

House Engrossed

genetic counselors; board; licensure

State of Arizona  
House of Representatives  
Fifty-seventh Legislature  
Second Regular Session  
2026

# **CHAPTER 210**

## **HOUSE BILL 4010**

AN ACT

AMENDING TITLE 32, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 27;  
AMENDING SECTIONS 32-3201 AND 36-3601, ARIZONA REVISED STATUTES; AMENDING  
TITLE 41, CHAPTER 27, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING  
SECTION 41-3034.01; RELATING TO HEALTH PROFESSION REGULATORY BOARDS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 32, Arizona Revised Statutes, is amended by adding  
3 chapter 27, to read:

4 CHAPTER 27

5 BOARD OF GENETIC COUNSELORS

6 ARTICLE 1. GENERAL PROVISIONS

7 32-2701. Definitions

8 IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

9 1. "ACTIVE CANDIDATE STATUS" MEANS THAT A PERSON MEETS THE  
10 REQUIREMENTS ESTABLISHED BY THE AMERICAN BOARD OF GENETIC COUNSELING, OR  
11 ITS SUCCESSOR, TO TAKE THE AMERICAN BOARD OF GENETIC COUNSELING'S  
12 CERTIFICATION EXAMINATION IN GENERAL GENETICS AND GENETIC COUNSELING AND  
13 HAS BEEN GRANTED THIS DESIGNATION.

14 2. "BOARD" MEANS THE BOARD OF GENETIC COUNSELORS.

15 3. "CERTIFICATION" MEANS CERTIFICATION AS A GENETIC COUNSELOR BY  
16 THE AMERICAN BOARD OF GENETIC COUNSELING, OR ITS SUCCESSOR, OR THE  
17 AMERICAN BOARD OF MEDICAL GENETICS AND GENOMICS, OR ITS SUCCESSOR, OR  
18 CERTIFICATION AS A PhD GENETICIST BY THE AMERICAN BOARD OF MEDICAL  
19 GENETICS AND GENOMICS, OR ITS SUCCESSOR.

20 4. "DIRECTOR" MEANS THE DIRECTOR OF THE BOARD.

21 5. "GENETIC COUNSELING" MEANS A COMMUNICATION PROCESS THAT MAY  
22 INCLUDE:

23 (a) ESTIMATING THE LIKELIHOOD OF THE OCCURRENCE OR RECURRENCE OF  
24 ANY POTENTIAL INHERITED OR GENETICALLY INFLUENCED CONDITION OR CONGENITAL  
25 ABNORMALITY, INCLUDING:

26 (i) OBTAINING AND ANALYZING THE COMPLETE HEALTH HISTORY OF AN  
27 INDIVIDUAL AND THE INDIVIDUAL'S FAMILY MEMBERS.

28 (ii) REVIEWING PERTINENT MEDICAL RECORDS.

29 (iii) EVALUATING THE RISKS FROM EXPOSURE TO POSSIBLE MUTAGENS OR  
30 TERATOGENS.

31 (iv) DETERMINING APPROPRIATE GENETIC TESTING OR OTHER EVALUATIONS  
32 TO DIAGNOSE A CONDITION OR DETERMINE THE CARRIER STATUS OF ONE OR MORE  
33 FAMILY MEMBERS.

34 (v) ORDERING, COORDINATING AND DISCLOSING GENETIC LABORATORY TESTS  
35 AND RESULTS AND OTHER DIAGNOSTIC STUDIES AS APPROPRIATE FOR THE GENETIC  
36 ASSESSMENT.

37 (b) HELPING AN INDIVIDUAL, FAMILY MEMBER OR HEALTH CARE PROVIDER  
38 TO:

39 (i) APPRECIATE THE MEDICAL, PSYCHOLOGICAL AND SOCIAL IMPLICATIONS  
40 OF A DISORDER, INCLUDING ITS FEATURES, VARIABILITY, USUAL COURSE AND  
41 MANAGEMENT OPTIONS.

42 (ii) LEARN HOW GENETIC FACTORS CONTRIBUTE TO A DISORDER AND AFFECT  
43 THE CHANCE FOR OCCURRENCE OF THE DISORDER IN OTHER FAMILY MEMBERS.

44 (iii) UNDERSTAND AVAILABLE OPTIONS FOR COPING WITH, PREVENTING OR  
45 REDUCING THE CHANCE OF THE DISORDER OCCURRING IN OTHER FAMILY MEMBERS.

