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TITLE 216 – DEPARTMENT OF HEALTH

CHAPTER 40 – PROFESSIONAL LICENSING AND FACILITY REGULATION

SUBCHAPTER 05 – PROFESSIONAL LICENSING

PART 36 – Genetic Counselors

36.1 Authority

These regulations are promulgated pursuant to the authority conferred under R.I. Gen. Laws Chapter 5-92, for the purpose of establishing prevailing standards governing the licensure and discipline of genetic counselors in Rhode Island.

36.2 Definitions

A. Wherever used in this Part, the terms listed below shall be construed in the following manner:

1. "Accreditation Council for Genetic Counseling" or "ACGC" means as defined in R.I. Gen. Laws § 5-92-3(3).

2. "Act" means R.I. Gen. Laws Chapter 5-92 titled "Genetic Counselors Licensing Act."

3. "American Board of Genetic Counseling " or "ABGC" means as defined in R.I. Gen. Laws § 5-92-3(1).

4. "American Board of Medical Genetics " or "ABMG" means as defined in R.I. Gen. Laws § 5-92-3(2).

5. "Department" means the Rhode Island Department of Health.

6. "General Supervision" means the ongoing, clinical guidance by a licensed genetic counselor or licensed physician at all times during which a provisionally licensed genetic counselor performs clinical genetic counseling. General supervision includes, but is not limited to: initial direction of an activity; periodic inspection of the actual act of accomplishing the activity; documented consultations between supervisor and supervisee [regarding the practice of genetic counseling]; and documented assessment of the skills and competencies of the supervised genetic counselor.

7. "License" is synonymous with "registration certificate."

8. "Licensed genetic counselor" means a person licensed under R.I. Gen. Laws Chapter 5-92 to engage in the practice of genetic counseling.

9. "National Society of Genetic Counselors" or "NSGC" means an organization that promotes the professional interests of genetic counselors and provides access to continuing education opportunities for genetic counselors (or its successor entity).

10. "Person," as defined in R.I. Gen. Laws § 5-92-3, means an individual and does not mean an association of individuals or a legal entity.

11. "Practice of genetic counseling" means as defined in R.I. Gen. Laws § 5-92-3(7).

36.3 Application for License and Fees

A. An application for an original license or license renewal in connection with licensure as a licensed genetic counselor shall be made on forms approved by the Department which shall be completed, including the genetic counselor's signature, and submitted to the Department.

B. Such application shall be accompanied by the non-refundable, non-returnable license fee specified in R.I. Gen. Laws § 5-92-6 and Part 10-05-2 of this Title, Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health.

C. Licenses shall be renewed in accordance with R.I. Gen. Laws § 5-92-6.

36.4 Requirements for Licensure

A. An applicant for an original license in connection with licensure as a licensed genetic counselor shall meet the requirements set forth in R.I. Gen. Laws § 5-92-6.

B. Each applicant shall present satisfactory evidence when seeking license renewal that, in the period since the license was issued or last renewed, the applicant has completed fifty (50) hours of NSGC or ABMG continuing education units and/or other means as approved by NSGC for re-certification by NSGC or ABMG. These documents shall be retained by each licensee for no less than three (3) years and are subject to random audit by the Department.

C. The Department shall consider applications for exceptions for licensees from the continuing education requirements, including the granting of an extension of time in which to complete these requirements, upon a finding of good cause shown. The licensee shall submit a written request for exception.

36.5 Provisional Licenses

36.5.1 Application for License, Fees, and Requirements

A. A person who meets the qualifications for licensure in accordance with R.I. Gen. Laws § 5-92-7 may practice as a provisionally licensed genetic counselor upon filing an application on forms approved by the Department that shall be completed, including the genetic counselor's signature, and submitted to the Department.

B. Such application shall be accompanied by the non-refundable, non-returnable fee as set forth in R.I. Gen. Laws § 5-92-7 and in Part 10-05-2 of this Title, Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health.

C. The license shall be valid under the provisions of R.I. Gen. Laws § 5-92-7.

D. The license may be extended under the provisions of R.I. Gen. Laws § 5-92-7. A request for an extension of a provisional license shall be accompanied by a fee as set forth in Part 10-05-2 of this Title, Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health.

E. Provisional license holders must be under the general supervision of a licensed genetic counselor or licensed physician at all times during which the provisionally licensed genetic counselor performs clinical genetic counseling as set forth in R.I. Gen. Laws § 5-92-7(c).

F. The immediate physical presence of the supervising licensed genetic counselor or physician providing supervision and direction referred to in this section is not required, but the manner, frequency and duration, subject matter, and supervisor's impressions shall be recorded contemporaneously. These records shall be maintained by the supervisor and made available to the Department upon request.

36.6 Refusal, Revocation, Suspension, or Cancellation of a License

The Department may deny or refuse to renew a license or, after a hearing, revoke, suspend, or cancel the license or place on probation, reprimand, censure, or otherwise discipline a licensee in accordance with R.I. Gen. Laws § 5-92-9.

36.7 Practices and Procedures

All hearings and reviews required under the provisions of the Act and this Part shall be held in accordance with the provisions of the Rules and Regulations Pertaining to Practices and Procedures Before the Rhode Island Department of Health (Part 10-05-4 of this Title).

36.8 Severability

If any provision of this Part or the application thereof to any facility or provider or circumstances shall be held invalid, such invalidity shall not affect the provisions or application of this Part which can be given effect, and to this end the provisions of this Part are declared to be severable.