

DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION
Genetic Counselor Advisory Council

Statutory Authority: 16 Delaware Code, Section 1799I(c) (16 **Del.C.** §1799I(c))

PROPOSED

PUBLIC NOTICE

Consistent with a recent statutory amendments creating the Genetic Counselor Advisory Council (the "Council"), of the Board of Medical Licensure and Discipline (the "Board" and providing for the licensing and regulation of genetic counselors, the Council in accordance with 24 **Del.C.** §1799I(c) and 29 **Del.C.** Ch. 101, has developed and is proposing to recommend to the Board the approval of regulations regarding the practice of genetic counseling in the State of Delaware.

A public hearing will be held on Friday, September 9, 2011 at 3:15 p.m. in the second floor Conference Room B of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware where members of the public may offer comments. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Delaware Board of Medical Practice, 861 Silver Lake Blvd, Cannon Building, Suite 203, Dover, DE 19904. Persons wishing to submit written comments may forward the written comments to the Board at the above address. The final date to receive written comments will be at the public hearing.

The Council may vote on whether to promulgate the proposed regulations subject to the approval of the Board immediately following the public hearing.

1799 Genetic Counselor Advisory Council

1.0 Source of Authority

The Rules and Regulations herein contained constitute, comprise, and shall be known as the Rules and Regulations of the Genetic Counselor Advisory Council of the Board of Medical Licensure and Discipline, and are hereby promulgated, pursuant to 24 **Del.C.** §1799I(c).

2.0 Definitions

Whenever used in these Rules and Regulations unless expressly otherwise stated, or unless the context or subject matter requires a different meaning, the following terms shall have the respective meanings hereinafter set forth or indicated.

"**Board**" means Delaware Board of Medical Licensure and Discipline.

"**Council**" means the Genetic Counselor Advisory Council of the Board of Medical Licensure and Discipline.

"**Crime Substantially Related to the Practice of Genetic Counseling**" means those crimes identified in Rule 29 of the Rules and Regulations of the Board of Medical Licensure and Discipline.

3.0 Purpose

The purpose of the rules and regulations is to establish minimal acceptable levels of safe practice to protect the general public and to serve as a guide for the Council and Board to evaluate the safe and effective practice of genetic counseling.

4.0 Renewal of License

4.1 Each license shall be renewed biennially. The failure of the Council and/or Board to notify a licensee of his/her expiration date and subsequent renewals does not, in any way, relieve the licensee of the requirement to renew his/her certificate pursuant to the regulations of the Council and 24 **Del.C.** Ch. 17, Subchapter 11.

4.2 Renewal may be effected by:

4.2.1 filing a renewal application on the prescribed online application approved by the Council and provided by the Division of Professional Regulation. License renewal may be accomplished online at www.dpr.delaware.gov;

4.2.2 providing other information as may be required by the Council to ascertain the licensee's good standing;

4.2.3 attesting on the renewal application to having completed the continuing education required by Rule 5.0;

4.2.4 payment of fees as determined by the Division of Professional Regulation.

4.3 Failure of a licensee to renew his/her license shall cause his/her license to expire. A licensee whose license has expired may renew his/her license within one (1) year after the expiration date upon fulfilling items 4.2.1 -

- 4.2.4 above, certifying that he/she has not practiced genetic counseling in Delaware while his/her license has expired, and paying the renewal fee and a late fee as determined by the Division of Professional Regulation.
- 4.4 No licensee will be permitted to renew his/her license once the one (1) year period has expired.
- 4.5 The former licensee may re-apply under the same conditions that govern applicants for new licensure under 24 Del.C. Ch. 17, Subchapter 11.
- 4.6 No genetic counselor shall practice in the State of Delaware during the period of time that his/her Delaware license has expired.