1 (c) FACILITATING AN INDIVIDUAL'S OR FAMILY MEMBER'S:  
2 (i) EXPLORATION OF THE PERCEPTION OF RISK AND BURDEN ASSOCIATED  
3 WITH A GENETIC DISORDER.  
4 (ii) ADJUSTMENT AND ADAPTATION TO A DISORDER OR THE INDIVIDUAL'S OR  
5 FAMILY MEMBER'S GENETIC RISK BY ADDRESSING NEEDS FOR PSYCHOLOGICAL, SOCIAL  
6 AND MEDICAL SUPPORT.  
7 6. "GENETIC COUNSELING INTERN" MEANS A STUDENT WHO IS ENROLLED IN A  
8 GENETIC COUNSELING PROGRAM ACCREDITED BY THE AMERICAN BOARD OF GENETIC  
9 COUNSELING, OR ITS SUCCESSOR, OR THE AMERICAN BOARD OF MEDICAL GENETICS  
10 AND GENOMICS, OR ITS SUCCESSOR.  
11 7. "GENETIC COUNSELOR" MEANS A PERSON WHO IS LICENSED PURSUANT TO  
12 THIS CHAPTER TO ENGAGE IN THE PRACTICE OF GENETIC COUNSELING.  
13 32-2702. Board of genetic counselors; membership;  
14 appointment; terms; immunity; compensation  
15 A. THE BOARD OF GENETIC COUNSELORS IS ESTABLISHED CONSISTING OF THE  
16 FOLLOWING MEMBERS WHO ARE APPOINTED BY THE GOVERNOR:  
17 1. FIVE GENETIC COUNSELORS WHO HOLD ACTIVE CERTIFICATION IN GOOD  
18 STANDING WITH THE AMERICAN BOARD OF GENETIC COUNSELING AND, BEGINNING  
19 JANUARY 1, 2028, WHO HOLD AN ACTIVE LICENSE PURSUANT TO THIS CHAPTER AND  
20 WHO HAVE NOT PREVIOUSLY BEEN SUBJECT TO DISCIPLINARY ACTION AS A HEALTH  
21 PROFESSIONAL IN THIS STATE OR ANY OTHER JURISDICTION. THE GOVERNOR MAY  
22 SEEK INPUT AND NOMINATIONS BEFORE THE GOVERNOR MAKES THESE APPOINTMENTS.  
23 2. TWO PUBLIC MEMBERS.  
24 3. ONE PHYSICIAN WHO IS ACTIVELY ENGAGED IN THE PRACTICE OF  
25 MEDICINE, WHO IS LICENSED PURSUANT TO CHAPTER 13 OF THIS TITLE AND WHO  
26 INTERACTS PROFESSIONALLY WITH GENETIC COUNSELORS.  
27 4. ONE PHYSICIAN WHO IS ACTIVELY ENGAGED IN THE PRACTICE OF  
28 MEDICINE, WHO IS LICENSED PURSUANT TO CHAPTER 17 OF THIS TITLE AND WHO  
29 INTERACTS PROFESSIONALLY WITH GENETIC COUNSELORS.  
30 B. BEFORE APPOINTMENT BY THE GOVERNOR, A PROSPECTIVE MEMBER OF THE  
31 BOARD SHALL SUBMIT A FULL SET OF FINGERPRINTS TO THE GOVERNOR FOR THE  
32 PURPOSE OF OBTAINING A STATE AND FEDERAL CRIMINAL RECORDS CHECK PURSUANT  
33 TO SECTION 41-1750 AND PUBLIC LAW 92-544. THE DEPARTMENT OF PUBLIC SAFETY  
34 MAY EXCHANGE THIS FINGERPRINT DATA WITH THE FEDERAL BUREAU OF  
35 INVESTIGATION.  
36 C. THE TERM OF OFFICE OF MEMBERS OF THE BOARD IS FOUR YEARS TO  
37 BEGIN AND END ON SEPTEMBER 1.  
38 D. EACH BOARD MEMBER IS ELIGIBLE FOR APPOINTMENT TO NOT MORE THAN  
39 TWO FULL TERMS, EXCEPT THAT THE TERM OF OFFICE FOR A MEMBER WHO IS  
40 APPOINTED TO FILL A VACANCY THAT IS NOT CAUSED BY THE EXPIRATION OF A FULL  
41 TERM IS FOR THE UNEXPIRED PORTION OF THAT TERM, AND THE GOVERNOR MAY  
42 REAPPOINT THAT MEMBER TO NOT MORE THAN TWO ADDITIONAL FULL TERMS. EACH  
43 BOARD MEMBER MAY CONTINUE TO HOLD OFFICE UNTIL THE APPOINTMENT AND  
44 QUALIFICATION OF THAT MEMBER'S SUCCESSOR. THE GOVERNOR MAY REMOVE A  
45 MEMBER AFTER NOTICE AND A HEARING ON A FINDING OF MALFEASANCE, MISFEASANCE

1 OR INCOMPETENCE IN OFFICE, UNPROFESSIONAL OR DISHONORABLE CONDUCT IN  
2 OFFICE OR UNPROFESSIONAL OR DISHONORABLE CONDUCT. A BOARD MEMBER'S  
3 VIOLATION OF SECTION 32-2714 IS GROUNDS FOR REMOVAL FROM THE BOARD. THE  
4 GOVERNOR SHALL APPOINT A QUALIFIED REPLACEMENT TO FILL A VACANT POSITION  
5 FOR THE UNEXPIRED PORTION OF THE TERM.

6 E. A BOARD MEMBER'S TERM AUTOMATICALLY ENDS:

7 1. ON WRITTEN RESIGNATION SUBMITTED TO THE BOARD CHAIRPERSON OR TO  
8 THE GOVERNOR.

9 2. IF THE MEMBER IS ABSENT FROM THIS STATE FOR MORE THAN SIX MONTHS  
10 DURING A ONE-YEAR PERIOD.

11 3. IF THE MEMBER FAILS TO ATTEND THREE CONSECUTIVE REGULAR BOARD  
12 MEETINGS.

13 4. FIVE YEARS AFTER RETIREMENT FROM ACTIVE PRACTICE, IF APPLICABLE.

14 F. BOARD MEMBERS ARE IMMUNE FROM CIVIL LIABILITY FOR ALL GOOD FAITH  
15 ACTIONS TAKEN PURSUANT TO THIS CHAPTER.

16 G. BOARD MEMBERS ARE ELIGIBLE TO RECEIVE COMPENSATION IN THE AMOUNT  
17 OF \$200 FOR EACH DAY OF ACTUAL SERVICE IN THE BUSINESS OF THE BOARD AND  
18 FOR ALL EXPENSES NECESSARY AND PROPERLY INCURRED IN ATTENDING BOARD  
19 MEETINGS.

