Section 18.705 (relating to application for temporary provisional genetic counselor license) provides the information necessary for an applicant to apply for a temporary provisional license, as authorized by section 13.4(g) of the act. The statutory provision recognizes, and the regulatory provision echoes, the fact that in the field of genetic counseling, it is common for graduates to take the certification examination twice. For this reason, section 13.4(g)(2) of the act provides that the provisional license would allow a person to practice, under supervision, until two examination cycles have elapsed. This unusual provision is echoed in § 18.705(d) and (e).

Section 18.706 (relating to biennial registration of genetic counselor license) provides for the biennial registration of the genetic counselor license, and effectuates the provisions of section 13.4(j) of the act, relating to continuing education. Section 18.706(b)(5) requires a genetic counselor to verify that he or she has completed the continuing education mandated by Act 25 as a condition of biennial renewal.

Section 18.707 (relating to inactive status of genetic counselor license; reactivation of inactive license) provides information to licensees about how a license becomes inactive, that a licensee whose license is inactive is not permitted to practice, and how to reactivate an inactive license. Section 18.707(d) provides that a licensee whose license has been inactive for 4 or more years will be required to demonstrate continued competence to practice by showing current certification by the ABGC. Late fees are addressed in § 18.707(e).

Section 18.708 (relating to disciplinary action for applicants and licensed genetic counselors) provides that licensees and applicants may be subject to discipline or refusal of licensure for any of the reasons in sections 22 and 41 of the act (63 P.S. §§ 422.22 and 422.41), or for engaging in unprofessional or immoral conduct as defined in § 18.708(b) or (c).

Section 18.709 (relating to continuing education for genetic counselors) sets forth rules regarding continuing education. Section 13.4(j) of the act requires genetic counselors to complete 30 hours of continuing education as a condition of biennial renewal. This section provides additional details about the continuing education requirements, including approved providers of continuing education (the American Board of Genetic Counseling and the National Society of Genetic Counselors), and the documentation that licensees must maintain as proof of completion of continuing education.

Section 18.710 (relating to professional liability insurance coverage for licensed genetic counselors) effectuates section 13.4(k) of the act, which requires liability insurance.

Fiscal Impact and Paperwork Requirements

The statutory requirements that genetic counselors obtain and renew licenses to practice genetic counseling; obtain and maintain professional liability insurance; and complete at least 30 hours of continuing education biennially will have a fiscal impact and impose paperwork requirements on the regulated community of genetic counselors. Genetic counselors will be

required to file applications, pay fees, and provide documentation evidencing professional liability insurance and continuing education. To the degree genetic counselors are employed by small businesses, and those businesses pay the licensure fees and costs associated with professional liability insurance and continuing education, the regulations may impact small businesses. The proposed rulemaking should not have an adverse fiscal impact or impose additional paperwork requirements on the Commonwealth or its political subdivisions.

Sunset Date

The Board continuously monitors its regulations; therefore, no sunset date has been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on October 7, 2013, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC), and the House Professional Licensure Committee (HPLC). A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria that have not been met. The Regulatory Review Act specifies detailed procedures for review of comments, recommendations and objections by the Board, the General Assembly, and the Governor, prior to final publication of the rulemaking.

Public Comment

Interested persons are invited to submit written comments, recommendations or objections regarding this proposed rulemaking to Teresa Lazo, Board Counsel, State Board of Medicine, P.O. Box 2649, Harrisburg, Pennsylvania, 17105-2649, ST-MEDICINE@pa.gov, within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

James W. Freeman, M.D.
Chair

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 16. STATE BOARD OF MEDICINE

GENERAL PROVISIONS

* * * * *

Subchapter B. GENERAL LICENSE, CERTIFICATION AND

REGISTRATION PROVISIONS

§ 16.11. Licenses, certificates and registrations.

* * * * *

(b) The following nonmedical doctor licenses and certificates are issued by the Board:

* * * * *

(8) Genetic counselor license.

