TESTIMONY ON 22-H 6643,
AN ACT RELATING TO BUSINESSES AND PROFESSIONS – GENETIC COUNSELORS LICENSING ACT
January 25, 2022

The ACLU of Rhode Island appreciates the opportunity to provide commentary on H 6643, which regulates the licensing of genetic counselors. While we have no position on the overall intent of this legislation, we would like to raise specific concerns regarding the grounds for denial for a license to practice genetic counseling. In particular, provisions within this bill set forth an expansive list of criminal charges that can serve as grounds for denial of a genetic counseling license, and there is no process for appeal for any applicant whose license is denied on that basis. These provisions undermine a law that the General Assembly enacted only two years ago.

Along with many other advocacy groups, the ACLU has long been concerned about the barriers that broad-based criminal record check requirements can have on an individual's ability to obtain an occupational license in Rhode Island. All too often, an individual's past criminal record, even if in the distant past and unrelated to the license being sought, can inappropriately prevent them from entering an employment field for which they may be wholly qualified.

In this instance, H 6643 allows for a denial of a license if the applicant has ever been convicted of a wide range of offenses as listed in R.I.G.L. § 23-17-37, including such disparate convictions as felony drug offenses or felony banking law violations. Under this language, an individual could be barred from obtaining a counseling license for a twenty-year-old felony drug possession charge, regardless of their subsequent rehabilitation or professional experience. Further, the bill lacks any appeal process should the application for a license be denied.

This bill is thus directly contrary to the "fair chance licensing" law that the General Assembly enacted in 2020, which sets clear limits on the use of criminal records to deny occupational licenses. Access to reliable, consistent, and meaningful work is a critical component of community reintegration and rehabilitation for those who are justice involved. Rather than perpetuate a pattern of discrimination against ex-offenders, we urge the Committee to amend the bill to ensure that it complies with the 2020 law designed to avoid licensing agency use of criminal records which may unjustly prevent an individual from entering a field for which they be eminently qualified.

Submitted by: Hannah Stern, Policy Associate