20 32-2703. Powers and duties; delegation of authority;  
21 meetings; rules; subcommittees; immunity;  
22 directory online

23 A. THE BOARD SHALL:

24 1. AS ITS PRIMARY DUTY, PROTECT THE PUBLIC FROM UNLAWFUL,  
25 INCOMPETENT, UNQUALIFIED, IMPAIRED OR UNPROFESSIONAL GENETIC COUNSELORS.

26 2. LICENSE AND REGULATE GENETIC COUNSELORS PURSUANT TO THIS  
27 CHAPTER. THE BOARD SHALL EXERCISE ITS AUTHORITY TO LICENSE AND REGULATE  
28 GENETIC COUNSELORS, INCLUDING THE BOARD'S RULEMAKING AUTHORITY, CONSISTENT  
29 WITH THE RIGHT OF CONSCIENCE PRESCRIBED BY SECTION 32-2714.

30 3. BY RULE:

31 (a) DEFINE AND DESCRIBE THE DUTIES AND LIMITS OF THE PRACTICE OF  
32 GENETIC COUNSELING CONSISTENT WITH THIS CHAPTER.

33 (b) ADOPT STANDARDS WITH RESPECT TO THE PRACTICE OF GENETIC  
34 COUNSELING THAT ARE DESIGNED TO SAFEGUARD THE HEALTH AND SAFETY OF  
35 PATIENTS.

36 (c) ESTABLISH CRITERIA FOR GRANTING, DENYING, SUSPENDING AND  
37 REVOKING A LICENSE IN ORDER TO PROTECT THE HEALTH AND SAFETY OF PATIENTS.

38 (d) ESTABLISH FEES PURSUANT TO SECTION 32-2711.

39 4. ORDER AND EVALUATE PHYSICAL, PSYCHOLOGICAL, PSYCHIATRIC AND  
40 COMPETENCY TESTING OF LICENSEES AND APPLICANTS AS THE BOARD DETERMINES  
41 NECESSARY TO ENFORCE THIS CHAPTER.

42 5. REVIEW THE CREDENTIALS AND THE ABILITIES OF APPLICANTS FOR  
43 LICENSURE WHOSE PROFESSIONAL RECORDS OR PHYSICAL OR MENTAL CAPABILITIES  
44 MAY NOT MEET THE REQUIREMENTS OF THIS CHAPTER.



- 1 C. THE DIRECTOR OR THE DIRECTOR'S DESIGNEE SHALL:  
2 1. EMPLOY, EVALUATE, DISMISS, DISCIPLINE AND DIRECT PROFESSIONAL,  
3 CLERICAL, TECHNICAL, INVESTIGATIVE AND ADMINISTRATIVE PERSONNEL NECESSARY  
4 TO CARRY ON THE WORK OF THE BOARD.  
5 2. SET COMPENSATION FOR BOARD EMPLOYEES WITHIN THE RANGE DETERMINED  
6 UNDER SECTION 38-611.  
7 3. AS DIRECTED BY THE BOARD, PREPARE AND SUBMIT RECOMMENDATIONS FOR  
8 AMENDMENTS TO THE GENETIC COUNSELORS PRACTICE ACT FOR CONSIDERATION BY THE  
9 LEGISLATURE.  
10 4. APPOINT AND EMPLOY CONSULTANTS AND AGENTS NECESSARY TO CONDUCT  
11 INVESTIGATIONS, GATHER INFORMATION AND PERFORM THOSE DUTIES THE DIRECTOR  
12 DETERMINES ARE NECESSARY AND APPROPRIATE TO ENFORCE THIS CHAPTER.  
13 5. ISSUE LICENSES TO APPLICANTS WHO MEET THE REQUIREMENTS OF THIS  
14 CHAPTER.  
15 6. MANAGE THE BOARD'S OFFICES.  
16 7. PREPARE MINUTES, RECORDS, REPORTS, REGISTRIES, DIRECTORIES,  
17 BOOKS AND NEWSLETTERS AND RECORD ALL BOARD TRANSACTIONS AND ORDERS.  
18 8. COLLECT ALL MONIES DUE AND PAYABLE TO THE BOARD.  
19 9. PAY ALL BILLS FOR AUTHORIZED EXPENDITURES OF THE BOARD AND ITS  
20 STAFF.  
21 10. PREPARE AN ANNUAL BUDGET.  
22 11. SUBMIT A COPY OF THE BUDGET EACH YEAR TO THE GOVERNOR, THE  
23 PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.  
24 12. INITIATE AN INVESTIGATION IF EVIDENCE APPEARS TO DEMONSTRATE  
25 THAT A GENETIC COUNSELOR MAY BE ENGAGED IN UNPROFESSIONAL CONDUCT OR MAY  
26 BE MEDICALLY INCOMPETENT OR MENTALLY OR PHYSICALLY UNABLE TO SAFELY  
27 PRACTICE AS A GENETIC COUNSELOR.  
28 13. ISSUE SUBPOENAS IF NECESSARY TO COMPEL THE ATTENDANCE AND  
29 TESTIMONY OF WITNESSES AND THE PRODUCTION OF BOOKS, RECORDS, DOCUMENTS AND  
30 OTHER EVIDENCE.  
31 14. PROVIDE ASSISTANCE TO THE ATTORNEY GENERAL IN PREPARING AND  
32 SIGN AND EXECUTE DISCIPLINARY ORDERS, REHABILITATIVE ORDERS AND NOTICES OF  
33 HEARINGS AS DIRECTED BY THE BOARD.  
34 15. ENTER INTO CONTRACTS TO PROCURE GOODS AND SERVICES PURSUANT TO  
35 TITLE 41, CHAPTER 23 THAT ARE NECESSARY TO CARRY OUT BOARD POLICIES AND  
36 DIRECTIVES.  
37 16. EXECUTE BOARD DIRECTIVES.  
38 17. REPRESENT THE BOARD IN MATTERS WITH THE FEDERAL GOVERNMENT,  
39 OTHER STATES OR JURISDICTIONS OF THE UNITED STATES, THIS STATE, POLITICAL  
40 SUBDIVISIONS OF THIS STATE, THE NEWS MEDIA AND THE PUBLIC.  
41 18. ENTER INTO STIPULATED AGREEMENTS ON BEHALF OF THE BOARD WITH  
42 PERSONS UNDER THE JURISDICTION OF THE BOARD FOR THE TREATMENT,  
43 REHABILITATION OR MONITORING OF CHEMICAL SUBSTANCE ABUSE OR MISUSE.