(c) The following registrations are issued by the Board:

* * * * *

(12) Biennial registration of a genetic counselor license.

* * * * *

§ 16.13. Licensure, certification, examination and registration fees.

* * * * *

(m) Genetic counselor license.

Application for genetic counselor license.....\$ 50

Application for uncertified genetic counselor license \$100

Biennial renewal of genetic counselor license.....\$125
Application for reactivation of genetic counselor license.....\$ 50
Application for temporary provisional genetic counselor license\$ 50

* * * * *

CHAPTER 18. STATE BOARD OF MEDICINE—PRACTITIONERS

OTHER THAN MEDICAL DOCTORS

* * * * *

Subchapter K. GENETIC COUNSELORS

§ 18.701. Purpose.

This subchapter implements section 13.4 of the act (63 P.S. § 422.13d) pertaining to genetic counselors, which was added by the act of December 22, 2011 (P.L. 576, No. 125), effective February 20, 2012.

§ 18.702. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

ABGC – The American Board of Genetic Counseling, or an equivalent successor.

ABMG – The American Board of Medical Genetics, or an equivalent successor.

Active candidate status – The designation awarded to individuals who have received approval from ABGC or ABMG to sit for their respective certification examinations.

Genetic counselor – An individual who is licensed to practice genetic counseling by the Board or the State Board of Osteopathic Medicine.

Genetic counseling – The provision of services to individuals, couples, families and organizations by one or more appropriately trained individuals to address the physical and

psychological issues associated with the occurrence or risk of occurrence of a genetic disorder, birth defect or genetically influenced condition or disease in an individual or a family.

Hour of continuing education – At least 50 minutes of instruction (including relevant question and answer sessions) in an approved course of continuing education or an equivalent time that an on-line or correspondence course would be presented live.

NSGC- The National Society of Genetic Counselors, or an equivalent successor.

§ 18.703. Application for genetic counselor license.

(a) An applicant for a license to practice as a genetic counselor shall submit, on forms made available by the Board, a completed application for a license to practice as a genetic counselor, including all necessary supporting documents, and pay the application fee set forth in § 16.13(m) (relating to licensure, certification, examination and registration fees).

(b) The Board may issue a license to practice as a genetic counselor to an applicant who:

(1) Demonstrates that the applicant is at least 21 years of age and of good moral character, as required by section 13.4(e)(1) and (2) of the act (63 P.S. § 422.13d(e)(1) and (2)).

(2) Demonstrates that the applicant has received a master's degree or doctoral degree in human genetics or genetic counseling from an ABGC-accredited or ABMG-accredited educational program, or has met the requirements for certification by the ABGC or ABMG. Proof of the degree (if applicable) must be sent directly from the applicant's education program and must include an official transcript.

(3) Demonstrates that the applicant has passed the examination for certification as a genetic counselor by the ABGC or the ABMG or has passed the examination for certification as a Ph.D. medical geneticist by the ABMG. Proof that the applicant has

passed the examination must be sent directly from ABGC or ABMG, and may include proof of current certification.

(4) Demonstrates that the applicant has obtained professional liability insurance, or is exempt from the requirement to obtain professional liability insurance, as set forth in § 18.710 (relating to professional liability insurance coverage for licensed genetic counselors).

(c) The Board may deny an application for licensure as a genetic counselor upon the grounds for disciplinary action set forth in § 18.708 (relating to disciplinary action for licensed genetic counselor).

§ 18.704. Application for genetic counselor license by uncertified persons.

(a) An applicant for a license to practice as a genetic counselor who has never passed the ABGC or ABMC certification examination shall submit, on forms made available by the Board, a completed application for a license to practice as a genetic counselor, including all necessary supporting documents, and pay the application fee set forth in § 16.13(m) (relating to licensure, certification, examination and registration fees).

