

1 HB313  
2 197420-2  
3 By Representatives Garrett, Carns, Scott, Rogers, Faulkner and  
4 Rafferty  
5 RFD: Boards, Agencies and Commissions  
6 First Read: 02-APR-19

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8 SYNOPSIS: This bill creates the Alabama Genetic  
9 Counselor Act.

10 This bill would establish the Alabama Board  
11 of Genetic Counseling and would provide for the  
12 powers and authority of the board.

13 This bill would provide qualifications for  
14 licensure and requirements for license renewal and  
15 restoration of inactive licenses of genetic  
16 counselors.

17 This bill would provide that the practice of  
18 genetic counseling without a license is a criminal  
19 offense.

20 This bill would provide exemptions from  
21 licensure for physicians and other medical  
22 professionals and would clarify that genetic  
23 counselors are not authorized to practice medicine.

24 This bill would establish the Genetic  
25 Counseling Fund in the State Treasury.

26 Amendment 621 of the Constitution of Alabama  
27 of 1901, now appearing as Section 111.05 of the

1 Official ReCompilation of the Constitution of  
2 Alabama of 1901, as amended, prohibits a general  
3 law whose purpose or effect would be to require a  
4 new or increased expenditure of local funds from  
5 becoming effective with regard to a local  
6 governmental entity without enactment by a 2/3 vote  
7 unless: it comes within one of a number of  
8 specified exceptions; it is approved by the  
9 affected entity; or the Legislature appropriates  
10 funds, or provides a local source of revenue, to  
11 the entity for the purpose.

12 The purpose or effect of this bill would be  
13 to require a new or increased expenditure of local  
14 funds within the meaning of the amendment. However,  
15 the bill does not require approval of a local  
16 governmental entity or enactment by a 2/3 vote to  
17 become effective because it comes within one of the  
18 specified exceptions contained in the amendment.

19  
20 A BILL

21 TO BE ENTITLED

22 AN ACT

23  
24 To create the Alabama Genetic Counselor Act; to  
25 establish the Alabama Board of Genetic Counseling; to provide  
26 for the powers and authority of the board; to provide  
27 qualifications for licensure as a genetic counselor and

1 requirements for license renewal and restoration of inactive  
2 licenses; to make the practice of genetic counseling without a  
3 license a criminal offense; to exempt physicians and other  
4 licensed professionals from licensure by the board; to clarify  
5 that genetic counselors are not authorized to practice  
6 medicine; to establish the Genetic Counseling Fund in the  
7 State Treasury; and in connection therewith would have as its  
8 purpose or effect the requirement of a new or increased  
9 expenditure of local funds within the meaning of Amendment 621  
10 of the Constitution of Alabama of 1901, now appearing as  
11 Section 111.05 of the Official Recompilation of the  
12 Constitution of Alabama of 1901, as amended.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14 Section 1. This act shall be known and may be cited  
15 as the Alabama Genetic Counselor Act.

16 Section 2. For the purposes of this act, the  
17 following terms shall have the following meanings:

18 (1) ABGC. The American Board of Genetic Counseling,  
19 or its successor or equivalent.

20 (2) ABMGG. The American Board of Medical Genetics  
21 and Genomics, or its successor or equivalent.

22 (3) ACGC. The Accreditation Council for Genetic  
23 Counseling, or its successor or equivalent.

24 (4) BOARD. The Alabama Board of Genetic Counseling.

25 (5) EXAMINATION FOR LICENSURE. The ABGC or ABMGG  
26 certification examination, or the examination provided by a  
27 successor entity to the ABGC or ABMGG, to test the competence

1 and qualifications of applicants to practice genetic  
2 counseling.

3 (6) GENETIC COUNSELING. The provision of services by  
4 a genetic counselor to do any of the following:

5 a. Obtain and evaluate individual, family, and  
6 medical histories to determine genetic risk for genetic or  
7 medical conditions and diseases in a patient, his or her  
8 offspring, or other family members.

9 b. Discuss the features, natural history, means of  
10 diagnosis, genetic and environmental factors, and management  
11 of risk for genetic or medical conditions and diseases.

