

**Edit:** will need to be changed to "Readopt with amendment", as changes are needed in this section

**Readopt Gen 401.01, effective 10-7-14 (Document #10687), to read as follows:**

Gen 401.01 Definitions. In Gen 400 the following terms shall have the following meanings:

**Edit:** comma

(a) "Continuing professional education and professional activity" means structured courses, activities and experiences beyond entry-level professional preparation that are designed to maintain knowledge and advancements and enhancements in the field of genetic counseling.

**Edit:** semicolon

(b) "Distance-learning" means electronic participation in continuing professional education and continuing professional activity described in Gen 405.0(1)(e) provided that the participation can be proven with the required documentation.

**Edit:** semicolon

**Edit:** incomplete citation

(c) "Maintenance of continuing competence" means engaging in continuing professional education or continuing professional activity to develop and maintain for the purpose of performing professional responsibilities the following abilities:

- (1) Knowledge in the field of genetic counseling;
- (2) Genetic counseling performance skills;
- (3) Interpersonal abilities;
- (4) Critical reasoning; and
- (5) Ethical reasoning.

**Edit:** semicolon

(d) "Practice of genetic counseling" means, for the purposes of advising an individual client, a client's family, or other licensed health care professional as defined in RSA 326-K:1, VI,

**Edit:** colon

**Unclear:** The *Manual* requires the use of the statutory definition verbatim. Need to format as "means "practice of genetic counseling" as defined in RSA 326-K:1, VI" and then could either end the definition there or go on to say, "namely, "for the purpose...[statute quoted verbatim]";". See Chapter 4, Section 3.7 of the *Manual*.

- (1) Obtaining and evaluating individual, family, and medical histories to determine genetic risk for genetic or medical conditions and diseases in a patient, his or her offspring, and other family members;
- (2) Discussing the features, natural history, means of diagnosis, genetic and environmental factors, and management of risk for genetic or medical conditions and diseases;
- (3) Identifying and coordinating genetic laboratory tests and other diagnostic studies as appropriate for the genetic assessment;
- (4) Integrating genetic laboratory test results and other diagnostic studies with personal and family medical history to assess and communicate risk factors for genetic or medical conditions and diseases;
- (5) Explaining the clinical implications of genetic laboratory tests and other diagnostic studies and their results;
- (6) Evaluating the client's or family's responses to the condition of risk of recurrence and provide client-centered counseling and anticipatory guidance; and
- (7) Providing written documentation of medical, genetic, and counseling information for families and health care professionals.

**Edit:** "their"

**Edit:** semicolon

(e) "Renewal year" means any odd-numbered year which is not the year of initial licensure.

**Edit:** semicolon

**Unclear:** does this need to be updated in light of RSA 310:8 (making licenses valid for 2 years from the state of issuance)?

(f) "Sexual misconduct" means engaging in one or more of the following activities with respect to a current client who is not a spouse or civil union partner; ← **Edit: colon**

- (1) Engaging in sexual relations, whether consensual or non-consensual;
- (2) Making verbal or physical sexual advances;
- (3) Using sexual language or phrases;
- (4) Requesting sexual favors; or
- (5) Engaging in physical contact of a sexual nature. ← **Edit: semicolon**

(g) "Teleconference" means a live exchange of information from a remote location linked by a telecommunication system. The term includes teleseminar. ← **Edit: semicolon**

**Edit: "; and"** (h) "Video lecture" means a teleconference that uses video technology. The term includes video course. ← **Edit: quotation marks**

(i) "Webinar" means a presentation, lecture, workshop or seminar that is transmitted over the world wide web. ← **Edit: comma**

**Readopt with amendment Gen 402.01 through Gen 402.04 effective 4-11-23 (Document #13556), to read as follows:**

Gen 402.01 License Renewal Procedure.

(a) A licensee wishing to renew ~~his or her~~ ***their*** current license shall:

**Unclear:** Gen 402.02 is still in effect and requires more than what is in Plc 308.05.

~~(1) S~~ ***submit*** the completed renewal application packet described in ~~Gen 402.02~~ ***as specified in Plc 308.05.*** ~~; and~~

~~(2) Do so by one of the following methods:~~

**Unclear/Legis. Intent:** The statute technically says "on or before", while this rule is saying it must only be "before". Consider changing to the statutory language to avoid unintentionally violating the statute.

~~a. The timely renewal method consisting of delivery of the completed packet by hand or secure electronic communication on or before December 31 of the renewal year; or~~

~~b. If the renewal applicant is on active military duty outside the United States, by delivery of the completed packet by hand, mail, or secure electronic communication within 60 days of the renewal applicant's return to the United States or release from duty, whichever occurs later.~~

**Edit:** delete the extra space

(b) Pursuant to RSA 328-F:19, ~~III~~ ***310:8, III***, licenses to be renewed shall lapse if the renewal applicants do not submit the completed renewal application, ***renewal fee, and any supporting documentation prior to license expiration*** packet within one of the time periods set forth in (a)(2) above.

(c) Renewal applicants whose licenses have lapsed shall not provide genetic counseling until their licenses have been reinstated ~~by the board.~~

Gen 402.02 License Renewal Application Packet. Applicants for license renewal shall submit the following components of the application packet:

(a) The completed renewal application form ~~described in Ahp 601.03 provided by the genetic counselors governing board~~ ***as specified in Plc 308.05;***

(b) The documents described in Gen 402.03(a), but no documents proving maintenance of continuing competence; and

(c) The fee(s) specified by ~~Ahp 301.02(a) for timely or late renewal, as applicable~~ ***Plc 1002.18.***

Gen 402.03 Documents. Applicants for renewal of their licenses shall include in their application packets:

~~(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 601.03 are in the affirmative; and~~

~~(b)~~ ***(a)*** 1 photocopy of the 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.