(b) The Board may issue a license to practice as a genetic counselor to an uncertified applicant who:

(1) Submits his or her application to the Board, along with any supporting documentation required, by February 20, 2015.

(2) Demonstrates that the applicant is at least 21 years of age and of good moral character as required by section 13.4(e)(1) and (2) of the act (63 P.S. § 422.13d(e)(1) and (2)).

(3) Demonstrates that the person has received a master's or higher degree in genetics

or a related field of study and has worked as a genetic counselor for a minimum of 3 continuous years preceding December 22, 2011, or has received a bachelor's degree in genetics or a related field of study and has been employed as a genetic counselor for at least 10 continuous years prior to December 22, 2011.

(i) Proof of the degree must be sent directly from the applicant's educational program and must include an official transcript.

(ii) Related fields of study must include core courses in genetics.

(iii) Proof of employment as a genetic counselor may include Federal income tax forms or notarized letters from the applicant's employer or employers.

(4) Submits at least three letters of recommendation, including one from a genetic counselor certified by ABGC or ABMG and one from either a clinical geneticist or medical geneticist certified by ABMG. A person who submits a letter of recommendation shall have worked with the applicant in an employment setting sometime during the previous 10 continuous years and be able to attest to the applicant's competency in providing genetic counseling services.

(5) Demonstrates that the applicant has obtained professional liability insurance, or is exempt from the requirement to obtain professional liability insurance, as set forth in § 18.710 (relating to professional liability insurance coverage for licensed genetic counselors).

§ 18.705. Application for temporary provisional genetic counselor license.

(a) An applicant for a temporary provisional genetic counselor license shall submit, on forms made available by the Board, a completed application, including all necessary supporting documents, and pay the fee in § 16.13(m) (relating to licensure, certification, examination and

registration fees) for an application for a temporary provisional genetic counselor license.

(b) The Board may grant a temporary provisional genetic counselor license, which authorizes the license holder to practice only under the supervision of a genetic counselor or physician licensed under the act or under the Osteopathic Medical Practice Act of 1978 (63 P.S. §§ 271.1 – 271.18), to an applicant, who:

(1) Demonstrates that the applicant has been granted active candidate status establishing eligibility to sit for the next available certification examination offered by ABGC.

(2) Demonstrates that the applicant is at least 21 years old, of good moral character, and has completed an application form provided by the Board and paid the appropriate fee as required by section 13.4(e)(1)-(3) and (5) of the act (63 P.S. §§ 422.13d(e)(1)-(3) and (5)).

(3) Otherwise complies with this subchapter.

(c) The Board may deny an application for a temporary provisional genetic counselor license upon the grounds in § 18.708 (relating to disciplinary action for applicants and licensed general counselors).

(d) A temporary provisional genetic counselor license will expire upon the close of the second examination period for which the holder is eligible to test following the date of issuance of the temporary provisional license and may not be renewed.

(e) A temporary provisional genetic counselor license will expire upon notice to the Board that the holder has not passed the certification examination within 2 examination cycles after receiving the temporary provisional license. The holder of a temporary provisional genetic counselor license who fails to pass the examination within 2 examination cycles shall

immediately cease practicing and return the license to the Board.

(f) The holder of a temporary provisional genetic counselor license may not use the title “genetic counselor.” The holder of a temporary provisional genetic counselor license may use the title “graduate genetic counselor” but may not use an abbreviation of the title.

§ 18.706. Biennial registration of genetic counselor license.

(a) The license of a genetic counselor will expire biennially on December 31 of each even-numbered year, in accordance with § 16.15 (relating to biennial registration; inactive status and unregistered status). A genetic counselor may not practice after December 31 of an even-numbered year unless the genetic counselor has completed the biennial renewal process and the Board has issued a renewed license.

(b) As a condition of biennial renewal, a genetic counselor shall:

(1) Submit a completed application, including payment of the biennial registration fee set forth in § 16.13(m) (relating to licensure, certification, examination and registration fees) for application for biennial registration of genetic counselor license.

