

Text added to existing rules shown in ***bold italics***

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Text deleted from existing rules shown ~~struck through~~

Readopt Gen 301, effective 10-7-14 (Document #10686), cited and to read as follows:

CHAPTER Gen 300 REQUIREMENTS FOR INITIAL LICENSURE

PART Gen 301 DEFINITIONS

Gen 301.01 "Direct supervision" means supervision during which the supervisor is physically present and observing the activities of the individual being supervised.

Gen 301.02 "Indirect supervision" means supervision through:

- (a) The supervisor's review of the treatment progress notes made by the individual supervised;
- (b) Telephone conversations between the supervisor and the individual supervised;
- (c) Electronic correspondence between the supervisor and the individual supervised; and
- (d) Any other form of supervision which is not direct supervision.

Gen 301.03 "National examination in genetic counseling" means the American Board of Genetic Counseling or American Board of Medical Genetics exam or the successor organizations.

Gen 301.04 "Provisional license" means a license to practice as a genetic counselor issued by the board authorizing its holder to engage in supervised practice as a provisionally licensed genetic counselor pending the provisional licensee's notification in writing of a passing score on a certificate examination for genetic counselors by the American Board of Genetic Counseling, the American Board of Medical Genetics, or their successor organizations.

Readopt with amendment, Gen 302, effective 10-7-14 (Document #10686), to read as follows:

PART Gen 302 INITIAL LICENSURE TO PRACTICE GENETIC COUNSELING

Gen 302.01 Types of Initial Licensure. The board shall issue one of the following 2 types of initial licenses to applicants who are eligible for them and who comply with the application procedures:

- (a) Full initial licenses as set forth in Gen 304; or
- (b) Provisional licenses as set forth in Gen 305.

Readopt, with amendments, Gen 303, effective 4-11-23 (Document #13555), to read as follows:

PART Gen 303 APPLICATION PROCEDURE

Gen 303.01 Processing of Applications.

(a) Applicants who wish to apply for initial or provisional licensure as a genetic counselor shall do so by submitting, or arranging for the submission of, ~~each of the following components of the application packet:~~ ***the "Universal Application for Initial License", dated April 2024, that provides the information required by Plc 304.03 and the documentation required by Plc 304.04 and that is signed and attested to specified in Plc 304.05; and***

Unclear: This is an indirect requirement, as it is saying the **application** shall provide the information while the **applicant** just needs to submit the form. Need to reword to say the **applicant** needs to provide the information on the form and submit the completed form. Additionally, there is no introductory language for the subparagraphs below. Need to reformat this section. For example, "Applicants who wish to apply for initial or provisional licensure as a genetic counselor shall:
(1) Complete and submit the "Universal Application for Initial License", dated April 2024, which contains the information required by Plc 304.03, the documentation required by Plc 304.04, and the signature and attestation specified in Plc 304.05;
(2) Submit the required documents specified by Gen 303.02 and Gen 303.03, as applicable; and
(3) Submit the fee specified in Plc 1002.18."

Note to Board: Per the Unclear/Edit comment on Gen 301.04, if any changes are made below, even minor editorial changes, then this will need to be changed to "Readopt with amendment"

Edit: seems to be an extra space between these paragraphs. Delete the extra space

Edit: delete the comma

Unclear/Edit: technically isn't it the OPLC who issues the licenses? May want to reword to make this clear. Consider, "as allowed by the board authorizing..." or "issued by the OPLC on behalf of the board..." If this section is changed, then the AARL will need to be updated to say "Readopt with amendment Gen 301, effective...."

Unclear/Edit: same issue as above, this should be the OPLC. Consider, "The OPLC, on behalf of the board, shall issue...". Can leave the AARL as is, though as a side note this should have originally be just a "Readopt" as I did not see any other annotations in this section.

See the unclear comment at the end of the previous page.

- ~~(1) The completed initial application form provided by the board that contains the information specified by Ahp 601.01;~~
- ~~(2) The required documents specified by Gen 303.02 and Gen 303.03, as applicable;~~
- ~~(3) The non-refundable application processing ***and licensing*** fees specified by Ahp 301.02(a) ***Plc 1002.18.*** ~~;~~ ~~and~~~~
- ~~(4) The initial license fee specified by Ahp 301.02(a).~~

~~(b) If the board, after receiving and reviewing a completed application packet complying with (a) above requires further information or documents to determine the applicant's qualification for licensure, the board shall:~~ ***The licensing bureau shall process the application in accordance with Plc 304.09.***

- ~~(1) So notify the applicant in writing within 60 days; and~~
- ~~(2) Specify the information or documents it requires.~~

Edit/Unclear: this is the first time this bureau is mentioned. Should clarify who this is. For example, "The OPLC's licensing bureau shall" or "The licensing bureau, defined in Plc 302.18, shall".

