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## **SB 1043: genetic counselors; licensure**

**Sponsor: Senator Shope, LD 16**

**Committee on Health & Human Services**

### **Overview**

Establishes regulations and licensure requirements for genetic counselors. Enables the Arizona Department of Health Services (DHS) Director to establish a Genetic Counselors Advisory Committee (Advisory Committee) to assist in regulating genetic counselors.

### **History**

DHS was created to promote and protect the health of Arizona residents. Responsibilities of DHS include but are not limited to: 1) licensing and regulating health care institutions 2) promoting the development, maintenance, efficiency and effectiveness of local health departments or districts; 3) collecting, preserving, tabulating and interpreting all information required in reference to births, deaths and all vital facts; 4) conducting a statewide health education program; 5) coordinating local programs concerning control of preventable diseases, maternal and child health, nutrition and dental health; 6) establishing and maintaining laboratories; and 7) conducting continual evaluations of state, local and district public health programs ([A.R.S. § 36-132](#)).

The Centers for Disease Control and Prevention ([CDC](#)) describes *genetic counseling* as providing comprehensive insights into the potential impacts of genetic conditions on individuals and their families. A genetic counselor or qualified healthcare professional gathers personal and familial health data to assess the probability of genetic predispositions. Utilizing this data, a genetic counselor aids in discerning genetic testing for individuals or their relatives. A *genetic test* is an analysis of an individual's DNA, gene products or chromosomes that indicate a propensity for or susceptibility to illness, disease, impairment or other disorders, whether physical or mental, or that demonstrates genetic or chromosomal damage due to environmental factors, or carrier status for a disease or disorder ([A.R.S. § 20-448.02](#)).

On October 18, 2023, a sunrise application was submitted for the licensure of genetic counselors. According to the sunrise application, 34 states issue licenses for genetic counselors ([Sunrise Application](#)).

### **Provisions**

#### ***Genetic Counseling License Requirements***

1. Requires a person who wishes to practice genetic counseling in Arizona to be licensed beginning on October 1, 2025. (Sec. 3)
2. Requires, by January 1, 2026, a person who is practicing genetic counseling on the general effective date to apply to DHS for licensure. (Sec. 3)
3. Prohibits a person from acting as a genetic counselor without being licensed. (Sec. 3)

4. Lists the type of professionals who are exempted from the genetic counselor licensure requirements. (Sec. 3)
5. Specifies that a licensed physician or person licensed to practice in a health care profession other than one of a genetic counselor cannot claim to be a genetic counselor. (Sec. 3)
6. Requires an applicant for licensure to submit to DHS an application, the prescribed fee and satisfactory evidence of current certification. (Sec. 3)
7. Directs DHS to grant a genetic counselor license to a person who meets all prescribed qualifications and DHS rules. (Sec. 3)
8. Allows DHS to grant a license to an applicant that provides adequate documentation of licensure or registration as a genetic counselor under the laws of another state, territory or U.S. jurisdiction that DHS determines are substantially the same licensing requirements as Arizona. (Sec. 3)
9. Outlines the type of documentation that must be submitted to DHS for an individual who does not qualify for licensure but has been practicing genetic counseling and working as a genetic counselor in Arizona for at least eight years before the general effective date of this legislation to apply for a genetic counselor license. (Sec. 3)
10. Requires all licenses to be issued for a two-year period on payment of the prescribed fees, except in the cases of provisional licenses. (Sec. 3)
11. Requires a license to be renewed on filing a renewal application that includes the prescribed renewal fee and documentation of having completed the number of continuing education units required for certification, prorated for the length of the license. (Sec. 3)
12. Requires a person to file an application for renewal at least 30 and no more than 60 days before the date the person's current license expires. (Sec. 3)

#### ***Provisional License Requirements***

13. Allows DHS to grant a person with active candidate status a provisional license to practice genetic counseling if the person files an application and pays the provisional license fee. (Sec. 3)
14. States that the provisional license is valid for one year after the date of issuance and can be extended for one additional year if the applicant fails to obtain certification. (Sec. 3)
15. Asserts that a provisional license expires automatically on the earliest of the following:
  - a) issuance of a license;
  - b) 30 days after the applicant fails to take or pass the next available complete certification examination; or
  - c) the date printed on the provisional license. (Sec. 3)
16. Requires an application for extension of a provisional license to be signed by the provisional licensee's qualified supervisor. (Sec. 3)
17. Requires a provisional licensee to work under the supervision of a qualified supervisor at all times during which the provisional licensee practices genetic counseling. (Sec. 3)
18. Directs the qualified supervisor and the provisional licensee to complete and maintain a supervision agreement that is signed by the qualified supervisor and the provisional licensee and is on file with both parties. (Sec. 3)

