



Advisory Board on Genetic Counseling

Virginia Board of Medicine

October 2, 2017

1:00 p.m.

Advisory Board on Genetic Counseling

Board of Medicine
Monday, October 2, 2017; 1:00 p.m.
9960 Mayland Drive, Suite 201
Richmond, Virginia
Training Room 2

Call to Order – Matthew Thomas, ScM CGC

Emergency Egress Procedures – Matthew Thomas, ScM CGC

i

Roll Call - Denise Mason

Approval of Meeting Minutes dated June 5, 2017

1-3

Adoption of the Agenda

Public Comment

New Business

1. Expiration of Active Candidate Status and Temporary License
Matthew Thomas, ScM CGC 4-7
2. Discussion of Student Exemption and License Applicant Status
Alan Heaberlin
3. Bill to Amend the Code of Virginia by Amending Section 54.1-2957.19
Elaine Yeatts 8-9
4. Meeting Calendar for 2018 - Alan Heaberlin 10-11
5. Election of Officers – Matthew Thomas, ScM CGC

Next Meeting Date: January 30, 2017 @ 1:00 p.m.

Announcements:

Adjournment:

**PERIMETER CENTER CONFERENCE CENTER
EMERGENCY EVACUATION OF BOARD AND TRAINING ROOMS
(Script to be read at the beginning of each meeting.)**

Training Room 2

Exit the room using one of the doors at the back of the room. (Point) Upon exiting the doors, turn **LEFT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

DRAFT UNAPPROVED

**ADVISORY BOARD ON GENETIC COUNSELING
MINUTES**

June 5, 2017

The Advisory Board on Genetic Counseling met on Monday, June 5, 2017, at 1:00 p.m. at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Henrico, Virginia.

MEMBERS PRESENT: Matthew Thomas, ScM, CGC, Chair
Heather Creswick, MS, CGC, Vice Chair
John Quillin, PhD, MPH, MS
Lori Swain

MEMBER ABSENT: Marilyn Foust, MD

STAFF PRESENT: William L. Harp, M.D., Executive Director
Elaine Yeatts, DHP Senior Policy Analyst
Alan Heaberlin, Deputy Executive Director
Colanthia Morton Opher, Operations Manager
Denise Mason, Licensing Specialist

GUESTS PRESENT: Logan B. Karns, MS, University of Virginia

CALL TO ORDER

Mr. Thomas called the meeting to order at 1:02 p.m.

EMERGENCY EGRESS PROCEDURES

Mr. Thomas announced the Emergency Egress Instructions.

ROLL CALL

The roll was called, and a quorum was declared.

DRAFT UNAPPROVED

APPROVAL OF MINUTES OF NOVEMBER 14, 2016

Dr. Quillin moved to approve the minutes of November 14, 2016. The motion was seconded and carried.

ADOPTION OF AGENDA

Ms. Quillin moved to approve the agenda. The motion was seconded and carried.

PUBLIC COMMENT ON AGENDA ITEMS

Ms. Karns proposed questions to the Board in regards to the University of California Berkeley Genetic Counseling Program and its accreditation at the time of her graduation.

NEW BUSINESS

1. Review of Regulations Effective June 14, 2017

Ms. Yeatts reviewed the Regulations Governing the Practice of Genetic Counselors which become effective on June 14, 2017. Heather Creswick made a motion requesting legal advice from the Office of the Attorney General regarding a legal interpretation of 18VAC85-170-60(A) to determine if a candidate for licensure who graduated from an ABCG-accredited program prior to 2013 would be eligible for licensure. The motion was seconded and carried.

Mr. Heaberlin noted that, at the full Board meeting on June 22, 2017, he would request a grace period for licensure until December 31, 2018.

2. Review of the Application Process

Mr. Heaberlin led the Advisory Board in a discussion of the application process which included instructions, forms and applications. Minor revisions were discussed for the application process and documents. Ms. Creswick made a motion to approve the revisions. The motion was seconded and carried.

ANNOUNCEMENTS

There were no announcements.

NEXT MEETING DATE

October 2, 2017 @ 1:00p.m.

DRAFT UNAPPROVED

ADJOURNMENT

The Advisory board meeting was adjourned at 2:36p.m.