**Edit:** Do not have a stand alone paragraph. Combine this sentence with the one after the section title, so it says "Applicants for renewal of their license shall include in their application a photocopy of the current certificate issued by one of the following:", and renumber (1)-(3) to (a)-(c).

Gen 402.04 ~~The Board's Renewal Application Processing Procedures.~~

~~(a) If the board, after receiving and reviewing a completed license renewal application packet requires further information or documents to determine the renewal applicant's eligibility for a fully renewed license or a conditionally renewed license the board shall:~~

- ~~(1) So notify the applicant in writing within 30 days; and~~
- ~~(2) Specify the information or documents it requires.~~

~~(b) An application for license renewal shall be considered to be complete when the board's office has received:~~

- ~~(1) The completed application packet as described in Gen 402.02; and~~
- ~~(2) Any additional information or documents which may have been requested pursuant to (a) above.~~

~~(c) Within 60 days of the date that the renewal application is completed, the board shall issue written approval of, or intent to deny, the application.~~

~~(d) The board shall refund the license renewal fee if:~~

- ~~(1) The applicant withdraws the application for license renewal before the renewal is issued;~~  
~~or~~
- ~~(2) The board denies the application.~~

***(a) The licensing bureau shall review applications for license renewal as specified in Plc 308.09 and Plc 308.11.***

~~(e) (b)~~ A renewal applicant wishing to challenge ~~the board's intent to deny~~ the **denial of an** application for license renewal shall:

(1) ~~M~~ **make** a written request for a hearing of ~~the applicant's challenge; and~~ **pursuant to Plc 206.31.**

(2) ~~Submit this request to the board:~~

~~a. Within 60 days of the board's notification of intent to deny; 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.~~

**Readopt with amendment Gen 402.07, effective 4-11-23 (Document #13556), to read as follows:**

Gen 402.07 Basis for Renewal of Licensure. The board ~~licensing bureau~~ shall renew the licenses of licensees who:

(a) Have submitted the completed renewal application form, **the renewal fee, and supporting documents required for renewal, on or before the expiration of the license** ~~within the time limitations set forth in Gen 402.01(a)(2);~~

(b) Have maintained continuing competence through continuing professional education or continuing professional activity; and

(c) Are of good moral and professional character, as evidenced by:

(1) The answers to the questions from the application form specified in ~~Ahp 601.01 that are in the affirmative~~ **Plc 308.05**; and

(2) Any related documents submitted pursuant to ~~Gen 402.03(a)~~ **Plc 308.06**.

**Readopt with amendment Gen 403.01, effective 10-7-14 (Document #10687), to read as follows:**

Gen 403.01 Licenses Subject to Reinstatement. The following licenses shall be subject to reinstatement ~~by the board~~ :

(a) Licenses suspended pursuant to ~~Gen 402.09(f)~~ **402.06(f)**, **Plc 205, or Plc 206 shall be eligible for reinstatement pursuant to Plc 312.04;** ← Edit: "; and"

~~(b) Licenses suspended for disciplinary reasons as part of a settlement pursuant to Ahp 214 or as part of an order of the board; and~~

(c) Licenses ~~lapsed pursuant to Gen 402.02(b)~~ **expired for not more than one year shall be eligible for reinstatement pursuant to Plc 312.02.**

**Readopt with amendment Gen 403.02 and Gen 403.03, effective 4-11-23 (Document #13556), to read as follows:**

Gen 403.02 ~~Reinstatement of Licenses Suspended Pursuant to Gen 404.01(a) and Reinstatement of Licenses Suspended for Disciplinary Reasons~~ **Licensing Process If a License Has Been Expired More** Edit: lowercase

**Unclear/Edit:** This technically is not a license suspension, it is a reason to initiate a disciplinary adjudicative proceeding in the manner required by Ahp 209.01. Therefore, "pursuant to" is not the correct language. Consider rewording. For example, "License suspended pursuant to Plc 205 or Plc 206 or as a result of a disciplinary action commenced pursuant to Gen 402.06(f) shall be eligible for reinstatement pursuant to Plc 312.04; and".

***Than One Year. An individual whose license has been expired more than one year who wishes to obtain a license shall apply pursuant to Plc 312.03*** ← Edit: period

~~(a) The board shall reinstate a license suspended pursuant to Gen 402.06(e)(2) if:~~

~~(1) The suspension occurred not more than 70 days before the reinstatement application is submitted to the genetic counselors governing board; and~~

~~(2) The applicant for reinstatement submits:~~

~~a. A completed, dated, and signed reinstatement application form further described in Ahp 601.02 provided by the genetic counseling governing board;~~

~~b. Proof in accordance with Gen 405 of having completed, in the immediately preceding 2 years, 30 hours of continuing competence;~~

~~c. A written statement that the applicant has not been employed or volunteered in New Hampshire as a genetic counselor since the date the applicant's license ceased to be valid; and~~

~~d. Payment of the reinstatement fee set forth in Ahp 301.02(a).~~

~~(b) The board shall reinstate a license suspended for disciplinary reasons:~~

~~(1) In accordance with the terms of the settlement agreement or the disciplinary order of the board, as applicable; and~~

~~(2) After receiving payment of the reinstatement fee set forth in Ahp 301.02(a).~~