(2) Disclose on the application any license to practice as a genetic counselor in another state, district, territory, possession, or country.

(3) Disclose on the application any disciplinary action pending before or taken by the appropriate healthcare licensing authority in any other jurisdiction since the most recent application for biennial registration, whether or not licensed to practice in that other jurisdiction.

(4) Disclose on the application any pending criminal charges and any finding or verdict of guilt, admission of guilt, plea of *nolo contendere*, probation without verdict, disposition in lieu of trial or accelerated rehabilitative disposition in any criminal matter

since the most recent application for biennial registration.

(5) Verify on the application that the licensed genetic counselor has complied with the continuing education requirements mandated by section 13.4(j) of the act (63 P.S. § 422.13d(j)) during the biennial period immediately preceding the period for which registration is sought in accordance with § 18.709 (relating to continuing education for licensed genetic counselor).

(6) Verify on the application that, if practicing as a genetic counselor in this Commonwealth, the licensee maintains professional liability insurance coverage in accordance with section 13.4(k) of the act.

§ 18.707. Inactive status of genetic counselor license; reactivation of inactive license.

(a) A genetic counselor license will become inactive upon either of the following:

(1) The licensee requests in writing that the Board place the license on inactive status. Written confirmation of inactive status will be forwarded to the licensee.

(2) The licensee fails to register the license by the expiration of the biennial registration period, that is, by December 31 of each even-numbered year.

(b) A genetic counselor whose license has become inactive may not practice as a genetic counselor in this Commonwealth until the license has been reactivated.

(c) To reactivate an inactive license, the licensee shall apply on forms made available by the Board. The licensee shall:

(1) Include the documentation required under § 18.709 (relating to continuing education for licensed genetic counselors) for the immediately preceding biennium. Unless waived by the Board under section 13.4(i)(3) of the act (63 P.S. § 422.13d(i)(3)), the Board will not reactivate any license until the required continuing education for the

preceding biennium has been successfully completed.

(2) Pay the current biennial registration fee and the reactivation application fee specified in § 16.13(m) (relating to licensure, certification, examination and registration fees).

(3) Except as provided in subsection (d), verify that the licensee did not practice as a genetic counselor in this Commonwealth while the license was inactive.

(d) A licensee whose license has been inactive for 4 or more years shall demonstrate continued competence by showing current certification by the ABGC.

(e) A licensee who has practiced with an inactive license, and who cannot make the verification required by subsection (c)(3) shall also pay the late fees required by section 225 of the Bureau of Professional and Occupational Affairs Fee Act (63 P.S. § 1401-225) as more fully set forth in this subsection. Payment of a late fee does not preclude the Board from taking disciplinary action for practicing as a genetic counselor without a currently registered license.

(1) A licensee whose license was active at the end of the immediately preceding biennial registration period and who practiced after the license became inactive shall pay a late fee of \$5 for each month or part of a month from the beginning of the current biennium until the date the reactivation application is filed.

(2) A licensee whose license has been inactive since before the beginning of the current biennium shall pay the biennial registration fee for each biennial registration period during which the licensee practiced and shall pay a late fee of \$5 for each month or part of a month from the first date the licensee practiced as a genetic counselor in this Commonwealth after the license became inactive until the date the reactivation application is filed.

§ 18.708. Disciplinary action for applicants and licensed genetic counselors.

(a) A licensed genetic counselor, graduate genetic counselor or applicant for any license is subject to refusal of license or disciplinary action under sections 22 and 41 of the act (63 P.S. §§ 422.22 and 422.41). Following a final determination subject to the right of notice, hearing and adjudication and the right of appeal therefrom in accordance with the Administrative Agency Law (2 Pa.C.S. §§ 101-754), the Board may refuse licensure or impose any of the corrective actions of section 42 of the act (63 P.S. § 422.42).