~~(c) An application shall be completed on the first date that the board has received:~~

- ~~(1) The completed application packet described in (a) above; and~~
- ~~(2) Any additional information or documents which may have been requested pursuant to (b) above.~~

Edit: should this be (d)? Or is it a part of (c)?

~~(d) (c) The application shall be denied if the application is not completed by the applicant within 38 weeks of the receipt by the board of the application form part of the application packet. ***If the application is denied, the applicant can request a rehearing pursuant to Plc 203.31.***~~

~~(e) The board shall issue written approval or denial of an application within 60 days of the date that the application is completed. ***Applications about which there has been no communication from the applicant to the licensing bureau for 60 days shall be governed by Plc 304.06.***~~

Edit: consider, "OPLC's licensing bureau" if that is what you use above.

~~(f) The board shall refund the license fee, but not the application processing fee, if:~~

- ~~(1) The applicant withdraws the application;~~
- ~~(2) The application packet is not completed within 38 weeks of receipt by the board of the application form part of the application packet; or~~
- ~~(3) The board denies the application.~~

~~(g) Any applicant wishing to challenge the board's denial of an application for initial licensure shall:~~

- ~~(1) Make a written request for a hearing of the applicant's challenge; and~~
- ~~(2) Submit this request to the board:
 - ~~a. Within 60 days of the board's notification of license denial; or~~
 - ~~b. If the applicant is on active military duty outside the United States, within 60 days of the applicant's return to the United States or release from duty, whichever occurs later.~~~~

Gen 303.02 Documents Required of Applicants For Full and Provisional Licensure. Applicants for full or provisional licensure shall ~~provide, or arrange for the board to receive,~~ ***submit*** the following documents supporting their applications:

~~(a) On a separate sheet, a detailed report of the relevant circumstances if any of the answers to questions from the application form specified in Ahp 601.01 required by Gen 303.01(a)(1) are in the affirmative;~~

~~(b) Official transcripts showing all relevant education:~~

~~(1) Mailed directly to the board by the issuing institution; or~~

~~(2) Submitted by the applicant in an envelope sealed by the institution in such a manner that it would be evident to the board if the envelope had been opened;~~

~~(c) A resume containing a chronologically organized account of the applicant's paid or volunteer work experience in genetic counseling for the past 10 years or completion of the academic program, including:~~

~~(1) Each separate experience in paid or volunteer work:~~

~~a. Serving as an educator in genetic counseling;~~

~~b. Serving as an administrator in genetic counseling; or~~

~~c. Contributing expertise in genetic counseling to a board or committee;~~

~~(2) The period of each separate experience described by the month and year it began and month and year it ended; and~~

~~(3) The physical address of each experience;~~

~~(d) Unless the information is available only on a website, an official letter of verification sent directly to the board from every jurisdiction which has issued a license or other authorization to practice stating whether:~~

~~(1) The license or other authorization is or was, during its period of validity, in good standing; and~~

~~(2) Whether any disciplinary action was taken against the license or other authorization to practice;~~

~~(e) Either:~~

~~(1) A criminal history records check form and fingerprint card, seeking both a New Hampshire and a federal records check, in accordance with the procedure specified by the New Hampshire department of safety rules at Saf C 5700, Operation of the Central Repository: Criminal Records, with the required fee;~~

~~(2) If the federal criminal history records check shows the existence of a criminal record in another state, the applicant shall obtain a detailed criminal record check directly from that state and provide it to the board; or~~

~~(3) An original, not a photocopy, of a criminal offender record report;~~

Edit/Unclear: technically the applicant is not submitting the information in (b) themselves. Consider keeping this but changing "board" to "OPLC licensing bureau"

Edit/Unclear: is this for (1) or (2) or for both? Maybe just put this directly into (1) & (2). For example, "(1) The American Board of Genetic Counseling (ABGC) or its successor organization"; or "The American Board of Medical Genetics (ABMG) or its successor organization; and"

~~a. Issued by each state where the applicant has resided or been licensed within the past 6 years, providing that such state will:~~

- ~~1. Send the report to the board; or~~
- ~~2. To the applicant for forwarding to the board;~~

~~b. Covering the applicant under his or her name and any aliases; and~~

~~c. Dated within the 6 months preceding the application for licensure;~~

~~(f)~~ **(a)** A copy of the applicant's current certificate issued by one of the following:

- (1) The American Board of Genetic Counseling (ABGC);
- (2) American Board of Medical Genetics (ABMG); or
- (3) **The successor organization; and**

Edit: insert "The" at the beginning

Edit: Consider, "OPLC's licensing bureau" if that is what is used above

~~(g)~~ **(b)** A letter sent directly to the board **licensing bureau** by:

(1) ABGC verifying the applicant's current ABGC certification and the date of expiration of the certification; or

(2) ABMG verifying the applicant's current ABMG certification and the date of expiration of the certification.