Gen 403.03 ~~Reinstatement of Licenses Lapsed For No More Than 70 Days.~~ The board shall reinstate a license lapsed for no more than 70 days if the applicant for reinstatement submits to the board: ***Application After Revocation of License. Plc 312.05 shall govern the application process for individuals whose license was revoked and who wishes to practice in New Hampshire.***

~~(a) A completed, dated, and signed reinstatement application form as further described in Ahp 601.02 provided by the genetic counseling governing board;~~

~~(b) The reinstatement fee set forth in Ahp 301.02(a);~~

~~(c) Evidence of good professional character and reliability as shown by:~~

~~(1) The answers to the questions from the reinstatement application form specified in Ahp 601.02 provided by the genetic counseling governing board;~~

~~(2) Any detailed reports of the relevant circumstances related to answers to those questions on the reinstatement application form specified in Ahp 601.02;~~

~~(d) The statement required by Gen 403.07(b);~~

~~(e) Proof in accordance with Gen 406 of having completed any requirement for maintenance of continuing competence left uncompleted at the time the license lapsed;~~

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

~~(1) The (ABGC);~~

Edit/Unclear: This is not placing a requirement on the applicant. Consider rewording to the wording in Gen 304.02 above ("An individual whose license has been revoked who wishes to obtain a license shall apply pursuant to Plc 312.05.").

Text added to existing rules shown in ***bold italic***  
Text deleted from existing rules shown ~~struck through~~

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~~(2) The (ABMG); or~~

~~(3) The successor organization.~~

~~— (g) Any documentation required in Gen 303.04 which was not previously provided to the board.~~

**Repeal Gen 403.04 through Gen 403.06, effective 10-7-14 (Document #10687), and hold said sections in reserve as follows:**

~~Gen 403.04 Reinstatement of Licenses Lapsed For Longer Than 70 Days But No More Than 5 Years. The board shall reinstate a license lapsed longer than 70 days but no more than 5 years if the reinstatement applicant submits to the board:~~

~~— (a) All documents as described in Gen 403.08; and~~

~~— (b) Any documents required by Gen 303.04 which were not previously provided to the board.~~

**RESERVED**

~~Gen 403.05 Reinstatement of Licenses Lapsed for Longer Than 5 Years when the Applicant Was Certified by the ABGC or ACMG After 1996. The board shall reinstate a license lapsed longer than 5 years when the applicant was certified by the ABGC or ACMG after 1996 and submits to the board:~~

~~— (a) All documents as described in Gen 403.03; and~~

~~— (b) Any documents required by Gen 303.04 which were not previously provided to the board.~~

~~Gen 403.06 Reinstatement of Licenses Lapsed for Longer Than 5 Years when the Applicant Was Certified by the ABGC or ACMG Prior to 1996. The board shall reinstate a license lapsed longer than 5 years when the applicant was certified by the ABGC or ACMG prior to 1996 and submits to the board:~~

~~— (a) All documents as described in Gen 403.03;~~

~~— (b) Any documents required by Gen 303.04 which were not previously provided to the board; and~~

~~— (c) Proof of having completed 125 hours of continuing education as described in Gen 405 within the past 5 years.~~

**RESERVED**

**Repeal Gen 403.07, effective 4-11-23 (Document #13556), and hold said section in reserve as follows:**

~~Gen 403.07 Supporting Materials. The materials supporting the reinstatement application shall be as described below:~~

~~— (a) On a separate sheet, a detailed report of the relevant circumstances if any of the answers to the questions from the reinstatement application form specified in Ahp 601.02 provided by the genetic counseling governing board are in the affirmative;~~

~~— (b) On a separate sheet, a statement that the reinstatement applicant has not practiced genetic counseling in New Hampshire since the date the license lapsed;~~

~~— (c) A photocopy of the applicant's current certificate issued by one of the following:~~

~~(1) The American Board of Genetic Counseling;~~

~~(2) American Board of Medical Genetics; or~~

- ~~(3) The successor organization.~~
- ~~(d) 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.~~
- ~~(e) 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 in any health care field since the date that the license lapsed:~~
- ~~(1) Stating that such license or other authorization is or was, during its period of validity, in good standing; and~~
- ~~(2) Stating whether any disciplinary action was taken against the license or other authorization to practice; and~~
- ~~(f) 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 NH 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:~~
- ~~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 all names and any aliases; and~~
- ~~c. Dated within the 6 months predating the application for licensure.~~

**RESERVED**

**Readopt with amendment Gen 403.08, effective 4-11-23 (Document #13556), to read as follows:**

Gen 403.08 ~~Board's Processing of Applications for Reinstatement of Licensure~~ ***Renewal. Renewal applications shall be reviewed pursuant to Plc 308.09 and Plc 308.11.***

~~—(a) If the board, after receiving and reviewing the reinstatement application packet, requires further information or documents to determine the applicant's qualification for reinstatement of licensure, the board shall:~~

- ~~(1) So notify the applicant in writing within 30 days; and~~
- ~~(2) Specify the information or documents it requires.~~

~~—(b) A reinstatement application shall be considered complete on the first date that the board has received the completed reinstatement application form, any supporting materials which are required and any additional information or documents which it may have requested.~~

~~—(c) The board shall issue written approval or denial of an application for reinstatement of licensure within 60 days of the date that the application is completed.~~

~~—(d) The board shall refund the reinstatement fee if the board denies the application.~~

~~—(e) Any applicant wishing to challenge the board's denial of an application for licensure reinstatement 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 the 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.~~