(b) Unprofessional conduct includes:

(1) Engaging in any conduct prohibited under § 16.110 (relating to sexual misconduct).

(2) Performing an act in a healthcare profession in a fraudulent, incompetent or negligent manner.

(3) Violating a provision of the act or this chapter setting a standard of professional conduct.

(4) Engaging in healthcare practice beyond the licensee's authority to practice.

(5) Representing oneself to be a physician or other healthcare practitioner whose profession the genetic counselor is not licensed to practice.

(6) Practicing while the licensee's ability to do so is impaired by alcohol, drugs, physical disability or mental instability.

(7) Revealing personally identifiable facts obtained as the result of a practitioner-patient relationship without the prior consent of the patient, except as authorized or required by statute or regulation.

(8) Failing to provide appropriate supervision to a genetic counselor student or a

graduate genetic counselor practicing under a temporary provisional license. For purposes of this section, appropriate supervision of a genetic counselor student means that the student is under the overall direction of the chair or director of the educational program. For purposes of this section, appropriate supervision of a graduate genetic counselor means that the graduate genetic counselor is under the overall direction of the area supervisor and the supervisor conducts periodic review of the work of the graduate genetic counselor.

(9) Practicing outside the scope of practice for a genetic counselor, as set forth in section 13.4 (c) of the act (63 P.S. § 422.13d(c)).

(c) Immoral conduct includes:

(1) Misrepresenting or concealing a material fact in obtaining a license issued by the Board or renewal, reactivation or reinstatement thereof.

(2) Being convicted of a crime involving moral turpitude, dishonesty or corruption in the courts of this Commonwealth, the United States, or another state, the District of Columbia, a territory of the United States, or another country.

(3) Committing an act involving moral turpitude, dishonesty or corruption.

§ 18.709. Continuing education for licensed genetic counselors.

(a) Credit hour requirements. A licensed genetic counselor shall satisfy the following continuing education credit hour requirements:

(1) As a condition for biennial registration, a licensed genetic counselor shall complete at least 30 hours of continuing education applicable to the practice of genetic counseling. A licensed genetic counselor is not required to complete continuing education during the biennium in which the licensed genetic counselor was first licensed

if licensure occurred within 3 years of completion of the degree.

(2) Except when reactivating an inactive license, when the Board has granted a waiver, or when ordered by the Board, continuing education credits may be used to satisfy the continuing education credit hour requirements only for the biennial period in which the credits were earned. No hour of continuing education may be used to satisfy the requirement of paragraph (1) for more than one biennium.

(3) A licensed genetic counselor may request a waiver of the continuing education credit hour requirements because of serious illness, military service or other demonstrated hardship by submitting a request for waiver with all supporting documentation to the Board at least 90 days prior to the end of the biennial registration period for which the waiver is sought. The Board may grant the waiver request in whole or in part and may extend the deadline by which the credit hour requirements must be met.

(4) A licensed genetic counselor may be subject to disciplinary sanction as provided in section 41 of the act (63 P.S. § 422.41), including the suspension or revocation of the license, imposition of a civil penalty or other corrective measure as determined by the Board if the licensee either submits false information to the Board regarding completion of the continuing education credit hour requirements to complete biennial registration, or fails to complete the continuing education hour requirements and practices as a genetic counselor after the end of the biennial period.

(b) Continuing education activities. Credit for continuing education may be earned for activities approved by ABGC or NSGC.

(c) Documentation of continuing education. Continuing education must be documented with a certificate of attendance or completion issued by the activity provider. The certificate must

include the name of the course provider, the name and date of the course, the name of the licensee, the number of credit hours based on a 50-minute hour, and the category of continuing education, if applicable.

§ 18.710. Professional liability insurance coverage for licensed genetic counselor.