Matthew Thomas, Chair

William L. Harp, M.D., Executive Director

Denise Mason, Licensing Specialist

Heaberlin, Alan (DHP)

From: Matthew J. Thomas <mjthomas@gmail.com>
Sent: Thursday, August 24, 2017 12:24 PM
To: Heaberlin, Alan (DHP)
Cc: Harp, William L. (DHP); Morton, Colanitha D. (DHP); Yeatts, Elaine J. (DHP); Mason, Denise (DHP)
Subject: agenda item for October 2 Genetic Counselor Advisory Board Meeting

Hey guys,

Sorry I prematurely sent that last email.

Here are two related agenda items related to our terminology of active candidate status expiration:

1. The temp license expires upon the expiration of active candidate status. It turns out that the active candidate status expires immediately after someone receives their board exam score (whether they pass or fail). This information can found on page 1 of our ABGC certification manual (http://www.abgc.net/abgc/media/documents/ABGC-Handbook-March-2017_WEB.pdf). Therefore, someone could pass the exam and no longer have active candidate status, which means their temp licensure is gone. But then they have to wait for the full license application to be processed before they have a true license to practice. Technically, I think we may need to address this window of time -- if we can address it -- where someone is clearly qualified and competent to practice but technically may not be able to do so.

2. Related to the point above. I believe the those who drafted the bill intended for a genetic counselor to have one year and two exam cycles to pass the boards (it is offered every 6 months) to get a license. Someone is able to become an active candidate even after they've failed, as they simply need to reapply to ABGC. But since active candidate status always expires after the exam is done, if someone fails once then that's it for their temp license forever because they aren't able to reapply. Since this is written in the law itself, I'm presuming, similar to the grandfathering clause, this would need to be changed at the level of law and not in our rules and regs.

Take care,

Matt

relevant language from the law:

E. The Board may grant a temporary license to an applicant who has been granted Active Candidate Status by the American Board of Genetic Counseling and has paid the temporary license fee. Temporary licenses shall be valid for a period of up to one year. An applicant shall not be eligible for temporary license renewal upon expiration of Active Candidate Status as defined by the American Board of Genetic Counseling. A person practicing genetic counseling under a temporary license shall be supervised by a licensed genetic counselor or physician.

relevant language from the R&Rs:

C. An applicant for a temporary license shall provide documentation of having been granted the active candidate status by the ABGC. Such license shall expire 12 months from issuance or upon expiration of active candidate status, whichever comes first.

§ 54.1-2957.19. Genetic counseling; regulation of the practice; license required; licensure; temporary license.

A. The Board shall adopt regulations governing the practice of genetic counseling, upon consultation with the Advisory Board on Genetic Counseling. The regulations shall (i) set forth the requirements for licensure to practice genetic counseling, (ii) provide for appropriate application and renewal fees, (iii) include requirements for licensure renewal and continuing education, (iv) be consistent with the American Board of Genetic Counseling's current job description for the profession and the standards of practice of the National Society of Genetic Counselors, and (v) allow for independent practice.

B. It shall be unlawful for a person to practice or hold himself out as practicing genetic counseling in the Commonwealth without a valid, unrevoked license issued by the Board. No unlicensed person may use in connection with his name or place of business the title "genetic counselor," "licensed genetic counselor," "gene counselor," "genetic consultant," or "genetic associate" or any words, letters, abbreviations, or insignia indicating or implying a person holds a genetic counseling license.

C. An applicant for licensure as a genetic counselor shall submit evidence satisfactory to the Board that the applicant (i) has earned a master's degree from a genetic counseling training program that is accredited by the Accreditation Council of Genetic Counseling and (ii) holds a current, valid certificate issued by the American Board of Genetic Counseling or American Board of Medical Genetics to practice genetic counseling.

D. The Board shall waive the requirements of a master's degree and American Board of Genetic Counseling or American Board of Medical Genetics certification for license applicants who (i) apply for licensure before December 31, 2018, or within 90 days of the effective date of the regulations promulgated by the Board pursuant to subsection A, whichever is later; (ii) comply with the Board's regulations relating to the National Society of Genetic Counselors Code of Ethics; (iii) have at least 20 years of documented work experience practicing genetic counseling; (iv) submit two letters of recommendation, one from a genetic counselor and another from a physician; and (v) have completed, within the last five years, 25 hours of continuing education approved by the National Society of Genetic Counselors or the American Board of Genetic Counseling.

E. The Board may grant a temporary license to an applicant who has been granted Active Candidate Status by the American Board of Genetic Counseling and has paid the temporary license fee. Temporary licenses shall be valid for a period of up to one year. An applicant shall not be eligible for temporary license renewal upon expiration of Active Candidate Status as defined by the American Board of Genetic Counseling. A person practicing genetic counseling under a temporary license shall be supervised by a licensed genetic counselor or physician.