**Edit:** will need to update to "Readopt with amendment" after changes are made to the rule text.

**Readopt Gen 404.01, effective 10-7-14 (Document #10687), to read as follows:**

Gen 404.01 Misconduct. Misconduct shall be:

(a) Knowingly or negligently providing inaccurate material information to the board or failing to provide complete and truthful material information upon inquiry by the board, including during the process of applying for an initial, renewed or reinstated license;

(b) Conviction of any criminal offense involving:

**Edit:** comma

- (1) Physical or mental injury to a victim;
- (2) The risk of such injury; or
- (3) Dishonesty;

(c) Failure to report to the board a conviction described in (b) above within 30 days;

(d) Violation of the ethical standards adopted by the board;

(e) Engaging in sexual misconduct;

**Edit/Unclear:** is the information being provided to the board or OPLC? Could say both, "providing inaccurate material information to the board and OPLC", or "information to the OPLC, collecting the information on behalf of the board," or "information to the board, which is initially submitted to the OPLC,"

**Edit/Unclear:** same issue as above, are the inquiries only being made by the board? Or is the OPLC making inquiries?



Edit: comma

(f) Failure to provide care with reasonable skill, safety<sup>and</sup> and regard for the client's rights, whether or not the client has suffered injury;

(g) Disciplinary action by a regulatory authority in another domestic or foreign jurisdiction;

(h) Practice without a currently valid license; and

(i) Violation of:

(1) Any provision of RSA 328-F;

(2) Any provision of RSA 326-K;

(3) Any rule adopted by the board; or

(4) Any state or federal law reasonably related to the authority of the license holder to practice or the ability of the license holder to practice safely.

**Readopt with amendment Gen 404.02 through Gen 404.07, effective 10-7-14 (Document #10687), to read as follows:**

Gen 404.02 Sanctions.

~~—(a) Pursuant to RSA 328 F:23, IV(a) through (f), 310:12 shall govern~~ disciplinary measures available to the board to sanction misconduct. ~~shall be:~~

~~(1) License revocation;~~

~~(2) License suspension for a specified period of time;~~

~~(3) License suspension conditioned on the achievement of specified continuing competence requirements or continuing education, clinical experience or training;~~

~~(4) License suspension conditioned on successful participation in specified mental or physical health treatment, a rehabilitative program, counseling, a professional assistance program or any other program designed to overcome the deficiency or condition which appears to have caused the misconduct;~~

~~(5) A requirement that the practice of the license holder be supervised for a specified period of time by a licensed genetic counselor or licensed physician knowledgeable in genetic counseling; and~~

~~(6) The imposition of an administrative fine not to exceed \$1,000 for:~~

~~a. Misconduct described in Gen 404.01; and~~

~~b. The practice of genetic counseling by a person who was once licensed to practice genetic counseling but does not currently hold a valid license, or who is practicing in violation of the conditions upon which he or she is licensed.~~

~~—(b) Pursuant to RSA 328 F:23, IV(g), a measure available to the board to sanction the misconduct described in (6)a. or (6)b. above if the misconduct is continuing shall be the imposition of an administrative fine of \$100 for each day the misconduct continues after notice from the board that the misconduct shall cease.~~

Text added to existing rules shown in ***bold italic***  
Text deleted from existing rules shown ~~struck through~~

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**Edit:** make sure to keep the period

~~(c) An additional measure available to the board to sanction misconduct shall be the denial of renewal or reinstatement of a license.~~

Gen 404.03 Procedure for Imposition of Sanctions. Other than the immediate suspension of a license authorized by RSA 541-A:30, III, the board shall impose disciplinary sanctions ***as specified in Plc 311.08*** only.

~~(a) After prior notice to the license holder in accordance with Ahp 209.01 and the opportunity for the license holder to be heard; or~~

~~(b) By agreement in a settlement between the board and the license holder made pursuant to Ahp 214.~~

Gen 404.04 Determinations Required for Sanctions. ***The board shall apply Plc 311.10 to determine which sanctions to impose.***

~~(a) In determining which sanction or combination of sanctions to impose, the board shall:~~

~~(1) First determine the nature of the act or omission constituting the misconduct;~~

~~(2) Next determine whether the misconduct has one or more of the characteristics listed in (b) below; and~~

~~(3) Finally, apply the standards in Gen 404.05.~~

~~(b) The characteristics shall be:~~

~~(1) The misconduct actually caused physical or mental harm to the client or another person;~~

~~(2) The misconduct had the potential to cause physical or mental harm to the client or another person;~~

~~(3) The misconduct repeated earlier misconduct, as determined by:~~

~~a. An earlier hearing;~~

~~b. An earlier settlement agreement predicated on the same misconduct; or~~

~~c. An admission by the license holder;~~

~~(4) The misconduct was not the first instance of misconduct by the license holder, as determined by:~~

~~a. An earlier hearing;~~

~~b. An earlier settlement agreement predicated on the same misconduct; or~~

~~c. An admission by the license holder; and~~

~~(5) The misconduct was intentional rather than the result of negligence or inadvertence.~~

Gen 404.05 Standards for the Selection of Sanctions. The board shall select appropriate sanction(s) ***using the standards specified in Plc 311.11.*** ÷

- ~~— (a) From the list in Gen 404.02; and~~
- ~~— (b) By choosing, in light of the characteristics determined pursuant to Gen 404.04(b), the sanction or combination of sanctions most likely to:~~
- ~~(1) Protect public health and safety;~~
  - ~~(2) Prevent future misconduct by the license holder;~~
  - ~~(3) Take into account any acknowledgement of fault and any cooperation with the board's investigation of misconduct;~~
  - ~~(4) Correct any attitudinal, educational or other deficiencies which led to the misconduct;~~
  - ~~(5) Encourage the responsible practice of genetic counseling; and~~
  - ~~(6) Demonstrate to the license holder and the public the board's intention to insure that its license holder practices in accordance with applicable law and the public welfare.~~