12 c. Identify, recommend, and coordinate genetic tests  
13 and other genetic related diagnostic studies as appropriate  
14 for the genetic assessment consistent with practice based  
15 competencies provided by the ACGC.

16 d. Integrate genetic test results and other genetic  
17 related diagnostic studies with personal and family medical  
18 history to assess and communicate risk factors for genetic or  
19 medical conditions and diseases.

20 e. Explain the clinical implications of genetic  
21 tests and other genetic related diagnostic studies and their  
22 results.

23 f. Evaluate the responses of the client or family to  
24 the condition or risk of recurrence and provide client  
25 centered counseling and anticipatory guidance.

1           g. Identify and utilize community resources that  
2 provide medical, educational, financial, and psychosocial  
3 support and advocacy.

4           h. Provide written documentation of medical,  
5 genetic, and counseling information for families and health  
6 care professionals.

7           (7) GENETIC COUNSELING INTERN. A student enrolled in  
8 a genetic counseling program accredited by the ACGC or ABMGG.

9           (8) GENETIC COUNSELOR. An individual licensed by the  
10 board to engage in the practice of genetic counseling.

11           (9) GENETIC TEST or GENOMIC TEST.

12           a. A test or analysis of human genes, gene products,  
13 Deoxyribonucleic acid, Ribonucleic acid, chromosomes,  
14 proteins, or metabolites that does any of the following:

15               1. Detects genotypes, mutations, chromosomal  
16 changes, abnormalities, or deficiencies, including carrier  
17 status, that are linked to physical or mental disorders or  
18 impairments.

19               2. Indicates a susceptibility to illness, disease,  
20 impairment, or other disorders, whether physical or mental.

21               3. Demonstrates genetic or chromosomal damage due to  
22 environmental factors.

23           b. The terms genetic test and genomic test do not  
24 include any of the following:

25               1. Routine physical measurements.

26               2. Chemical, blood, and urine analyses that are  
27 widely accepted and in use in clinical practice.

1                   3. Tests for the use of drugs.

2                   4. Tests for the presence of a pathogen.

3                   5. Analyses of proteins or metabolites that do not  
4 detect genotypes, mutations, chromosomal changes,  
5 abnormalities, or deficiencies.

6                   6. Analyses of proteins or metabolites that are  
7 directly related to a manifested disease, disorder, or  
8 pathological condition that could reasonably be detected by a  
9 health care professional with appropriate training and  
10 expertise in the field of medicine involved.

11                   (10) NSGC. The National Society of Genetic  
12 Counselors, or its successor or equivalent.

13                   (11) QUALIFIED SUPERVISOR. Any individual licensed  
14 as a genetic counselor, a physician licensed to practice  
15 medicine or osteopathy in this state, or an individual  
16 certified in molecular genetic pathology by the American Board  
17 of Pathology and the ABMGG.

18                   (12) SUPERVISION. The overall responsibility of a  
19 qualified supervisor to assess the work of a genetic counselor  
20 with a temporary license, including regular meetings and chart  
21 review, if an annual supervision contract signed by the  
22 supervisor and the temporarily licensed genetic counselor is  
23 on file with both parties. The presence of a qualified  
24 supervisor is not required during the performance of the  
25 genetic counseling service.

26                   Section 3. (a) The State Board of Genetic Counseling  
27 is created to implement and administer this act.

1 (b) The membership of the board shall consist of all  
2 of the following:

3 (1) One individual appointed by the Department of  
4 Genetics at the University of Alabama at Birmingham.

5 (2) Four individuals who practice genetic counseling  
6 in Alabama and who hold a master's degree or doctoral degree  
7 in genetic counseling from an ACGC or ABMGG accredited  
8 training program, or an equivalent program approved by the  
9 ACGC or the ABMGG, appointed by the Governor.

10 (3) One physician appointed by the Medical  
11 Association of the State of Alabama.

12 (4) One physician appointed by the State Board of  
13 Medical Examiners.

14 (c) Board members appointed by the Governor shall  
15 serve for terms of two years and, upon the expiration of a  
16 term, may continue to serve until replaced or reappointed.

17 (d) The board shall annually elect from its  
18 membership a chair, a vice chair, and a secretary.