Edit: adjust spacing

Edit: "OPLC licensing bureau" or just "licensing bureau" if that is the term used.

Gen 303.03 ~~Documents Required of Applicants For Provisional Licensure.~~ Applicants for provisional licensure shall provide, or arrange for the board to receive, the following documents supporting their applications:

~~(a) The documents listed in Gen 303.02 with the exception of the Gen 303.02 (f) and (g);~~

~~(b)~~ Documentation that the applicant has been authorized to take a certification exam by a certifying agency; and

~~(c)~~ **(b)** Supervision form described in ~~Ahp 601.06~~ **Gen 306.06.**

Edit: insert "The"

Readopt with amendment Gen 304, effective 4-11-23 (Document #13555), as follows:

PART Gen 304 ELIGIBILITY FOR FULL INITIAL LICENSURE

Gen 304.01 Eligibility Requirements. Eligibility requirements for full initial licensure shall be:

(a) An academic degree which is at least a master's degree;

(b) A currently valid certificate issued by the ABGC or ABMG;

Edit: "; and"

(c) Good professional character and reliability as evidenced by:

(1) The answers to the questions from the application form specified in ~~Ahp 601.01~~ **Plc 304.03; and**

~~(2) Any reports related to such answers submitted pursuant to Gen 303.02 (a); and~~

Unclear/Edit: Gen 303.02(b) requires a letter from the ABGC or ABMG. There does not seem to be a requirement for a criminal records check anywhere in these rules. Did you mean to cite "RSA 328-F:18-a"?

~~(3)~~ (2) The criminal offender record report(s) required by Gen 303.02 ~~(b)~~.

Edit: fix spacing

Readopt with amendment Gen 305, effective 4-11-23 (Document #13555), to read as follows:

PART Gen 305 ELIGIBILITY FOR PROVISIONAL LICENSURE

Gen 305.01 Eligibility Requirements for Provisional Licensure. Eligibility requirements for provisional licensure shall be:

- (a) An academic degree which is at least a master's degree;
- (b) Authorization to take the certification exam required in Gen 303.03(b);
- (c) Good professional character and reliability as evidenced by:
 - (1) The answers to the questions from the application form specified in ~~App 601.01~~ **Plc 304.03 and Plc 304.04; and**

Edit: "(a)"

~~(2) Any reports related to such answers submitted pursuant to Gen 303.02 (a); and~~

Edit: period

Edit: "(2)"

(3) The criminal offender record report(s) required by Gen 303.02 ~~(b)~~ RSA 328-F:18(a);

Readopt with amendment Gen 306.01 and Gen 306.02, effective 4-11-23 (Document #13555), cited and to read as follows:

PART 306 PRACTICE UNDER A PROVISIONAL LICENSE

Gen 306.01 Practice Restrictions Imposed Upon Provisional Licensees.

- (a) Before beginning practice the provisional licensee shall submit for board review a supervision form described in ~~App 601.06~~ **Gen 306.06.**
- (b) The provisional licensee shall receive confirmation **from the board** that the supervisor meets the requirements set forth in Gen 306.01(c)(1)b.
- (c) Provisional licensees shall practice:
 - (1) Under the supervision of a genetic counselor or physician who is:
 - a. Licensed in New Hampshire throughout the period of the provisional licensee's practice;
 - b. Credentialed in one of the following ways:
 - 1. Currently certified by the ABGC;
 - 2. Currently certified by the ABMG; or
 - 3. A physician who is knowledgeable in genetic counseling and genetic testing is within **his or her** scope of practice;

Unclear/Edit: this statute was repealed by 2023, 79:281, eff. September 1, 2023. Did you mean "RSA 328-F:18-a"?

Question: is the board sending this confirmation? Or is the OPLC sending the confirmation after the board has made a decision? If the latter, consider saying something like, "shall receive confirmation from the OPLC of the board's decision that the supervisor meets the requirements..." or "shall receive confirmation from the OPLC on behalf of the board that the..."