(a) A licensed genetic counselor shall maintain a level of professional liability insurance coverage in the minimum amount of \$1,000,000 per occurrence or claims made as required by section 13.4(k) of the act (63 P.S. § 422.13d(k)).

(b) Proof of professional liability insurance coverage may include:

(1) A certificate of insurance or copy of the declaration page from the insurance policy setting forth the effective date, expiration date, and dollar amounts of coverage.

(2) Evidence of a plan of self-insurance approved by the insurance commissioner of the Commonwealth under regulations of the Department of Insurance at 31 Pa. Code §§ 243.1 – 243.11 (relating to medical malpractice and health-related self-insurance plans).

(c) A license that was issued in reliance upon a letter from the applicant’s insurance carrier indicating that the applicant will be covered against professional liability effective upon the issuance of the applicant’s license as permitted under section 13.4(k)(2) of the act (63 P.S. § 422.13d(k)(2)) will become inactive as a matter of law 30 days after the date of issuance of the license if the licensee has not provided proof of professional liability insurance coverage and will remain inactive until the licensee provides proof of insurance coverage.

(d) A licensee who does not have professional liability insurance coverage as required by section 13.4(k) of the act may not practice as a genetic counselor in this Commonwealth.



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE BOARD OF MEDICINE
Post Office Box 2649
Harrisburg, Pennsylvania 17105-2649
(717) 783-1400

October 7, 2013

The Honorable Silvan B. Lutkewitte, III, Chairman
INDEPENDENT REGULATORY REVIEW COMMISSION
14th Floor, Harristown 2, 333 Market Street
Harrisburg, Pennsylvania 17101

Re: Proposed Regulation
State Board of Medicine
16A-4937: Genetic Counselors

Dear Chairman Lutkewitte:

Enclosed is a copy of a proposed rulemaking package of the State Board of Medicine pertaining to Genetic Counselors.

The Board will be pleased to provide whatever information the Commission may require during the course of its review of the rulemaking.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew J. Behnke".

Andrew J. Behnke, MD., Chairperson
State Board of Medicine

AJB/TAL:wwb

Enclosure

cc: Kathy Barley, Acting Commissioner
Professional and Occupational Affairs
Patricia Allen, Director of Policy, Department of State
Steven V. Turner, Chief Counsel
Department of State
Cynthia Montgomery, Regulatory Counsel
Department of State
Teresa Lazo, Counsel
State Board of Medicine
State Board of Medicine

**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE
REGULATORY REVIEW ACT**

ID. NUMBER: 16A-4937
SUBJECT: GENETIC COUNSELORS
AGENCY: DEPARTMENT OF STATE
 BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
 STATE BOARD OF MEDICINE

TYPE OF REGULATION

- X Proposed Regulation
- Final Regulation
- Final Regulation with Notice of Proposed Rulemaking Omitted
- 120-day Emergency Certification of the Attorney General
- 120-day Emergency Certification of the Governor
- Delivery of Tolled Regulation
 - a. With Revisions
 - b. Without Revisions

2013 OCT -7 AM 10:53

**RECEIVED
IRRC**

FILING OF REGULATION

<u>DATE</u>	<u>SIGNATURE</u>	<u>DESIGNATION</u>
		<i>HOUSE COMMITTEE ON PROFESSIONAL LICENSURE</i>
10/7/13	Michele Warren	MAJORITY CHAIR Julie Harhart
		MINORITY CHAIR _____
		<i>SENATE COMMITTEE ON CONSUMER PROTECTION & PROFESSIONAL LICENSURE</i>
10/2/13	Mary Walmer	MAJORITY CHAIR Robt Tomlinson
		MINORITY CHAIR _____
		<i>INDEPENDENT REGULATORY REVIEW COMMISSION</i>
		<i>ATTORNEY GENERAL (for Final Omitted only)</i>
10/7/13	Sarah Hahn	<i>LEGISLATIVE REFERENCE BUREAU (for Proposed only)</i>