2. The application fee for a temporary license, payable at the time the application is filed, shall be \$50.
3. The biennial fee for renewal of active licensure shall be \$135 and for renewal of inactive licensure shall be \$70, payable in each odd-numbered year in the license holder's birth month.
4. The additional fee for late renewal of licensure within one renewal cycle shall be \$50.
5. The fee for reinstatement of a license that has lapsed for a period of two years or more shall be \$180 and shall be submitted with an application for licensure reinstatement.
6. The fee for reinstatement of a license pursuant to § 54.1-2408.2 of the Code of Virginia shall be \$2,000.
7. The fee for a duplicate license shall be \$5, and the fee for a duplicate wall certificate shall be \$15.
8. The fee for a returned check shall be \$35.
9. The fee for a letter of good standing or letter of verification to another jurisdiction shall be \$10.

Part II. Requirements for Licensure as a Genetic Counselor.

18VAC85-170-50. Application requirements.

An applicant for licensure shall submit the following on forms provided by the board:

1. A completed application and a fee as prescribed in 18VAC85-170-40.
2. Verification of a professional credential in genetic counseling as required in 18VAC85-170-60.
3. Verification of practice as required on the application form.
4. If licensed or certified in any other jurisdiction, documentation of any disciplinary action taken or pending in that jurisdiction.

18VAC85-170-60. Licensure requirements.

A. An applicant for a license to practice as a genetic counselor shall provide documentation of (i) a master's degree from a genetic counseling training program that is accredited by the Accreditation Council of Genetic Counseling and (ii) a current, valid certificate issued by the ABGC or ABMG to practice genetic counseling.

B. Pursuant to § 54.1-2957.19 D of the Code of Virginia, applicants for licensure who do not meet the requirements of subsection A of this section may be issued a license provided they (i) apply for licensure before July 1, 2016; (ii) comply with the board's regulations relating to the NSGC Code of Ethics; (iii) have at least 20 years of documented work experience practicing genetic counseling; (iv) submit two letters of recommendation, one from a genetic counselor and another from a

physician; and (v) have completed, within the last five years, 25 hours of continuing education approved by the NSGC or the ABGC. For the purpose of this subsection, the board deems the provisions of Part IV (18VAC85-170-110 et seq.) of this chapter to be consistent with the NSGC Code of Ethics.

C. An applicant for a temporary license shall provide documentation of having been granted the active candidate status by the ABGC. Such license shall expire 12 months from issuance or upon expiration of active candidate status, whichever comes first.

Part III. Renewal and Reinstatement.

18VAC85-170-70. Renewal of license.

A. Every licensed genetic counselor who intends to maintain an active license shall biennially renew his license each odd-numbered year during his birth month and shall:

1. Submit the prescribed renewal fee; and
2. Attest to having met the continuing education requirements of 18VAC85-170-100.

B. The license of a genetic counselor that has not been renewed by the first day of the month following the month in which renewal is required is lapsed. Practice with a lapsed license may be grounds for disciplinary action. A license that is lapsed for two years or less may be renewed by payment of the renewal fee, a late fee as prescribed in 18VAC85-170-40, and attestation of compliance with continuing education requirements.

18VAC85-170-80. Inactive license.

A licensed genetic counselor who holds a current, unrestricted license in Virginia shall, upon a request at the time of renewal and submission of the required fee, be issued an inactive license. The holder of an inactive license shall not be entitled to perform any act requiring a license to practice genetic counseling in Virginia.

18VAC85-170-90. Reactivation or reinstatement.

A. To reactivate an inactive license or to reinstate a license that has been lapsed for more than two years, a genetic counselor shall submit evidence of competency to return to active practice to include one of the following:

1. Information on continued active practice in another jurisdiction during the period in which the license has been inactive or lapsed;
2. Attestation of meeting requirements for continuing education as specified in 18VAC85-170-100 for each biennium in which the license has been inactive or lapsed, not to exceed four years; or
3. Current certification by ABGC or ABMG.

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2018 Session of the General Assembly

Department of Health Professions

A BILL to amend the *Code of Virginia* by amending § 54.1-2957.19, relating to the accreditation of educational programs in genetic counseling.

Be it enacted by the General Assembly of Virginia:

That § 54.1-2957.19 of the *Code of Virginia* is amended and reenacted as follows:

§ 54.1-2957.19. Genetic counseling; regulation of the practice; license required; licensure; temporary license.