Edit: "their"

c. Not under disciplinary investigation with any state or facility or under pending disciplinary charges in any state or facility; and

d. Not related to the conditional licensee as one of the following;

Unclear: does the supervisor conducting the indirect supervision also have to meet the criteria in (c) (1) above? If so, need to clarify that. For example, "Under indirect supervision, described in Gen 301.02, of a genetic counselor or physician who meets the qualifications in (c)(1) above.

1. Spouse or civil union partner;
2. Parent, step-parent ~~or~~ parent-in-law;
3. Natural, foster ~~or~~ adopted child;
4. Sibling, step-sibling ~~or~~ sibling-in-law; or
5. First or second cousin; and

Edit: comma

Edit: period

Unclear: how can the individuals provide documents to and supervise themselves? If these are two different individuals, need to clarify which is which. For example, "each individual who provides some or all of the supervision to the provisional licensees shall:
(1) Give to the provisional licensee...;
(2) Discuss the required supervision with the provisional licensee...;
(3) Give to the provisional licensee..."
Or
"each supervisor who provides some or all of the supervision to individuals with provisional licenses shall:
(1) Give to these individuals...; etc."

(2) Under indirect supervision described in Gen 301.02;

Gen 306.02 Obligations of Provisional Licensees.

(a) Before the beginning of supervision, each individual who provides some or all of the supervision to the provisional licensees shall:

- (1) Give to these individuals a copy of Gen 306.03, Gen 306.04, and the supervision form described in ~~App 601.06~~ **Gen 306.06**;
- (2) Discuss the required supervision with these individuals; and
- (3) Give to these individuals a copy of the provisional license issued by the board.

Unclear: "issued by the OPLC on behalf of the board."

(b) The provisional licensee shall resubmit a completed supervision form to the board, yearly, on the anniversary of the date the provisional license was issued.

Unclear/Edit: "the licensing bureau"

(c) Whenever the individual(s) providing supervision are replaced by other individual(s), provisional licensees shall:

- (1) Notify the board of that fact within 15 days of the change; and
- (2) Take the actions required by (a) above.

Unclear: (a) above is written as the supervising individual completes these tasks, not the provisional licensee. Is (a) written incorrectly or is this citation wrong?

(d) When provisional licensees have completed the required supervised practice, they shall arrange for the board to receive the supervisory opinion of competence described in Gen 306.03(g) within 30 days of completion.

Unclear: will they still notify the board/arrange for the board to receive directly? Or will these go to OPLC?

(e) Throughout their practice provisional licensees shall be subject to the same disciplinary sanctions as are holders of other license issued by the board

Unclear: "issued by the licensing bureau on behalf of the board."

Readopt Gen 306.03 through Gen 306.05 effective 10-7-14 (Document #10686), to read as follows:

Gen 306.03 Obligation of the Supervisor of a Provisional Licensee. The supervisor of a provisionally licensed genetic counselor shall be responsible for:

(a) Obtaining and holding, on file, a copy of the provisional licensee authorization to practice under provisional license issued by the board;

Edit: if changes are made, will need to update this to "Readopt with amendment"

(b) Providing indirect supervision and direction to the provisional licensee, which supervision shall be of a level sufficient to ensure that the provisional licensee performs all genetic counseling services in accordance with generally accepted standards of professional practice;

(c) Determining the nature and level of supervision required;

(d) Holding regular meetings, at least every 30 days, to review the provisional licensee's clinical services and administrative practices;

(e) Assessing and documenting the professional competence, skill, and experience of the provisional licensee;

(f) Conducting regular chart or case reviews, at least every 30 days, with the provisional licensees; and

(g) Providing the provisional licensee with a signed statement within 15 days of completion attesting to the fact that the provisional licensee has completed the required supervision and is competent to practice without supervision.

Gen 306.04 Duration of Provisional licenses. Provisional licenses shall remain valid for no more than 24 months unless the period of validity is extended pursuant to Gen 306.05 or upon one of the following occurrences:

Edit: when a number starts a sentence, then it is spelled out. Should be "Sixty".

(a) 60 days after the issuance of a passing score on the national examination;

(b) The date the board issues a full license;

(c) The date the board denies full licensure; **Edit:** "the OPLC on behalf of the board"

(d) The date the provisional license expires; or

(e) Upon a legal action taken by the board described in Gen 404.

Gen 306.05 Extension of the Period of Validity of a Provisional License.