Gen 404.06 Unauthorized Practice. When the board determines that **one of the following measures is likely to be the most effective way to stop unauthorized practice as defined in RSA 328-F:27, II, 326-K:5** the board shall ***initiate an action pursuant to RSA 541-A:30, III.***

- ~~(a) Issue a cease and desist order against the person or entity engaged in the unauthorized practice;~~  
or
- ~~— (b) Seek an injunction against such person or entity.~~

**Unclear:** the "following measures" are being deleted, so this sentence no longer makes sense.

Gen 404.07 Procedure for Emergency Suspension of Licenses. ***The procedure for emergency license suspension shall be governed by Plc 206.07.***

- ~~(a) Upon a finding that public health, safety or welfare requires emergency action, the board shall immediately and prior to a hearing suspend a license by issuing a written order of suspension incorporating the finding.~~
- ~~(b) The board shall commence a hearing no later than 10 working days after the issuance of an order pursuant to (a) above.~~
- ~~(c) Unless the 10 day deadline in (b) above is expressly waived by the licensee, the failure of the board to meet the deadline shall result in the automatic vacating of the order of license suspension.~~
- ~~(d) After the vacating of the order pursuant to (c) above, the board shall not again suspend the license on the basis of the same conduct which formed the basis for the vacated order without giving the licensee prior notice and the opportunity for a hearing.~~

**Readopt Gen 405.01 with amendment, effective 10-7-14 (Document #10687), to read as follows:**

Gen 405.01 Procedures for, and Effect of, Voluntary Surrender of License. Pursuant to RSA 328-F:13, I, ¶ ***The procedures for, and effect of, the voluntary surrender of a license shall be governed by App 219 Plc 205.***

**Readopt with amendment Gen 406.02 through Gen 406.17, effective 4-11-23 (Document #13556), to read as follows:**

Gen 406.02 Receipt of Academic Instruction in Genetic Counseling.

(a) The ~~board~~ ***licensee*** shall ***receive continuing professional education credit for the*** ~~recognize as maintenance of continuing competence a licensee's successful completion of academic course work in genetic counseling, provided that:~~

- (1) The course work is not that required for initial licensure;
- (2) The course is related to any conditions for which genetic counseling is often or usually recommended; and
- (3) The course work is sponsored and assigned credit by a college or university.

(b) The ~~board~~ ***licensee*** shall ***receive credit*** ~~the licensee with~~ 15 hours ***of continuing professional education credit*** for each credit hour of academic course work described in (a) above.

(c) Documentation of successful completion of academic course work shall be:

- (1) A photocopy of an official transcript showing successful completion of the course, the date of the course, and the credits earned; and
- (2) One of the following descriptions of the course:
  - a. The description of the course copied from the college or university catalogue; or
  - b. A photocopy of the course syllabus or outline that includes a description of the course and the course competencies.

Edit: comma

Gen 406.03 Non-Academic Courses, Seminars, Conferences and Workshops, Including Grand Rounds.

(a) The ~~board~~ ***licensee*** shall ~~recognize~~ ***receive continuing professional education credit for*** ~~maintenance of continuing competence~~ the successful completion of non-academic courses, seminars, conferences, and workshops on the following topics:

Edit: comma

- (1) Genetic counseling theory or practice or both; or
- (2) Any conditions for which genetic counseling is often or usually recommended.

Edit: insert "credit"

(b) For each clock hour of attendance at such courses, seminars, conferences, and workshops, the ~~board shall credit the licensee~~ ***shall be credited*** with one hour ***of continuing professional education***.

(c) Documentation of successful completion of non-academic courses, seminars, conferences, and workshops, including grand rounds, shall be a photocopy of an official certificate showing:

- (1) The licensee's name;
- (2) The name and location of the course, seminar, conference, workshop, or grand rounds;
- (3) The name of the provider or sponsoring entity;

- (4) The beginning and ending date(s) of the program, course, seminar, conference, workshop, or grand rounds;
- (5) The number of hours credited by the provider or sponsoring entity or the brochure showing the scheduled hours; and
- (6) The signature or stamp of the speaker, the instructor, or a representative of the provider or sponsoring entity.

Gen 406.04 Facility-Based Genetic Counseling In-Service Training.

(a) The ~~board~~ **licensee** shall ~~recognize as maintenance of continuing competence a licensee's~~ **receive continuing education credit for** participation in, or attendance at, a facility-based genetic counseling in-service training when the topic of the training is:

- (1) In the field of genetic counseling; or
- (2) Related to any psychological or physical condition for which genetic counseling is often or usually recommended.

**Edit/Unclear:** use terms consistently  
"continuing professional education credit"

(b) The ~~board shall credit the licensee with~~ **licensee shall receive** one ~~contact hour~~ **of credit** for each clock hour of participation or attendance, to a maximum of 8 hours per renewal cycle.

(c) Documentation of participation in, or attendance at, a facility-based genetic counseling in-service training shall be a photocopy of a memo from the genetic counselor's supervisor of the facility stating:

- (1) The licensee's name;
- (2) The name of the facility and the topic of the in-service training;
- (3) The date of the in-service training; and
- (4) The licensee's hours of attendance.