***DHS Rules and Advisory Committee***

19. Authorizes the DHS Director to adopt rules necessary to properly administer and enforce genetic counseling licensure requirements. (Sec. 3)
20. Directs the DHS Director, by rule, to:
  - a) define and describe the duties and limits of the practice of genetic counseling;
  - b) adopt standards with respect to the practice of genetic counseling designed to safeguard the health and safety of patients; and
  - c) establish criteria for granting, denying, suspending and revoking a license in order to protect the health and safety of patients. (Sec. 3)
21. Requires the DHS Director to establish a five-member Advisory Committee that is composed of four genetic counselors and one physician. (Sec. 3)
22. Tasks the Advisory Committee to assist DHS with:
  - a) developing, revising and adopting rules or suggested statutory changes that are necessary to regulate genetic counselors in Arizona; and
  - b) any investigations and administrative proceedings concerning competency, unlawful practice or unprofessional conduct complaints that involve a licensed genetic counselor. (Sec. 3)
23. States that committee members are eligible to receive reimbursement of expenses. (Sec. 3)

***Grounds for Denial, Suspension or Revocation of a Genetic Counselor License***

24. Allows the DHS Director to deny, suspend or revoke the license of any genetic counselor who:
  - a) violates any statutes or rules;
  - b) is convicted of a felony or a misdemeanor involving moral turpitude; or
  - c) indulges in conduct or a practice that is detrimental to the health or safety of a patient. (Sec. 3)
25. Allows DHS to deny a license without holding a hearing. (Sec. 3)
26. Allows an applicant to appeal the licensure denial decision. (Sec. 3)
27. Requires DHS to conduct any hearing to suspend or revoke a license in accordance with the administrative hearing procedures. (Sec. 3)
28. Allows the DHS Director, if they determine at the conclusion of a hearing that grounds exist to suspend or revoke a license, to do so permanently or for any period of time and under any conditions that is deemed appropriate. (Sec. 3)
29. Allows an applicant for licensure or a licensee to appeal the final decision of the DHS Director. (Sec. 3)
30. Allows the DHS Director to assess a civil penalty of not more than \$100 for each violation as determined by a hearing, in addition to any other disciplinary action. (Sec. 3)
31. Specifies that each day that a violation continues constitutes a separate offense. (Sec. 3)
32. Allows the Attorney General (AG) or the county attorney to bring an action in the name of the state to enforce a civil penalty. (Sec. 3)
33. Requires the action to be filed in the superior court or in the justice court in the county where the violation occurred. (Sec. 3)

34. Allows the DHS Director, in addition to other available remedies, to apply to the superior court for an injunction to restrain a person from violating any genetic counselor licensing requirements. (Sec. 3)
35. Requires the court to grant a temporary restraining order, a preliminary injunction or a permanent injunction without bond. (Sec. 3)
36. Allows the defendant to be served in any Arizona county. (Sec. 3)
37. Requires the action to be brought on behalf of the DHS Director by the AG or the county attorney of the county where the violation occurs. (Sec. 3)
38. Requires a genetic counselor whose license is suspended or revoked or whose surrender of a license with or without prejudice has been accepted by DHS to promptly deliver the license to DHS. (Sec. 3)
39. Requires a provisional licensee who loses active candidate status to surrender the provisional license to DHS immediately. (Sec. 3)
40. Enables the DHS Director to investigate information that indicates that a person is or may be violating genetic counselor licensing requirements. (Sec. 3)
41. Allows DHS, in connection with an investigation, to examine and copy documents and other physical evidence wherever located that relate to the conduct or competency of a genetic counselor. (Sec. 3)
42. Permits the DHS Director to issue subpoenas to compel the testimony of witnesses or to demand the production of relevant documents and other physical evidence. (Sec. 3)
43. Allows the DHS Director, if a person refuses to comply with a subpoena, to apply to the superior court for an order to compel compliance. (Sec. 3)
44. Asserts that certain information kept by the DHS Director pursuant to an investigation or an administrative proceeding are not public records and are not subject to laws related to searches and copies. (Sec. 3)
45. Requires the DHS Director to keep confidential the names of patients and their families whose records are reviewed during the course of an investigation or hearing. (Sec. 3)
46. States that a person is guilty of a class 6 felony who:
  - a) obtains a license as a genetic counselor by fraud, intentional misrepresentation or deceit; or
  - b) practices genetic counseling without a license after the person's license has been denied, suspended or revoked. (Sec. 3)

#### ***Licensing Fees***

47. Instructs the DHS Director to prescribe in rule and collect fees for all of the following:
  - a) an initial genetic counselor license application;
  - b) a one-year provisional genetic counselor license and, if granted, a one-year provisional license extension;
  - c) a two-year genetic counselor license;
  - d) a two-year renewal of the genetic counselor license; and
  - e) an application for reinstatement of an expired license. (Sec. 3)
48. Requires 90% of the fees collected to be deposited in the Health Services Licensing Fund and 10% to the state General Fund. (Sec. 3)

49. Establishes monies from *genetic counselor's* fees and penalties to the Health Services Licensing Fund. (Sec. 2)

***Miscellaneous***

50. Adds *genetic counselors* to the definition of *health professional*. (Sec. 1)

51. Adds *genetic counselors* to the list of health care providers able to provide telehealth. (Sec. 4)

52. Deems it a violation for a person who is not a licensed genetic counselor to use the title *licensed genetic counselor* or the abbreviation *L.G.C.* or to use any other words, letters, signs or figures to indicate that the person is a licensed genetic counselor. (Sec. 3)

53. Defines terms. (Sec. 3)

54. Makes technical and conforming changes. (Sec. 1, 2)

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