(a) The board shall extend the period of validity of a provisional license for not more than 24 weeks if:

(1) The provisional license is still valid at the time of extension;

(2) The provisional licensee submits a written request for the extension stating facts relating to one of the reasons in (3) below; and

(3) The provisional licensee is unable to submit the supervisory opinion of competence for a reason unrelated to the supervisor's belief that the licensee is not competent to practice without supervision and under full licensure; or **Edit:** period

(b) The board shall also extend the period of validity of a provisional license for not more than 24 weeks if:

(1) The provisional licensee can't meet licensing requirements because:

a. The provisional licensee's extended illness; or

b. The provisional licensee’s need to take care of any of the following people during an extended illness:

1. Child, whether adopted, natural or foster;
2. Parent, whether adopted, natural or foster;
3. Sibling, whether adopted, natural or foster;
4. Spouse; or
5. **Spousal equivalent**; and

Edit: comma

Edit: is there a definition you could cite to just to make this super clear?

(2) The provisional licensee submits a written request for the extension providing the supervisor’s signed opinion that the licensee will become competent to practice under full licensure if the provisional license is extended for the time specified by the supervisor.

Readopt with amendment Gen 306.06, effective 4-11-23 (Document #13555), to read as follows:

Gen 306.06 Supervision Form

Submit a copy of this form with the FP

(a) The “Supervision Form” shall be the form specified in ~~Ahp 601.06~~ **described below**;

(b) The individual to be supervised shall:

Edit: period

(1) Legibly complete the portion of the form designated “to be completed by the person to be supervised”; and

(2) Complete in ink or using a keyboard;

Edit: period

(c) The individual who will provide supervision shall:

(1) Legibly complete the portion of the form designated “to be completed by the supervisor”;

(2) Complete in ink or using a keyboard; and

(3) Sign and date the form; and

Edit: period

(d) The signature required on the form shall attest to the fact that the supervisor:

(1) Has read and understands the rules or order of the board governing the supervision;

(2) Agrees to undertake the duties of supervision;

Edit: delete

(3) Agrees to take responsibility for the acts and omissions of any individual to whom the signer delegates the duties of supervision; and

(4) Agrees with the statement of understanding that the failure of the signer or the signer's delegate to follow the rules or order of the board governing the supervision has the potential to subject the signer to disciplinary sanctions.

Unclear: there is no introductory language for these subparagraphs. Consider making each paragraph a stand alone paragraph by following the editorial comments. Additionally, the information below does not describe the form, it is more of instructions on how to complete the form. If not incorporating the form by reference, then need to put all the requirements on the form in the rule text. For example, "Name, telephone number, and email address."

Readopt with amendment Gen 306.07, effective 10-7-14 (Document #10686), to read as follows:

Gen 306.07 Eligibility For Full Initial Licensure of Provisional Licensees. The ~~board~~ **licensing bureau** shall issue full initial licenses to provisional licensees who, within the period of validity of their provisional licenses:

Text added to existing rules shown in ***bold italics***

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Text deleted from existing rules shown ~~struck through~~

- (a) Have met the requirements of Gen 306;
- (b) Submitted directly from the issuing source, ~~a~~ ***a*** statement from the certifying agency that verifies such passing score on the national exam in genetic counseling within 30 days of passing the exam; and
- (c) If the provisional licensee was supervised a statement from all supervisors described in Gen 306.01(c)(1) stating that the provisionally licensed genetic counselor is competent to practice.

Edit: delete the comma

APPENDIX I

Unclear: The board does have to follow RSA 541-A:7, but that is not the statute that is being implemented in these sections. Need to remove these citations and replace with the correct statute being implemented.

Rule	Specific State Statute the Rule Implements
Gen 301.01	RSA 541-A:7
Gen 301.02	RSA 541-A:7
Gen 301.03	RSA 541-A:7; RSA 328-F:11, I(a); RSA 326-K:3, I
Gen 301.04	RSA 541-A:7; RSA 326-K:4
Gen 302.01	RSA 328-F:11, I(a), RSA 326-K:4 ← Edit: also cite RSA 326-K:3 here
Gen 303.01	RSA 326-K:4, RSA 326-K:3
Gen 303.02	RSA 328-F:11, I(a); RSA 326-K:4, V
Gen 303.03	RSA 328-F:11, I(a); RSA 326-K:4, V
Gen 304.01	RSA 328-F:11, I(a); RSA 326-K:3
Gen 305.01	RSA 326-K:4, I and II
Gen 306.01	RSA 326-K:4, IV and V
Gen 306.02	RSA 326-K:4, IV and V
Gen 306.03	RSA 328-K:4, IV and V
Gen 306.04	RSA 328-K:4, II
Gen 306.05	RSA 326-K:4, III
Gen 306.06	RSA 326-K:4, IV
Gen 306.07	RSA 326-K:3 ← Edit: also cite RSA 326-K:4 here