Gen 406.05 Formal Mentored Independent Study.

(a) The ~~board~~ **licensee** shall ~~recognize~~ **receive continuing professional education credit for the performance of** formal mentored independent study in genetic counseling ~~as maintenance of continuing competence~~ so long as the study is performed under a written and signed mentorship agreement setting forth:

- (1) The name of the mentor; and
- (2) The goals and objectives to be met by the mentored licensee during the course of the mentored licensee's study.

**Edit/Unclear:** use terms consistently  
"continuing professional education credit"

(b) The ~~board~~ **licensee** shall ~~credit the licensee with~~ **receive** one ~~contact~~ **credit hour** for every 2 clock hours of formal mentored independent study, to a maximum of 8 hours per renewal cycle.

(c) Documentation of formal mentored independent study in genetic counseling shall be:

- (1) A photocopy of the signed mentorship agreement; and
- (2) The licensee's signed written statement describing the independent study showing:
  - a. The dates of the study;
  - b. The hours spent on the study; and
  - c. The focus and outcome of the study.

**Edit/Unclear:** use terms consistently  
"continuing professional education credit"

Gen 406.06 Educational Events Sponsored by the NSGC or ACMG.

(a) The ~~board~~ ***licensee*** shall ~~recognize~~ ***receive continuing professional education credit for*** genetic counseling educational events sponsored by the ABGC.

(b) For each educational event the ~~board~~ ***licensee*** shall ***receive*** credit the licensee with ***in an amount equal to*** the hours credited by the NSGC or ACMG.

(c) Documentation of completion shall be:

- (1) A photocopy of the original official NSGC or ACMG continuing education registry transcript; or
- (2) A certificate of attendance showing:
  - a. The name of the licensee;
  - b. The name or title of the event; and
  - c. The date and hours of the event.

**Edit/Unclear:** use terms consistently  
"continuing professional education credit"

Gen 406.07 Direct Supervision of Genetic Counselor Students During Their Clinical Education.

(a) The ~~board~~ ***licensee*** shall ~~recognize as~~ ***receive continuing professional education credits for the maintenance of continuing competence*** a licensee's direct supervision of genetic counselor student(s) during their clinical education when the licensee acts as the clinical instructor.

(b) The ~~board~~ ***licensee*** shall ***receive one hour of*** credit the licensee with ~~one hour~~ for every 24 hours of supervision for a maximum of 2 hours per student for clinical education supervision. A maximum of 8 hours per renewal cycle shall be credited.

(c) Documentation of direct supervision of a genetic counselor student during the students' clinical education shall be a photocopy of a memo complying with (1) through (5) below:

- (1) The name of the licensee;
- (2) The fact that the licensee was the student's clinical instructor;
- (3) The clinical education student's school;
- (4) The beginning and ending dates of the licensee's supervision of the student's clinical education including the total number of hours of supervision; and
- (5) The memo shall be signed by:

**Edit/Unclear:** to avoid using shall again, reword. For example, "A signature by:"

- a. The supervisor of the facility where the clinical education was supervised;
- b. The clinical coordinator of clinical education; or
- c. The academic coordinator of clinical education.

Gen 406.08 Publication of Writing Related to Genetic Counseling.

(a) The ~~board~~ ***licensee*** shall ~~recognize~~ ***receive continuing professional education credit*** for as ~~maintenance of continuing competence~~ the publication of a licensee's writing related to genetic counseling, including the publication of:

- (1) A book;
- (2) A peer-reviewed or non-peer-reviewed chapter of a book;
- (3) A peer-reviewed or non-peer-reviewed article; or
- (4) A patient education publication.

**Edit/Unclear:** use terms consistently  
"continuing professional education credit"

(b) The ~~board~~ ***licensee*** shall ***receive credit*** ~~the licensee~~ for no more than 2 published writings per renewal cycle as follows:

- (1) For a book, 10 hours per book;
- (2) For a peer-reviewed chapter of a book or a peer-reviewed article, 10 hours per article;
- (3) For a non-peer reviewed chapter or article, 5 hours per non-peer review chapter or article;  
and
- (4) For patient education publications, 2 hours per patient education publication.

(c) Documentation of the licensee's published writing related to genetic counseling shall be:

- (1) Any item showing:
  - a. The title of the writing;
  - b. The date of publication; and
  - c. The licensee's part or full authorship of the published writing; and
- (2) A photocopy of:
  - a. The cover or the dust jacket of the licensee's published book;
  - b. The licensee's published chapter or article; or
  - c. The patient education material.

Gen 406.09 Professional Presentations Relating to Genetic Counseling Made to Other Professionals or the Public.

(a) The ~~board~~***licensee*** shall ~~recognize~~***receive continuing professional education credit for*** professional presentations relating to genetic counseling, including workshops, lectures, and in-service trainings, made to other professionals or to the public,~~as maintenance of continuing competence.~~

(b) The ~~board~~***licensee*** shall ~~receive credit the licensee with~~ 2 hours ***of credit*** for each clock hour of a presentation, to a maximum of 8 hours per renewal cycle, provided that, if the licensee gives substantially the same public presentation more than once, the ~~board~~***licensee*** shall ~~receive credit the licensee for only a~~ single presentation.

(c) Documentation of a professional presentation relating to genetic counseling made to other professionals or to the public shall be:

- (1) A photocopy of the official program of the presentation;
- (2) A photocopy of a written statement signed by a representative of the program's sponsor including:
  - a. The title of the presentation;
  - b. The name of the licensee as presenter;
  - c. The date of the presentation;
  - c. The hours during which the presentation took place; and
  - e. The type of audience attending the presentation; or
- (3) A photocopy of the program brochure showing the information described in (c)(2) above.

