

Document No. 5311

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
SOUTH CAROLINA BOARD OF GENETIC COUNSELORS
CHAPTER 41**

Statutory Authority: 1976 Code Sections 40-1-70 and 40-85-10(B)(1)(d)

41-1. Definitions. (New)

41-10. American Board of Genetic Counseling Certified Genetic Counselor Credential Recertification. (New)

41-20. American Board of Genetic Counseling Discipline. (New)

41-30. Continuing Education Requirements. (New)

41-40. License Renewal. (New)

41-50. Reinstatement of Lapsed Licenses. (New)

41-60. Limited Licenses. (New)

41-70. Name and Address Changes. (New)

41-80. Code of Ethics. (New)

41-90. Opinion Testimony. (New)

41-100. Recordkeeping and Patient Confidentiality. (New)

41-110. Applicability, Legal Effect, and Severability of Regulations. (New)

Synopsis:

The Board of Genetic Counselors is proposing regulations to implement the requirements of Act 187 of the 2024 legislative session, which established the South Carolina Board of Genetic Counselors as a board administered by the Department of Labor, Licensing and Regulation, including but not limited to establishing minimum continuing education requirements, documentation requirements for supervisors of limited licensees, and requirements for reinstatement of lapsed licenses.

The Notice of Drafting was published in the *State Register* on August 23, 2024.

Instructions:

Print the regulation as shown below. All other items remain unchanged.

Text:

41-1. Definitions.

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

A. "ABGC" means the American Board of Genetic Counseling, its successor, or its equivalent.

B. "Board" means the South Carolina Board of Genetic Counselors, as created by S.C. Code Section 40-85-10.

C. "CGC" means the Certified Genetic Counselor credential issued by the American Board of Genetic Counseling.

D. "Limited licensee" means a person who obtains a limited license by the board who meets all the requirements for licensure except the successful completion of the examination, and whose activities are performed under supervision.

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E. “NSGC” means the National Society of Genetic Counselors, its successor, or its equivalent.

F. “Supervision” means supervision provided by a licensed genetic counselor or physician and shall mean the review of genetic counseling and case management as appropriate that include regular chart reviews of clients with the limited license and the supervisor. Supervision may be conducted in-person or by telesupervision.

G. “Telesupervision” means clinical supervision that is provided by an electronic communication device.

41-10. American Board of Genetic Counseling Certified Genetic Counselor Credential Recertification.

A. A licensed genetic counselor who fails to recertify his or her ABGC CGC credential shall immediately be indefinitely suspended from the practice of genetic counseling effective the first day following expiration of the CGC credential.

B. A licensed genetic counselor shall immediately inform the Board of the expiration of his or her CGC credential. Such report shall be made no later than five (5) business days after the expiration of the credential.

C. Should the individual be reissued a CGC credential in accordance with the ABGC requirements, he or she shall be required to appear before the Board to request that the suspension be lifted.

41-20. American Board of Genetic Counseling Discipline.

A. Should the ABGC revoke, deny certification of, or deny recertification of the CGC credential of a licensee, the licensee shall report such action within five (5) business days to the Board. The licensee shall immediately be indefinitely suspended from the practice of genetic counseling in this State. Such report shall be considered an initial complaint under the S.C. Genetic Counselors Practice Act.

B. A licensed genetic counselor who is required to appear before the ABGC Disciplinary Review Committee shall, upon notice of such appearance, report such disciplinary review to the Board within five (5) business days and provide the Board with a full and complete copy of the ABGC Notice of Review. The Board or its designee shall determine if immediate action against the license, including but not limited to indefinite suspension, is appropriate based upon the allegations in the Notice of Review, the documentation substantiating the offense, and any information provided by the licensee in response to the allegations.

C. An individual who does not hold an active CGC credential is not authorized to practice genetic counseling in this State.

41-30. Continuing Education Requirements.

A. Licensees are required to comply with ABGC continuing education requirements as necessary to maintain an active ABGC CGC credential.

B. The Board does not approve continuing education programs or offerings.

41-40. License Renewal.

A. A genetic counselor license must be renewed biennially. The license expires on April 30th of each odd-numbered year.

B. To renew a genetic counselor license, the licensee shall:

- (1) pay a renewal fee as provided by regulation; and

(2) submit evidence of an active ABGC CGC credential.

C. A license that is not renewed on or before April 30th is invalid and is considered lapsed. A lapsed license may only be reinstated in accordance with R.41-50.

D. A limited license cannot be renewed.

41-50. Reinstatement of a Lapsed License.

A. A genetic counselor whose license has lapsed for:

(1) fewer than two (2) years may reinstate the license by applying to the Board, submitting proof of an active ABGC CGC credential, and paying the reinstatement fee; and

(2) two (2) or more years may reinstate the license by meeting all qualifications for initial licensure, applying to the Board, submitting proof of an active ABGC CGC credential, and the reinstatement fee, and completing additional education and/or accepting any other conditions or restrictions placed upon the license as the Board may deem necessary to protect the public.