19 (e) The appointing authorities shall coordinate  
20 their appointments so that diversity of gender, race, and  
21 geographical areas is reflective of the makeup of this state.

22 (f) No member of the board shall be civilly liable  
23 for acting within the scope of his or her duties as a board  
24 member.

25 (g) Members of the board shall serve without  
26 compensation but, to the extent funds are available, may



1 receive the same per diem and travel allowance as state  
2 employees.

3 Section 4. (a) The board may issue a license to  
4 practice genetic counseling to any individual who satisfies  
5 all of the following qualifications:

6 (1) Is at least 21 years of age.

7 (2) Has applied in writing to the board, in a form  
8 and substance that is satisfactory to the board.

9 (3) Has not engaged in conduct or activities which  
10 would constitute grounds for discipline under this act.

11 (4) Has successfully completed either of the  
12 following:

13 a. A master's degree in genetic counseling from an  
14 ACGC or ABMGG accredited training program, or an equivalent  
15 program approved by the ACGC or the ABMGG.

16 b. A doctoral degree and an ABMGG accredited medical  
17 genetics training program, or an equivalent program approved  
18 by the ABMGG.

19 (5) Has successfully completed an examination for  
20 licensure, as approved by the board.

21 (6) Has paid fees established by board rule.

22 (7) Has satisfied the requirements for certification  
23 established by the ABGC or its successor, or the ABMGG or its  
24 successor, if required by board rule.

25 (8) Has satisfied any additional requirements for  
26 licensure established by board rule.

1 (b) The board may issue a temporary license to  
2 practice genetic counseling to any individual who has made  
3 application to the board, has submitted evidence to the board  
4 of admission to examination for licensure, and has satisfied  
5 all other requirements or conditions for licensure as provided  
6 in this section and by board rule, except for the examination  
7 requirement. The holder of a temporary license shall practice  
8 only under the supervision of a qualified supervisor. Nothing  
9 in this subsection shall prohibit an applicant from reapplying  
10 for a temporary license if he or she otherwise satisfies the  
11 qualifications of this subsection.

12 Section 5. (a) A license issued by the board  
13 pursuant to this act shall be valid for no more than two  
14 years, unless otherwise specified by this act or board rule,  
15 and shall be renewable on a renewal date established by board  
16 rule.

17 (b) An individual who holds an expired license, or a  
18 license on inactive status, may have the license restored by  
19 satisfying all of the following:

20 (1) Making application to the board.

21 (2) Submitting proof acceptable to the board of his  
22 or her fitness to have the license restored including, but not  
23 limited to, sworn evidence certifying his or her active  
24 practice in another jurisdiction that is satisfactory to the  
25 board.

26 (3) Paying the required restoration fees as  
27 established by board rule.

1           (4) If an individual has not maintained an active  
2 practice in another jurisdiction that is satisfactory to the  
3 board pursuant to subdivision (2), the board, pursuant to an  
4 evaluation program established by rule, shall determine the  
5 fitness of an individual to resume active status and may  
6 require the individual to complete a period of evaluated  
7 clinical experience and successful completion of an  
8 examination for licensure.

9           (c) A licensee may elect to place his or her license  
10 on inactive status by notifying the board, in writing, on a  
11 form prescribed by board rule. An inactive licensee may not  
12 practice genetic counseling in this state and shall be excused  
13 from the payment of renewal fees until he or she notifies the  
14 board of his or her desire to resume active status. An  
15 individual requesting restoration to active status shall pay  
16 the current renewal fee and shall satisfy the requirements of  
17 subsection (b).

18           Section 6. (a) After the board establishes the  
19 genetic counseling licensing program as provided in this act,  
20 an individual who does not hold a valid license issued by the  
21 board may not do any of the following:

22           (1) Engage in the practice of genetic counseling in  
23 this state.

24           (2) Hold himself or herself out as a genetic  
25 counselor.

26           (3) Use, in connection with his or her name or place  
27 of business, any of the following terms:

- 1 a. Genetic counselor.
- 2 b. Licensed genetic counselor.
- 3 c. Gene counselor.
- 4 d. Genetic consultant.
- 5 e. Genetic associate.
- 6 f. Any words, letters, abbreviations, or insignia
- 7 indicating or implying the individual holds a genetic
- 8 counseling license.