**Edit/Unclear:** use terms consistently "continuing professional education credit"

Gen 406.10 Participation in a Genetic Counseling Research Project.

**Edit/Unclear:** use terms consistently "continuing professional education credit"

(a) The ~~board~~***licensee*** shall ~~recognize~~***receive continuing professional education credit for*** participation in a genetic counseling research project~~as maintenance of continuing competence.~~

(b) The ~~board~~***licensee*** shall ~~receive credit the licensee with~~ one hour ***of credit*** for every 4 clock hours spent on a research project, to a maximum of 8 hours per renewal cycle.

(c) Documentation of participation in a genetic counseling research project shall be a photocopy of a statement signed by either the principal investigator or a representative of the grant sponsor showing:

- (1) The name of the research project;
- (2) The beginning and ending dates of the licensee's participation; and
- (3) The licensee's role in the research project.

**Edit:** comma

Gen 406.11 Participation in the Work of Professional Boards, Committees and Agencies.

(a) The ~~board~~***licensee*** shall ~~recognize~~***receive continuing professional education credit for***~~as maintenance of continuing competence~~ the participation by a licensee in the work of a board or committee of a professional genetic counseling organization or government agency related to the practice of genetic counseling.



Text added to existing rules shown in ***bold italic***  
Text deleted from existing rules shown ~~struck through~~

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**Edit/Unclear:** use terms consistently "continuing professional education credit"

(b) The ~~board~~ ***licensee*** shall ***receive credit*** ~~the licensee with~~ ***one credit*** hour for each board, committee, or agency served. The work on each board, committee, or agency served shall exceed 24 hours in duration. A maximum of 4 hours per renewal cycle shall be credited.

**Edit:** comma

(c) Documentation of participation in the work of a professional board, committee, or agency shall be a photocopy of a letter complying with the following:

(1) The letter shall name the authority appointing the licensee to the board, committee, or agency; ~~or~~ ***and*** ← **Unclear:** Unclear as worded. Only one conjunction should be used, as the use of both "and" and "or" creates two possible interpretations of the rule. See the *Manual* Chapter 4, Section 4.5.

(2) The letter shall name the board, committee, or agency served by the licensee; ~~and~~ ←

(3) The letter shall state:

a. The appointment of the licensee to the board, committee, or agency; or

b. The fact of the licensee's participation and the beginning and ending dates of the licensee's service.

#### Gen 406.12 Completion of Distance Learning Courses.

(a) The ~~board~~ ***licensee*** shall ~~recognize as maintenance of continuing competence a licensee's~~ ***receive continuing professional education credit for the*** completion of courses taken through distance learning, including self-study courses and self-paced clinical courses, provided that the course sponsor or provider issues the documentation described in Gen 406.12.

(b) The ~~board~~ ***licensee*** shall ***receive credit*** ~~the licensee with~~ ***for*** the hours attributed by the course sponsor or provider.

**Edit/Unclear:** use terms consistently "continuing professional education credit"

(c) Documentation of completion of a course through distance learning shall be:

(1) A photocopy of an official transcript showing successful completion of the course, the date of the course, and the credits earned; or

(2) A photocopy of the official certificate of completion issued to the licensee by the course sponsor or provider showing:

a. The licensee's name;

b. The name of the course;

c. The name of the provider or sponsor;

d. The beginning and ending date(s) of the course, if applicable; and

e. The number of contact hours credited by the provider or sponsor.

#### Gen 406.13 Teaching Genetic Counseling.

(a) The ~~board~~ ***licensee*** shall ~~recognize as maintenance of continuing competence a licensee's~~ ***receive continuing professional education credit for*** teaching a college or university course in genetic counseling.

(b) The ~~board~~ ***licensee*** shall ***receive credit*** ~~the licensee with~~ ***2 hours of credit*** for each clock hour of teaching, to a maximum of 8 hours per renewal cycle, provided that:

**Edit/Unclear:** use terms consistently "continuing professional education credit"

- (1) If the licensee gives substantially the same course more than once during the renewal cycle, the board shall credit the licensee for only a single presentation of the course; and
  - (2) If the licensee gives a course that includes a lab component, the board shall credit the licensee for only a single presentation of the course.
- (c) Documentation of genetic counseling teaching shall be:
- (1) A list of courses taught; and
  - (2) A photocopy of a letter of confirmation signed by an official of the institution sponsoring the courses.

Gen 406.14 Receipt of Infection Control Education.

- (a) The ~~board~~ ***licensee*** shall ***receive continuing professional education credit for the completion*** ~~recognize as maintenance of continuing competence a licensee's receipt~~ of infection control education.
- (b) The ~~board~~ ***licensee*** shall ***receive credit*** ~~the licensee with one contact~~ ***credit*** hour for each clock hour spent in receipt of infection control education, to a maximum of 2 hours per renewal cycle.
- (c) Documentation of a licensee's receipt of infection control education shall be:
- (1) A photocopy of a certificate showing:
    - a. The title or subject matter of the education; and
    - b. The receipt of the education by the licensee; or
  - (2) A statement signed by the supervisor of the facility where the course took place providing the information described in (1) above.

Unclear: need to insert "licensee" here.

Edit/Unclear: use terms consistently "continuing professional education credit"

Gen 406.15 Journal Study.