B. If during the period of lapse or inactivity, the individual's ABGC CGC credential has expired, the genetic counselor license will not be eligible for reinstatement until the CGC credential is restored.

41-60. Limited Licenses.

A. An individual who satisfies all the requirements and qualifications for genetic counselor licensure, except for having taken and passed the ABGC examination for issuance of a CGC credential may be issued a limited license if the individual:

(1) holds active candidate status for the certification with ABGC;

(2) has not failed the certification examination associated with his or her active candidate status more than one (1) time;

(3) certifies to the Board that he or she:

(a) shall take, or take for the second time, the certification examination associated with his or her active candidate status on the next available date the examination is offered;

(b) shall only practice genetic counseling under the direct supervision of a licensed genetic counselor or physician as defined in section E below; and

(c) is not otherwise disqualified due to any ground for licensure denial provided by law.

B. A limited license shall expire upon the earlier of:

(1) the date on which the applicant successfully passes the ABGC examination, becomes credentialed as a CGC, and is issued a genetic counselor license by the Board;

(2) thirty (30) days after the applicant fails the examination for certification the second time; or

(3) one (1) year from the date the limited license was issued.

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C. An individual who holds a limited license shall inform the Board in writing within five (5) business days of the results of his or her certification examination or of the individual's failure to appear for the examination for which he or she was scheduled.

D. Limited licenses may not be renewed, extended, or reissued. Should a limited license holder fail the ABGC examination twice, the individual may not be considered for limited or full licensure in this State until such time as he or she passes the ABGC examination and obtains the CGC credential.

E. Individuals holding a limited license must practice under the supervision of a qualified South Carolina-licensed genetic counselor or South Carolina-licensed physician whose license is active and has no restrictions.

F. The limited license holder and the supervisor shall enter into a supervision agreement that:

- (1) is on a form approved by the Board;
- (2) is signed by both parties; and
- (3) names an alternate supervisor.

G. A limited license holder is subject to discipline by the Board to the same extent as a licensed genetic counselor.

41-70. Name and Address Change.

A licensee shall notify the Board within fifteen (15) days of a name or address change.

41-80. Code of Ethics.

The Board adopts the NSGC Code of Ethics except to the extent that it conflicts with the laws of this State and/or Board policy. Each licensee is responsible for being familiar with and complying with the NSGC Code of Ethics.

41-90. Opinion Testimony.

Licensed genetic counselors shall not offer or accept an offer to engage in rendering opinion testimony relating to work performed for their patients and shall limit their role to fact witness in any matter involving that patient unless otherwise required by law or court order.

41-100. Recordkeeping and Patient Confidentiality.

A. Licensed genetic counselors shall:

- (1) make contemporaneous, permanent entries into patient records that accurately reflect the genetic counseling services rendered;
- (2) maintain the confidentiality of any information received from any person or source about a patient unless disclosure is authorized in writing by the patient or otherwise authorized or required by law or court order. Inquiries shall not be made into persons or situations not necessary to provide genetic counseling to a patient;
- (3) be responsible for complying with applicable State and Federal law in regard to the security, safety, and confidentiality of any genetic counseling record they create, maintain, transfer, or destroy;

(4) ensure patient records are maintained for a period of not less than seven (7) years after the date of the last entry or for a longer period as may be otherwise required by law unless such records are maintained by another provider or entity;

(5) not abandon or neglect current patients without making reasonable arrangements for continuation of necessary genetic counseling services by another professional; and

(6) provide patients with access to copies of the patients' records in accordance with State and Federal law. In situations involving multiple patients, access to records is limited to those parts of the records that do not include confidential information related to another patient.

41-110. Applicability, Legal Effect, and Severability of Regulations.

A. The regulations of the Board are intended to be consistent with the applicable Federal and State law and shall be so construed, whenever necessary, to achieve such consistency.

B. In the event that any provision of these regulations is declared unconstitutional or invalid or that the application of them to any person or circumstance is held invalid, the applicability of the provision to other persons and circumstances, and the constitutionality or validity of every other provision of these regulations shall not be affected.

C. These regulations shall not affect pending actions or proceedings, civil or criminal, which may not be prosecuted or defended in the same manner and with the same effect as though these regulations had not been promulgated.

Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions for these regulations.

Statement of Rationale:

The Board of Genetic Counselors is proposing regulations to implement the requirements of Act 187 of the 2024 legislative session, which established the South Carolina Board of Genetic Counselors as a board administered by the Department of Labor, Licensing and Regulation, including but not limited to establishing minimum continuing education requirements, documentation requirements for supervisors of limited licensees, and requirements for reinstatement of lapsed licenses.

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DEPARTMENT OF LABOR, LICENSING AND REGULATION

STATE BOARD OF MEDICAL EXAMINERS

CHAPTER 81

Statutory Authority: 1976 Code Sections 40-1-70, 40-47-10, 40-47-110, and 40-47-1010

81-120. Continued Professional Education for Physician Assistants. (New)

Synopsis:

The State Board of Medical Examiners proposes adding regulations establishing continuing education requirements for PAs.

A Notice of Drafting was published in the *State Register* on May 24, 2024.