1           19. REVIEW ALL COMPLAINTS FILED PURSUANT TO SECTION 32-2709. IF  
2 DELEGATED BY THE BOARD, THE DIRECTOR MAY DISMISS A COMPLAINT IF THE  
3 COMPLAINT IS WITHOUT MERIT.

4           20. PERFORM ALL OTHER ADMINISTRATIVE, LICENSING AND REGULATORY  
5 DUTIES DELEGATED AND REQUIRED BY THE BOARD.

6           D. CONSULTANTS AND AGENTS APPOINTED PURSUANT TO SUBSECTION C,  
7 PARAGRAPH 4 OF THIS SECTION ARE ELIGIBLE TO RECEIVE COMPENSATION  
8 DETERMINED BY THE DIRECTOR IN AN AMOUNT OF NOT MORE THAN \$200 FOR EACH DAY  
9 OF SERVICE.

10           32-2705. Licensure required; exceptions

11           A. EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE, A PERSON MAY NOT  
12 ACT AS A GENETIC COUNSELOR WITHOUT BEING LICENSED PURSUANT TO THIS  
13 CHAPTER.

14           B. THIS CHAPTER DOES NOT APPLY TO ANY OF THE FOLLOWING:

15           1. A PERSON WHO IS LICENSED IN THIS STATE AS A PHYSICIAN OR WHO IS  
16 LICENSED TO PRACTICE IN A HEALTH CARE PROFESSION OTHER THAN THAT OF A  
17 GENETIC COUNSELOR WHEN ACTING WITHIN THE SCOPE OF THE PERSON'S PROFESSION  
18 AND DOING WORK OF A NATURE CONSISTENT WITH THE PERSON'S TRAINING. A  
19 PERSON DESCRIBED IN THIS PARAGRAPH MAY NOT CLAIM TO BE A GENETIC  
20 COUNSELOR.

21           2. A PERSON WHO IS EMPLOYED AS A GENETIC COUNSELOR BY THE FEDERAL  
22 GOVERNMENT OR A FEDERAL AGENCY IF THE PERSON PROVIDES GENETIC COUNSELING  
23 SERVICES SOLELY UNDER THE DIRECTION AND CONTROL OF THE ENTITY BY WHICH THE  
24 PERSON IS EMPLOYED.

25           3. A GENETIC COUNSELING INTERN IF THE GENETIC COUNSELING SERVICES  
26 PERFORMED BY THE GENETIC COUNSELING INTERN ARE AN INTEGRAL PART OF THE  
27 GENETIC COUNSELING INTERN'S COURSE OF STUDY AND ARE PERFORMED UNDER THE  
28 DIRECT SUPERVISION OF A GENETIC COUNSELOR WHO IS ASSIGNED TO SUPERVISE THE  
29 GENETIC COUNSELING INTERN AND WHO IS ON DUTY AND AVAILABLE IN THE ASSIGNED  
30 PATIENT CARE AREA.

31           4. A VISITING GENETIC COUNSELOR WHO HOLDS A CERTIFICATION, WHO IS  
32 FROM ANOTHER STATE AND WHO PERFORMS ACTIVITIES AND SERVICES FOR A PERIOD  
33 OF LESS THAN THIRTY DAYS EACH YEAR. A VISITING GENETIC COUNSELOR MUST BE  
34 LICENSED OR REGISTERED IN THE STATE OF THE PERSON'S RESIDENCE IF LICENSURE  
35 OR REGISTRATION IS AVAILABLE.

36           32-2706. Licensure application; reciprocity; renewal

37           A. ON COMPLETION OF RULEMAKING AND NOT LATER THAN OCTOBER 1, 2026,  
38 A PERSON WHO WISHES TO PRACTICE GENETIC COUNSELING IN THIS STATE SHALL BE  
39 LICENSED PURSUANT TO THIS CHAPTER. A PERSON WHO WAS PRACTICING GENETIC  
40 COUNSELING ON THE EFFECTIVE DATE OF THIS SECTION SHALL APPLY TO THE BOARD  
41 FOR LICENSURE PURSUANT TO THIS CHAPTER ON OR BEFORE JANUARY 1, 2028.

42           B. AN APPLICANT FOR LICENSURE SHALL SUBMIT TO THE BOARD AN  
43 APPLICATION PRESCRIBED BY THE BOARD, THE FEE ESTABLISHED BY THE BOARD  
44 PURSUANT TO SECTION 32-2711 AND SATISFACTORY EVIDENCE OF HAVING CURRENT  
45 CERTIFICATION.

