

1 SB213
2 197420-4
3 By Senators Waggoner, Allen and Smitherman
4 RFD: Healthcare
5 First Read: 02-APR-19

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

10
11 To create the Alabama Genetic Counselor Act; to
12 establish the Alabama Board of Genetic Counseling; to provide
13 for the powers and authority of the board; to provide
14 qualifications for licensure as a genetic counselor and
15 requirements for license renewal and restoration of inactive
16 licenses; to make the practice of genetic counseling without a
17 license a criminal offense; to exempt physicians and other
18 licensed professionals from licensure by the board; to clarify
19 that genetic counselors are not authorized to practice
20 medicine; to establish the Genetic Counseling Fund in the
21 State Treasury; to subject the board to review pursuant to the
22 Alabama Sunset Law; and in connection therewith would have as
23 its purpose or effect the requirement of a new or increased
24 expenditure of local funds within the meaning of Amendment 621
25 of the Constitution of Alabama of 1901, now appearing as
26 Section 111.05 of the Official ReCompilation of the
27 Constitution of Alabama of 1901, as amended.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

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

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

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

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

13 (5) EXAMINATION FOR LICENSURE. The ABGC or ABMGG
14 certification examination, or the examination provided by a
15 successor entity to the ABGC or ABMGG, to test the competence
16 and qualifications of applicants to practice genetic
17 counseling.

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

20 a. Obtain and evaluate individual, family, and
21 medical histories to determine genetic risk for genetic or
22 medical conditions and diseases in a patient, his or her
23 offspring, or other family members.

24 b. Discuss the features, natural history, means of
25 diagnosis, genetic and environmental factors, and management
26 of risk for genetic or medical conditions and diseases.

1 c. Identify, recommend, and coordinate genetic tests
2 and other genetic related diagnostic studies as appropriate
3 for the genetic assessment consistent with practice based
4 competencies provided by the ACGC.

5 d. Integrate genetic test results and other genetic
6 related diagnostic studies with personal and family medical
7 history to assess and communicate risk factors for genetic or
8 medical conditions and diseases.

9 e. Explain the clinical implications of genetic
10 tests and other genetic related diagnostic studies and their
11 results.

12 f. Evaluate the responses of the client or family to
13 the condition or risk of recurrence and provide client
14 centered counseling and anticipatory guidance.

15 g. Identify and utilize community resources that
16 provide medical, educational, financial, and psychosocial
17 support and advocacy.

18 h. Provide written documentation of medical,
19 genetic, and counseling information for families and health
20 care professionals.

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

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

25 (9) GENETIC TEST or GENOMIC TEST.

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

4 1. Detects genotypes, mutations, chromosomal
5 changes, abnormalities, or deficiencies, including carrier
6 status, that are linked to physical or mental disorders or
7 impairments.

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

10 3. Demonstrates genetic or chromosomal damage due to
11 environmental factors.

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

14 1. Routine physical measurements.

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

17 3. Tests for the use of drugs.

18 4. Tests for the presence of a pathogen.

19 5. Analyses of proteins or metabolites that do not
20 detect genotypes, mutations, chromosomal changes,
21 abnormalities, or deficiencies.

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

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

3 (11) QUALIFIED SUPERVISOR. Any individual licensed
4 as a genetic counselor, a physician licensed to practice
5 medicine or osteopathy in this state, or an individual
6 certified in molecular genetic pathology by the American Board
7 of Pathology and the ABMGG.

8 (12) SUPERVISION. The overall responsibility of a
9 qualified supervisor to assess the work of a genetic counselor
10 with a temporary license, including regular meetings and chart
11 review, if an annual supervision contract signed by the
12 supervisor and the temporarily licensed genetic counselor is
13 on file with both parties. The presence of a qualified
14 supervisor is not required during the performance of the
15 genetic counseling service.

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

18 (b) The membership of the board shall consist of all
19 of the following:

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

22 (2) Four individuals who practice genetic counseling
23 in Alabama and who hold a master's degree or doctoral degree
24 in genetic counseling from an ACGC or ABMGG accredited
25 training program, or an equivalent program approved by the
26 ACGC or the ABMGG, appointed by the Governor.

1 (3) One physician appointed by the Medical
2 Association of the State of Alabama.