5.0 Continuing Education

5.1 Continuing Education Credit Hours Required for Renewal

- 5.1.1 Licensees are required to complete five (5) Continuing Education Units (CEU) biennially. A continuing education unit is equivalent to ten contact hours (a contact hour is 60 minutes). Licensees shall retain all certificates and other documented evidence of participation in an approved/accredited continuing education program for a period of at least (5) five years.
- 5.1.2 Proof of continuing education is satisfied with an attestation by the licensee that he or she has satisfied the Requirements of Rule 5.0.
- 5.1.3 Attestation must be completed electronically at the time of renewal.
- 5.1.4 Licensees selected for random audit pursuant to Rule 6.0 will be required to supplement the attestation with attendance verification.
- 5.1.5 CEU hours shall be prorated for new licensees. A licensee for renewal shall follow the following schedule of reporting CEUs: if, at the time of renewal, you have been licensed for less than one year, NO continuing education is required; licensed for more than one year, but less than two years, half of the continuing education (2.5 CEUs) is required; licensed for two or more years, the full amount (5 CEUs) is required.

5.2 Exemptions

- 5.2.1 A licensee who because of a physical or mental illness during the license period could not complete the continuing education requirement may apply through the Council to the Board of Medical Licensure and Discipline for a waiver. A waiver would provide for an extension of time or exemption from some or all of the continuing education requirements for one (1) renewal period. Should the illness extend beyond one (1) renewal period, a new request must be submitted.
- 5.2.2 A request for a waiver may be submitted up to the time of renewal

5.3 Acceptable Activities /Continuing Education Program Offerings

- 5.3.1 The overriding consideration in determining whether a specific activity/program qualifies as acceptable continuing education shall be that it is a planned program of learning which contributes directly to professional competence in the practice of Genetic Counseling
- 5.3.2 Licensees shall demonstrate that they have obtained CEUs in the categories and according to the criteria established by the American Board of Genetic Counselors (ABGC) for recertification, as may be amended from time to time.
- 5.3.2.1 CEUs must be completed during the biennial renewal cycle.
- 5.3.2.1 The percentage of CEUs obtained in each category designated by ABGC should be scaled to fit the biennial renewal period.

6.0 Audit of Continuing Education Unit Hours

6.1 Audits Each Biennium

- 6.1.1 The Division of Professional Regulation shall randomly select from the list of renewed licensees a percentage of licensees, determined by the Council to be audited. The Council may also audit based on complaints or charges against an individual license, relative to compliance with continuing education requirements or based on a finding of past non-compliance during prior audits.

6.2 Documentation.

- 6.2.1 When a licensee is selected for audit, the licensee shall be required to submit documentation showing detailed accounting of the various CEUs claimed by the licensee. Licensees selected for random audit are required to supplement the attestation with supporting materials which may include a syllabus, agenda, itinerary or brochure published by the sponsor of the activity and a document showing proof of attendance (i.e., certificate, a signed letter from the sponsor attesting to attendance, report of passing test score).The Council shall attempt to verify the CEUs shown on the documentation provided by the licensee. Upon completion of the review, the Council will decide whether the licensee's CEUs meet the requirements of these regulations.

- 6.2.2 Any continuing education not meeting all provisions of these regulations shall be rejected in part or in whole by the Council.
- 6.2.3 Any incomplete or inaccurate documentation of continuing education may be rejected in part or in whole by the Council
- 6.2.4 Any continuing education that is rejected must be replaced by acceptable continuing education within a reasonable period of time established by the Council. This continuing education will not be counted towards the next renewal period.

6.3 Council Review and Hearing Process.

- 6.3.1 The Council shall review all documentation requested of any licensee shown on the audit list. If the Council determines the licensee has met the requirements, the licensee's license shall remain in effect. If the Council determines the licensee has not met the requirements, the licensee shall be notified and a hearing may be held pursuant to the Administrative Procedures Act. This hearing will be conducted to determine if there are any extenuating circumstances justifying the apparent noncompliance with these regulations. Unjustified noncompliance with these regulations shall be considered unprofessional conduct and grounds for discipline pursuant to 24 **Del.C.** §1799P(a)(5), subject to final approval of the Council's written recommendation by the Board.

7.0 Crimes Substantially Related to the Practice of Genetic Counseling

Pursuant to 24 **Del.C.** §1799P(a)(6) the crimes determined by the Board to be substantially related to the practice of medicine are also determined to be substantially related to the practice of genetic counseling and may result in the denial of a license and/or disciplinary action against a licensee.

15 DE Reg. 180 (08/01/11) (Prop.)