1 C. THE BOARD SHALL GRANT A GENETIC COUNSELOR LICENSE TO A PERSON  
2 WHO MEETS THE QUALIFICATIONS PRESCRIBED BY THIS CHAPTER AND THE RULES  
3 ADOPTED BY THE BOARD PURSUANT TO THIS CHAPTER.

4 D. AN APPLICANT WHO PROVIDES ADEQUATE DOCUMENTATION TO THE BOARD OF  
5 THE APPLICANT'S LICENSURE OR REGISTRATION AS A GENETIC COUNSELOR UNDER THE  
6 LAWS OF ANOTHER STATE, TERRITORY OR JURISDICTION OF THE UNITED STATES THAT  
7 THE BOARD DETERMINES IMPOSES SUBSTANTIALLY THE SAME LICENSING REQUIREMENTS  
8 AS THIS STATE MAY BE LICENSED PURSUANT TO THIS CHAPTER.

9 E. AN INDIVIDUAL WHO DOES NOT QUALIFY FOR LICENSURE UNDER THIS  
10 CHAPTER BUT WHO HAS BEEN PRACTICING GENETIC COUNSELING IN THIS STATE  
11 BEFORE THE EFFECTIVE DATE OF THIS SECTION AND WHO HAS WORKED IN THIS STATE  
12 AS A GENETIC COUNSELOR FOR AT LEAST EIGHT YEARS BEFORE THE EFFECTIVE DATE  
13 OF THIS SECTION MAY APPLY TO THE BOARD FOR LICENSURE IF THE INDIVIDUAL  
14 SUBMITS ALL OF THE FOLLOWING TO THE BOARD:

15 1. DOCUMENTATION OF A MASTER'S OR HIGHER DEGREE IN MEDICAL  
16 GENETICS, GENETIC COUNSELING OR A RELATED FIELD OF GENETIC STUDY FROM AN  
17 ACCREDITATION COUNCIL FOR A GENETIC COUNSELING ACCREDITED PROGRAM.

18 2. THREE LETTERS OF RECOMMENDATION FROM A PHYSICIAN OR GENETIC  
19 COUNSELOR, INCLUDING AT LEAST ONE LETTER FROM A GENETIC COUNSELOR WHO IS  
20 ELIGIBLE FOR LICENSURE UNDER THIS SECTION AND ONE LETTER FROM A CLINICAL  
21 OR MEDICAL GENETICIST WHO IS CERTIFIED BY THE AMERICAN BOARD OF MEDICAL  
22 GENETICS AND GENOMICS, OR ITS SUCCESSOR. ALL INDIVIDUALS WHO SUBMIT  
23 LETTERS OF RECOMMENDATION UNDER THIS PARAGRAPH MUST HAVE WORKED WITH THE  
24 APPLICANT IN AN EMPLOYMENT SETTING WITHIN THE IMMEDIATELY PRECEDING TEN  
25 YEARS AND BE ABLE TO ATTEST TO THE APPLICANT'S COMPETENCY IN PROVIDING  
26 GENETIC COUNSELING SERVICES.

27 3. DOCUMENTATION OF HAVING COMPLETED TWO AND ONE-HALF CONTINUING  
28 EDUCATION UNITS IN THE TWELVE MONTHS IMMEDIATELY PRECEDING THE APPLICATION  
29 DATE.

30 F. EXCEPT IN THE CASE OF A PROVISIONAL LICENSE ISSUED PURSUANT TO  
31 SECTION 32-2707, ALL LICENSES SHALL BE ISSUED FOR A TWO-YEAR PERIOD ON  
32 PAYMENT OF THE FEE ESTABLISHED BY THE BOARD PURSUANT TO SECTION 32-2711.

33 G. A LICENSE SHALL BE RENEWED ON FILING A RENEWAL APPLICATION THAT  
34 INCLUDES THE RENEWAL FEE ESTABLISHED BY THE BOARD PURSUANT TO SECTION  
35 32-2711 AND DOCUMENTATION OF HAVING COMPLETED THE NUMBER OF CONTINUING  
36 EDUCATION UNITS REQUIRED FOR CERTIFICATION, PRORATED FOR THE LENGTH OF THE  
37 LICENSE. A PERSON SHALL FILE AN APPLICATION FOR RENEWAL AT LEAST THIRTY  
38 DAYS AND NOT MORE THAN SIXTY DAYS BEFORE THE DATE THE PERSON'S CURRENT  
39 LICENSE EXPIRES.

40 32-2707. Provisional license; period of validity; extension;  
41 supervision requirements; definitions

42 A. THE BOARD MAY GRANT A PERSON WITH ACTIVE CANDIDATE STATUS A  
43 PROVISIONAL LICENSE FOR THAT PERSON TO PRACTICE GENETIC COUNSELING IF THE  
44 PERSON FILES AN APPLICATION AND PAYS THE PROVISIONAL LICENSE FEE  
45 ESTABLISHED BY THE BOARD PURSUANT TO SECTION 32-2711. THE PROVISIONAL

1 LICENSE IS VALID FOR ONE YEAR AFTER THE DATE OF ISSUANCE AND MAY BE  
2 EXTENDED FOR ONE ADDITIONAL YEAR IF THE APPLICANT FAILS TO OBTAIN  
3 CERTIFICATION.