9 (b) Any individual who violates this section shall  
10 be guilty of a Class A misdemeanor.

11 Section 7. The board may do all of the following:

12 (1) Determine the qualifications and fitness of  
13 applicants for licensure and renewal of licensure.

14 (2) Consistent with the laws of this state, adopt  
15 and revise rules as necessary to conduct its business, carry  
16 out its duties, and administer this act.

17 (3) Examine for, approve, issue, deny, revoke,  
18 suspend, sanction, and renew the license of any applicant or  
19 genetic counselor, as applicable, pursuant to this act and  
20 conduct hearings in connection with those actions.

21 (4) Conduct hearings on complaints concerning  
22 violations of this act, and any rule adopted pursuant to this  
23 act, and cause the prosecution and enjoinder of any violation.

24 (5) Establish licensure, application, examination,  
25 certification, and other administrative fees as necessary.

26 (6) Establish continuing education requirements.

1           (7) Impose administrative fines, not to exceed one  
2 thousand dollars (\$1,000) per violation, for a violation of  
3 this act, a board rule, or a condition of a license.

4           (8) Accept grants from foundations, individuals, and  
5 institutions to further the purposes of the board.

6           (9) To the extent funding is available, employ a  
7 director and additional staff as necessary for the proper  
8 performance of the duties of the board.

9           Section 8. This act does not apply to any of the  
10 following:

11           (1) Any individual licensed by the state to practice  
12 in a profession other than that of a genetic counselor, when  
13 acting within the scope of his or her profession and doing  
14 work of a nature consistent with his or her training. The  
15 individual may not hold himself or herself out to the public  
16 as a genetic counselor.

17           (2) Any physician licensed to practice medicine or  
18 osteopathy in this state.

19           (3) Any individual who is certified by ABMGG as a  
20 doctor of philosophy medical geneticist before December 31,  
21 2018.

22           (4) Any individual employed as a genetic counselor  
23 by the federal government or an agency thereof, if the  
24 individual provides genetic counseling services solely under  
25 the direction and control of the organization through which he  
26 or she is employed.

1           (5) A genetic counseling intern enrolled in an ACGC  
2 or ABMGG accredited genetic counseling educational program, if  
3 genetic counseling services performed by the genetic  
4 counseling intern are an integral part of his or her course of  
5 study and are performed under the direct instruction of a  
6 genetic counselor or licensed physician who is assigned to the  
7 genetic counseling intern and is on duty and available in the  
8 assigned patient care area.

9           (6) Any company providing services available  
10 directly to consumers without seeing a physician or genetic  
11 counselor, that is approved by the United States Food and Drug  
12 Administration to assess, and not diagnose, risks for certain  
13 genetic diseases or conditions.

14           Section 9. Nothing in this act may be construed as  
15 authorizing a genetic counselor to practice medicine.

16           Section 10. There is established in the State  
17 Treasury a separate special revenue trust fund known as the  
18 Genetic Counseling Fund. All receipts collected by the board  
19 pursuant to this act shall be deposited into the fund and  
20 shall be used only to implement this act. The receipts shall  
21 be dispersed only by warrant of the Comptroller upon the State  
22 Treasury, upon itemized vouchers approved by the executive  
23 director, or the board if no executive director is employed.  
24 No funds may be withdrawn or expended except as budgeted and  
25 allotted according to Sections 41-4-80 to 41-4-96, inclusive,  
26 Code of Alabama 1975, and Sections 41-19-1 to 41-19-12,  
27 inclusive, Code of Alabama 1975, and only in amounts as

1 stipulated in the general appropriations bill or other  
2 appropriations bills.

3 Section 11. Although this bill would have as its  
4 purpose or effect the requirement of a new or increased  
5 expenditure of local funds, the bill is excluded from further  
6 requirements and application under Amendment 621, now  
7 appearing as Section 111.05 of the Official Recompilation of  
8 the Constitution of Alabama of 1901, as amended, because the  
9 bill defines a new crime or amends the definition of an  
10 existing crime.

11 Section 12. This act shall become effective  
12 immediately following its passage and approval by the  
13 Governor, or its otherwise becoming law.