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

5 (5) One physician who specializes in pediatric
6 genetics appointed by the Lieutenant Governor.

7 (6) One physician appointed by the Speaker of the
8 House of Representatives.

9 (c) Board members appointed by the Governor shall
10 serve for terms of two years and, upon the expiration of a
11 term, may continue to serve until replaced or reappointed. All
12 other board members shall serve until they are replaced by
13 their respective appointing authority.

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

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

19 (f) Unless acting unreasonably or in bad faith, no
20 member of the board shall be civilly liable for acting within
21 the scope of his or her duties as a board member.

22 (g) Members of the board shall serve without
23 compensation but, to the extent funds are available, may
24 receive the same per diem and travel allowance as state
25 employees.

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

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

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

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

9 (4) Has successfully completed either of the
10 following:

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

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

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

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

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

23 (8) Has satisfied any additional requirements for
24 licensure established by board rule.

25 (b) The board may issue a temporary license to
26 practice genetic counseling to any individual who has made
27 application to the board, has submitted evidence to the board

1 of admission to examination for licensure, and has satisfied
2 all other requirements or conditions for licensure as provided
3 in this section and by board rule, except for the examination
4 requirement. A temporary license shall be valid for no more
5 than one year. The holder of a temporary license shall
6 practice only under the supervision of a qualified supervisor.
7 Nothing in this subsection shall prohibit an applicant from
8 reapplying for a temporary license if he or she otherwise
9 satisfies the qualifications of this subsection.

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

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

18 (1) Making application to the board.

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

24 (3) Paying the required restoration fees as
25 established by board rule.

26 (4) If an individual has not maintained an active
27 practice in another jurisdiction that is satisfactory to the

1 board pursuant to subdivision (2), the board, pursuant to an
2 evaluation program established by rule, shall determine the
3 fitness of an individual to resume active status and may
4 require the individual to complete a period of evaluated
5 clinical experience and successful completion of an
6 examination for licensure.

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

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

20 (1) Engage in the practice of genetic counseling in
21 this state.

22 (2) Hold himself or herself out as a genetic
23 counselor.

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

26 a. Genetic counselor.

27 b. Licensed genetic counselor.

1 c. Gene counselor.

2 d. Genetic consultant.

3 e. Genetic associate.

4 f. Any words, letters, abbreviations, or insignia
5 indicating or implying the individual holds a genetic
6 counseling license.

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

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

10 (1) Determine the qualifications and fitness of
11 applicants for licensure and renewal of licensure.

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

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

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

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

24 (6) Establish continuing education requirements.

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

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

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

6 Section 8. This act does not apply to any of the
7 following:

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

14 (2) Any physician licensed to practice medicine or
15 osteopathy in this state.

16 (3) Any individual who is certified by ABMGG as a
17 doctor of philosophy medical geneticist before December 31,
18 2018.

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

24 (5) A genetic counseling intern enrolled in an ACGC
25 or ABMGG accredited genetic counseling educational program, if
26 genetic counseling services performed by the genetic
27 counseling intern are an integral part of his or her course of

1 study and are performed under the direct instruction of a
2 genetic counselor or licensed physician who is assigned to the
3 genetic counseling intern and is on duty and available in the
4 assigned patient care area.

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

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

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

26 Section 11. The Alabama Board of Genetic Counseling
27 shall be subject to the Alabama Sunset Law, Chapter 20 of

1 Title 41, Code of Alabama 1975, as an enumerated agency as
2 provided in Section 41-20-3, Code of Alabama 1975, and shall
3 have a termination date of October 1, 2021, and every four
4 years thereafter, unless continued pursuant to the Alabama
5 Sunset Law.

6 Section 12. Although this bill would have as its
7 purpose or effect the requirement of a new or increased
8 expenditure of local funds, the bill is excluded from further
9 requirements and application under Amendment 621, now
10 appearing as Section 111.05 of the Official Recompilation of
11 the Constitution of Alabama of 1901, as amended, because the
12 bill defines a new crime or amends the definition of an
13 existing crime.

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

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Senate

Read for the first time and referred to the Senate
committee on Healthcare..... 02-APR-19

Read for the second time and placed on the calen-
dar 3 amendments..... 16-APR-19

Read for the third time and passed as amended 23-APR-19

Yeas 32
Nays 0

Patrick Harris,
Secretary.