4 B. A PROVISIONAL LICENSE EXPIRES AUTOMATICALLY ON THE EARLIEST OF  
5 THE FOLLOWING:

- 6 1. ISSUANCE OF A LICENSE PURSUANT TO SECTION 32-2706.  
7 2. THIRTY DAYS AFTER THE APPLICANT PROVISIONAL LICENSEE FAILS TO  
8 TAKE OR PASS THE NEXT AVAILABLE COMPLETE CERTIFICATION EXAMINATION.  
9 3. THE DATE PRINTED ON THE PROVISIONAL LICENSE.

10 C. AN APPLICATION FOR EXTENSION OF A PROVISIONAL LICENSE SHALL BE  
11 SIGNED BY THE PROVISIONAL LICENSEE'S QUALIFIED SUPERVISOR.

12 D. A PROVISIONAL LICENSEE SHALL WORK UNDER THE SUPERVISION OF A  
13 QUALIFIED SUPERVISOR AT ALL TIMES DURING WHICH THE PROVISIONAL LICENSEE  
14 PRACTICES GENETIC COUNSELING. THE QUALIFIED SUPERVISOR AND THE  
15 PROVISIONAL LICENSEE SHALL COMPLETE AND MAINTAIN A SUPERVISION AGREEMENT  
16 THAT IS SIGNED BY THE QUALIFIED SUPERVISOR AND THE PROVISIONAL LICENSEE  
17 AND THAT IS KEPT ON FILE WITH BOTH PARTIES.

18 E. FOR THE PURPOSES OF THIS SECTION:

- 19 1. "QUALIFIED SUPERVISOR" MEANS A PERSON WHO IS A LICENSED GENETIC  
20 COUNSELOR OR A LICENSED PHYSICIAN IN THIS STATE.  
21 2. "SUPERVISION":

22 (a) MEANS THAT A QUALIFIED SUPERVISOR WHO HAS THE OVERALL  
23 RESPONSIBILITY ASSESSES THE WORK OF THE PROVISIONAL LICENSEE, INCLUDING  
24 THROUGH REGULAR MEETINGS AND CHART REVIEW.

25 (b) DOES NOT MEAN THAT THE QUALIFIED SUPERVISOR IS REQUIRED TO BE  
26 PRESENT DURING THE PROVISIONAL LICENSEE'S PERFORMANCE OF THE SERVICE.

27 32-2708. Grounds for denial, suspension or revocation of a  
28 license; disciplinary action; hearings; civil  
29 penalties; enforcement

30 A. THE BOARD MAY DENY, SUSPEND OR REVOKE THE LICENSE OF ANY GENETIC  
31 COUNSELOR OR ANY APPLICANT FOR LICENSURE WHO:

- 32 1. VIOLATES ANY PROVISION OF THIS CHAPTER OR THE RULES ADOPTED  
33 PURSUANT TO THIS CHAPTER.  
34 2. IS CONVICTED OF A FELONY OR A MISDEMEANOR INVOLVING MORAL  
35 TURPITUDE.  
36 3. INDULGES IN CONDUCT OR A PRACTICE THAT IS DETRIMENTAL TO THE  
37 HEALTH OR SAFETY OF A PATIENT.

38 B. THE BOARD MAY NOT DENY, SUSPEND OR REVOKE THE LICENSE OF ANY  
39 GENETIC COUNSELOR FOR INVOKING THE GENETIC COUNSELOR'S RIGHT PURSUANT TO  
40 SECTION 32-2714 OR FOR ANY REASON THAT IS INCONSISTENT WITH THAT SECTION.

41 C. THE BOARD MAY DENY A LICENSE WITHOUT HOLDING A HEARING. AN  
42 APPLICANT MAY APPEAL THIS DECISION PURSUANT TO TITLE 41, CHAPTER 6,  
43 ARTICLE 10.

44 D. THE BOARD SHALL CONDUCT A HEARING TO SUSPEND OR REVOKE ANY  
45 LICENSE IN ACCORDANCE WITH THE PROCEDURES ESTABLISHED PURSUANT TO TITLE

1 41, CHAPTER 6, ARTICLE 10. IF THE BOARD DETERMINES AT THE CONCLUSION OF A  
2 HEARING THAT GROUNDS EXIST TO SUSPEND OR REVOKE A LICENSE, THE BOARD MAY  
3 DO SO PERMANENTLY OR FOR ANY PERIOD OF TIME AND UNDER ANY CONDITIONS THAT  
4 THE BOARD DEEMS APPROPRIATE. AN APPLICANT FOR LICENSURE OR A LICENSEE MAY  
5 APPEAL THE FINAL DECISION OF THE BOARD.

6 E. IN ADDITION TO ANY OTHER DISCIPLINARY ACTION, THE BOARD MAY  
7 ASSESS A CIVIL PENALTY OF NOT MORE THAN \$100 FOR EACH VIOLATION OF THIS  
8 CHAPTER OR A RULE ADOPTED PURSUANT TO THIS CHAPTER AS DETERMINED BY A  
9 HEARING HELD PURSUANT TO THIS SECTION. EACH DAY THAT A VIOLATION  
10 CONTINUES CONSTITUTES A SEPARATE OFFENSE. THE ATTORNEY GENERAL OR THE  
11 COUNTY ATTORNEY MAY BRING AN ACTION IN THE NAME OF THIS STATE TO ENFORCE A  
12 CIVIL PENALTY. THE ACTION SHALL BE FILED IN THE SUPERIOR COURT OR IN  
13 JUSTICE COURT IN THE COUNTY WHERE THE VIOLATION OCCURRED.