A. The Board shall adopt regulations governing the practice of genetic counseling, upon consultation with the Advisory Board on Genetic Counseling. The regulations shall (i) set forth the requirements for licensure to practice genetic counseling, (ii) provide for appropriate application and renewal fees, (iii) include requirements for licensure renewal and continuing education, (iv) be consistent with the American Board of Genetic Counseling's current job description for the profession and the standards of practice of the National Society of Genetic Counselors, and (v) allow for independent practice.

B. It shall be unlawful for a person to practice or hold himself out as practicing genetic counseling in the Commonwealth without a valid, unrevoked license issued by the Board. No unlicensed person may use in connection with his name or place of business the title "genetic counselor," "licensed genetic counselor," "gene counselor," "genetic consultant," or "genetic associate" or any words, letters, abbreviations, or insignia indicating or implying a person holds a genetic counseling license.

C. An applicant for licensure as a genetic counselor shall submit evidence satisfactory to the Board that the applicant (i) has earned a master's degree from a genetic counseling training program that is accredited by the Accreditation Council of Genetic Counseling, or its predecessor organizations, and (ii) holds a current, valid certificate issued by the American Board of Genetic Counseling or American Board of Medical Genetics to practice genetic counseling.

D. The Board shall waive the requirements of a master's degree and American Board of Genetic Counseling or American Board of Medical Genetics certification for license applicants who (i) apply for licensure before December 31, 2018, or within 90 days of the effective date of the regulations promulgated by the Board pursuant to subsection A, whichever is later; (ii) comply with the Board's regulations relating to the National Society of Genetic Counselors Code of Ethics; (iii) have at least 20 years of documented work experience practicing genetic counseling; (iv) submit two letters of recommendation, one from a genetic counselor and another from a physician; and (v) have completed, within the last five years, 25 hours of continuing education approved by the National Society of Genetic Counselors or the American Board of Genetic Counseling.

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E. The Board may grant a temporary license to an applicant who has been granted Active Candidate Status by the American Board of Genetic Counseling and has paid the temporary license fee. Temporary licenses shall be valid for a period of up to one year. An applicant shall not be eligible for temporary license renewal upon expiration of Active Candidate Status as defined by the American Board of Genetic Counseling. A person practicing genetic counseling under a temporary license shall be supervised by a licensed genetic counselor or physician.

Virginia Board of Medicine

2018 Board Meeting Dates

Full Board Meetings

February 15-17, 2018	DHP/Richmond, VA	Board Rooms TBA
June 14-16, 2018	DHP/Richmond, VA	Board Rooms TBA
October 18-20, 2018	DHP/Richmond, VA	Board Rooms TBA

Times for the above meetings are 8:30 a.m. to 5:00 p.m.

Executive Committee Meetings

April 13, 2018	DHP/Richmond, VA	Board Rooms TBA
August 3, 2018	DHP/Richmond, VA	Board Rooms TBA
December 7, 2018	DHP/Richmond, VA	Board Rooms TBA

Times for the above meetings are 8:30 a.m. to 5:00 p.m.

Legislative Committee Meetings

January 19, 2018	DHP/Richmond, VA	Board Rooms TBA
May 18, 2018	DHP/Richmond, VA	Board Rooms TBA
September 7, 2018	DHP/Richmond, VA	Board Rooms TBA

Times for the above meetings are 8:30 a.m. to 1:00 p.m.

Credentials Committee Meetings

January 24, 2018	February 28, 2018	March 21, 2018
April 25, 2018	May 30, 2018	June 27, 2018
July 25, 2018	August 22, 2018	September 26, 2018
October 24, 2018	November 14, 2018	December (TBA), 2018

Times for the Credentials Committee meetings - TBA

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Advisory Board on:

Behavioral Analysts			10:00 a.m.
January 29	June 4	October 1	
Genetic Counseling			1:00 p.m.
January 29	June 4	October 1	
Occupational Therapy			10:00 a.m.
January 30	June 5	October 2	
Respiratory Care			1:00 p.m.
January 30	June 5	October 2	
Acupuncture			10:00 a.m.
January 31	June 6	October 3	
Radiological Technology			1:00 p.m.
January 31	June 6	October 3	
Athletic Training			10:00 a.m.
February 1	June 7	October 4	
Physician Assistants			1:00 p.m.
February 1	June 7	October 4	
Midwifery			10:00 a.m.
February 2	June 8	October 5	
Polysomnographic Technology			1:00 p.m.
February 2	June 8	October 5	

Joint Boards of Medicine and Nursing

TBA