- (a) The ~~board~~ shall ***receive continuing professional education credit*** ~~recognize as maintenance of continuing competence a licensee's~~ ***for*** study of a journal article dated within the preceding 5 years, including answering the questions provided with and related to the article, so long as the article is related to:
- (1) Genetic counseling theory or practice or both;
  - (2) The running of a genetic counseling business; or
  - (3) Any conditions for which the services of a genetic counselor are often or usually recommended.
- (b) The ~~board~~ ***licensee*** shall ***receive credit*** ~~the licensee with~~ a maximum of 4 ***credit*** hours per renewal cycle for studying such a journal article and successful completion of the related questions.
- (c) Documentation of journal study shall be a photocopy of a certificate of completion showing:
- (1) The name of the licensee;
  - (2) The title and date of the journal article;
  - (3) The name of the publisher or provider of the journal article and the related questions; and

Edit/Unclear: use terms consistently "continuing professional education credit"

(4) The date of the licensee's completion of the journal study, including answering the questions related to the article.

Gen 406.16 Peer Supervision Groups.

Edit: fix spacing

(a) The ~~board~~***licensee*** shall ***receive continuing professional education credit for*** ~~recognize as maintenance of continuing competence a licensee's~~ participation in a peer supervision group so long as:

(1) ~~The peer supervision group consists of genetic counselors or other counseling professionals;~~

(2) It operates according to a contract or other written guidelines that outline the rules, procedures, and expectations for member's participation in the group; and

(3) The group meets on a regular basis according to a published schedule of dates, times, and locations.

(b) The ~~board~~***licensee*** shall ***receive*** ~~credit the licensee with one hour of~~ ***credit*** for every 25 hours of participation for a maximum of 2 hours per renewal cycle.

Edit/Unclear: use terms consistently  
"continuing professional education credit"

(c) Documentation of peer supervision groups shall be:

(1) A photocopy of the contract or written guidelines for operation showing the name of the peer supervision group;

(2) A photocopy of the schedule of meetings; and

(3) A photocopy of the dated sign-in sheets documenting attendance.

Gen 406.17 Peer Review of Manuscripts.

(a) The ~~board~~***licensee*** shall ***receive*** ~~recognize as maintenance of continuing competence a licensee's~~ ***continuing professional education credit for*** participation in peer review of a manuscript so long as:

(1) The licensee was invited to do so; and

(2) The review is for a manuscript to be published in a scientific journal.

Edit/Unclear: use terms consistently  
"continuing professional education credit"

(b) The ~~board shall credit the licensee with~~ ***licensee shall receive*** one ***credit*** hour per manuscript for conducting a peer review of a manuscript for a maximum of 5 per renewal cycle.

(c) Documentation of peer review of manuscripts shall be:

(1) A photocopy of the invitation;

(2) A photocopy of the review as submitted via the online journal review system; and

(3) A photocopy of the letter of thanks for completing the review.

**Readopt with amendment Gen 407.01, effective 10-7-14 (Document #10687), to read as follows:**

Gen 407.01 Administrative Obligations of Licensees.

~~(a) Licensees shall:~~

- ~~(1) Maintain their current business and home addresses on file with the board's office;~~
- ~~(2) Notify the board's office of any change in home physical address, home mailing address, work physical address, or work mailing address no later than 30 days from the date of the change;~~
- ~~(3) Notify the board's office of any change in e-mail address provided for notification purposes no later than 30 days from the date of the change; and~~
- ~~(4) Notify the board's office if a license or other proof of licensure has been lost or stolen.~~

***(a) Plc 307 shall govern the administrative obligations of licensees.***

(b) Licensees shall retain documentation of their continuing professional education and professional activities for at least 3 years.

(c) Licensees shall cooperate with the board's investigations by:

- (1) Providing accurate factual information;
- (2) Responding to the board's requests in a timely fashion; and
- (3) Assisting in any other way requested by the board.

**Unclear:** what investigations is being referenced here? Investigations into complaints? Investigations into continuing professional education inquiries (i.e. an audit)? And is it the board who will be conducting this or the OPLC?

**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.

**APPENDIX I**

<b>Rule</b>	<b>Specific State Statute the Rule Implements</b>
Gen 401.01	<del>RSA 541-A:7</del>
Gen 402.01	RSA 328-F:11, I(b)
Gen 402.02	RSA 328-F:11, I(b)
Gen 402.03	RSA 328-F:11, I(b)
Gen 402.04	RSA 328-F:11, I(b)
Gen 402.07	RSA 328-F:11, I(b), RSA 326-K:10
Gen 403.01	RSA 328-F:11, I(d)
Gen 403.02	RSA 328-F:11, I(f)
Gen 403.03	RSA 328-F:11, I(e)
Gen 403.04	RSA 328-F:11, I(d)
Gen 403.05	RSA 328-F:11, I(d)
Gen 403.06	RSA 328-F:11, I(d)
Gen 403.07	RSA 328-F:11, I(f)
Gen 403.08	RSA 310:8
Gen 404.01	RSA 328-F:11, I(g)
Gen 404.02	RSA 328-F:11, I(g)
Gen 404.03	RSA 328-F:11, I(g)
Gen 404.04	RSA 328-F:11, I(g)
Gen 404.05	RSA 328-F:11, I(g)
Gen 404.06	RSA 326-K:5
Gen 404.07	RSA 541-A:30, III
Gen 405.01	RSA 328-F:11
Gen 406.02 – Gen 406.17	RSA 328-F:11
Gen 407.01	RSA 328-F:21

**Edit/Unclear:** (e) & (f) are more applicable to this section

**Edit:** insert "(repealed)" after the section number