14 F. IN ADDITION TO OTHER AVAILABLE REMEDIES, THE BOARD MAY APPLY TO  
15 THE SUPERIOR COURT FOR AN INJUNCTION TO RESTRAIN A PERSON FROM VIOLATING  
16 THIS CHAPTER OR A RULE ADOPTED PURSUANT TO THIS CHAPTER. THE COURT SHALL  
17 GRANT A TEMPORARY RESTRAINING ORDER, A PRELIMINARY INJUNCTION OR A  
18 PERMANENT INJUNCTION WITHOUT BOND. THE PERSON MAY BE SERVED IN ANY COUNTY  
19 OF THIS STATE. THE ACTION SHALL BE BROUGHT ON BEHALF OF THE BOARD BY THE  
20 ATTORNEY GENERAL OR THE COUNTY ATTORNEY OF THE COUNTY WHERE THE VIOLATION  
21 OCCURS.

22 G. A GENETIC COUNSELOR WHOSE LICENSE IS SUSPENDED OR REVOKED OR  
23 WHOSE SURRENDER OF A LICENSE WITH OR WITHOUT PREJUDICE HAS BEEN ACCEPTED  
24 BY THE BOARD SHALL PROMPTLY DELIVER THE LICENSE TO THE BOARD.

25 H. A PROVISIONAL LICENSEE WHO LOSES ACTIVE CANDIDATE STATUS SHALL  
26 SURRENDER THE PROVISIONAL LICENSE TO THE BOARD IMMEDIATELY.

27 32-2709. Investigations; complaints; issuance of subpoenas;  
28 confidentiality

29 A. THE DIRECTOR MAY INVESTIGATE A COMPLAINT OR ANY INFORMATION THAT  
30 INDICATES THAT A PERSON IS OR MAY BE VIOLATING THIS ARTICLE. IN  
31 CONNECTION WITH AN INVESTIGATION, THE DIRECTOR MAY EXAMINE AND COPY  
32 DOCUMENTS AND OTHER PHYSICAL EVIDENCE WHEREVER LOCATED THAT RELATE TO THE  
33 CONDUCT OR COMPETENCY OF A GENETIC COUNSELOR PURSUANT TO THE REQUIREMENTS  
34 OF THIS CHAPTER AND THE RULES ADOPTED PURSUANT TO THIS CHAPTER.

35 B. PURSUANT TO AN INVESTIGATION OR AN ADMINISTRATIVE PROCEEDING,  
36 THE DIRECTOR MAY ISSUE SUBPOENAS TO COMPEL THE TESTIMONY OF WITNESSES OR  
37 TO DEMAND THE PRODUCTION OF RELEVANT DOCUMENTS AND OTHER PHYSICAL  
38 EVIDENCE. IF A PERSON REFUSES TO COMPLY WITH A SUBPOENA, THE DIRECTOR MAY  
39 APPLY TO THE SUPERIOR COURT FOR AN ORDER TO COMPEL COMPLIANCE.

40 C. PATIENT RECORDS, INCLUDING CLINICAL RECORDS, MEDICAL REPORTS,  
41 LABORATORY STATEMENTS AND REPORTS, FILES, FILMS, ORAL STATEMENTS RELATING  
42 TO PATIENT AND FAMILY HISTORIES, EVALUATIONS, FINDINGS AND COUNSELING  
43 INFORMATION THAT ARE KEPT BY THE DIRECTOR PURSUANT TO AN INVESTIGATION OR  
44 AN ADMINISTRATIVE PROCEEDING ARE NOT PUBLIC RECORDS AND ARE NOT SUBJECT TO  
45 TITLE 39, CHAPTER 1, ARTICLE 2. THE DIRECTOR SHALL KEEP CONFIDENTIAL THE

1 NAMES OF PATIENTS AND THEIR FAMILIES WHOSE RECORDS ARE REVIEWED DURING THE  
2 COURSE OF AN INVESTIGATION, ADMINISTRATIVE PROCEEDING OR HEARING.

3 32-2710. Violations; classification

4 A PERSON IS GUILTY OF A CLASS 6 FELONY WHO:

5 1. OBTAINS A LICENSE AS A GENETIC COUNSELOR BY FRAUD, INTENTIONAL  
6 MISREPRESENTATION OR DECEIT.

7 2. PRACTICES GENETIC COUNSELING WITHOUT A LICENSE ISSUED PURSUANT  
8 TO THIS CHAPTER OR AFTER THE PERSON'S LICENSE HAS BEEN DENIED, SUSPENDED  
9 OR REVOKED.

10 32-2711. Fees; rules

11 THE BOARD SHALL PRESCRIBE IN RULE AND COLLECT FEES FOR ALL OF THE  
12 FOLLOWING:

13 1. AN INITIAL GENETIC COUNSELOR LICENSE APPLICATION.

14 2. A ONE-YEAR PROVISIONAL GENETIC COUNSELOR LICENSE AND, IF  
15 GRANTED, A ONE-YEAR PROVISIONAL LICENSE EXTENSION.

16 3. A TWO-YEAR INITIAL GENETIC COUNSELOR LICENSE.

17 4. A TWO-YEAR RENEWAL OF THE GENETIC COUNSELOR LICENSE.

18 5. AN APPLICATION FOR REINSTATEMENT OF AN EXPIRED LICENSE.

19 32-2712. Use of title; prohibitions

20 IT IS A VIOLATION OF THIS CHAPTER FOR A PERSON WHO IS NOT LICENSED  
21 PURSUANT TO THIS CHAPTER TO USE THE TITLE "LICENSED GENETIC COUNSELOR" OR  
22 THE ABBREVIATION "L.G.C." OR TO USE ANY OTHER WORDS, LETTERS, SIGNS OR  
23 FIGURES TO INDICATE THAT THE PERSON IS A LICENSED GENETIC COUNSELOR.

24 32-2713. Genetic counselors board fund; deposit

25 A. THE GENETIC COUNSELORS BOARD FUND IS ESTABLISHED. THE BOARD  
26 SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND 35-147, TEN PERCENT OF ALL  
27 MONIES COLLECTED PURSUANT TO THIS CHAPTER IN THE STATE GENERAL FUND AND  
28 DEPOSIT THE REMAINING NINETY PERCENT IN THE GENETIC COUNSELORS BOARD FUND.

29 B. ALL MONIES DEPOSITED IN THE GENETIC COUNSELORS BOARD FUND ARE  
30 SUBJECT TO SECTION 35-143.01.

31 32-2714. Right of conscience; immunity; definitions

32 A. A GENETIC COUNSELOR HAS THE RIGHT NOT TO PARTICIPATE IN OR  
33 PROVIDE ANY GENETIC COUNSELING THAT VIOLATES THE GENETIC COUNSELOR'S  
34 CONSCIENCE.

35 B. A PERSON MAY NOT TAKE ADVERSE ACTION AGAINST A GENETIC COUNSELOR  
36 FOR DECLINING TO PARTICIPATE IN A GENETIC COUNSELING SERVICE ON THE BASIS  
37 OF CONSCIENCE. THE LICENSING OF A GENETIC COUNSELOR MAY NOT BE CONTINGENT  
38 ON THE GENETIC COUNSELOR'S PARTICIPATION IN COUNSELING OR REFERRAL IN  
39 COUNSELING THAT VIOLATES THE GENETIC COUNSELOR'S CONSCIENCE.

40 C. IF A GENETIC COUNSELOR DECLINES TO PARTICIPATE IN OR PROVIDE  
41 REQUESTED GENETIC COUNSELING PURSUANT TO THIS SECTION, THE GENETIC  
42 COUNSELOR SHALL BOTH:

43 1. INFORM THE PATIENT IN A TIMELY MANNER THAT THE GENETIC COUNSELOR  
44 IS UNABLE TO PROVIDE THE REQUESTED GENETIC COUNSELING.

1           2. OFFER TO DIRECT THE PATIENT TO THE ONLINE DIRECTORY OF LICENSED  
2 GENETIC COUNSELORS MAINTAINED BY THE BOARD. THE GENETIC COUNSELOR IS NOT  
3 REQUIRED TO PROVIDE A REFERRAL TO A SPECIFIC PROVIDER OR ENTITY.

4           D. A GENETIC COUNSELOR IS IMMUNE FROM CIVIL, CRIMINAL AND  
5 ADMINISTRATIVE LIABILITY FOR EXERCISING THE RIGHT OF CONSCIENCE WITH  
6 RESPECT TO GENETIC COUNSELING. THE IMMUNITY PROVIDED BY THIS SUBSECTION  
7 DOES NOT EXTEND TO INTENTIONAL CRIMINAL MISCONDUCT OR THE KNOWING  
8 FALSIFICATION OR ALTERATION OF MEDICAL RECORDS, TEST RESULTS OR DIAGNOSTIC  
9 INFORMATION.

10          E. FOR THE PURPOSES OF THIS SECTION:

11           1. "CONSCIENCE" MEANS THE RELIGIOUS, MORAL OR ETHICAL BELIEFS OR  
12 PRINCIPLES HELD BY A GENETIC COUNSELOR.

13           2. "PARTICIPATE" MEANS TO TAKE PART IN ANY WAY IN PROVIDING GENETIC  
14 COUNSELING OR ANY PART OF SUCH SERVICE.

15          Sec. 2. Section 32-3201, Arizona Revised Statutes, is amended to  
16 read:

17          32-3201. Definitions

18          In this chapter, unless the context otherwise requires:

19          ~~2.~~ 1. "Health professional" means a person who is certified or  
20 licensed pursuant to chapter 7, 8, 11, 13, 14, 15, 15.1, 16, 17, 18, 19,  
21 19.1, 21, 25, 27, 28, 29, 33, 34, 35, 39, 41 or 42 of this title, title  
22 36, chapter 4, article 6, title 36, chapter 6, article 7 or title 36,  
23 chapter 17.

24          ~~1.~~ 2. "Health profession regulatory board" means any board that  
25 regulates one or more health professionals in this state.

26          3. "Medical ~~record~~ RECORDS" has the same meaning prescribed in  
27 section 12-2291 but does not include prescription orders.

28          Sec. 3. Section 36-3601, Arizona Revised Statutes, is amended to  
29 read:

30          36-3601. Definitions

31          ~~For the purposes of~~ IN this chapter, UNLESS THE CONTEXT OTHERWISE  
32 REQUIRES:

33           1. "Health care decision maker" has the same meaning prescribed in  
34 section 12-2801.

35           2. "Health care provider":

36           (a) Means a person WHO IS licensed pursuant to title 32, chapter 7,  
37 8, 13, 14, 15, 15.1, 16, 17, 18, 19, 19.1, 25, 27, 28, 29, 33, 34, 35, 39,  
38 41 or 42, or chapter 4, article 6 of this title, chapter 6, article 7 of  
39 this title or chapter 17 of this title.

40           (b) Includes:

41           (i) A health care institution THAT IS licensed pursuant to chapter  
42 4 of this title.

43           (ii) A person who holds a training permit pursuant to title 32,  
44 chapter 13 or 17.

