

State of Arizona
House of Representatives
Fifty-seventh Legislature
First Regular Session
2025

HB 2028

Introduced by
Representative Bliss

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 41-3033.01; 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 EXECUTIVE 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.

- (c) FACILITATING AN INDIVIDUAL'S OR FAMILY MEMBER'S:
 - (i) EXPLORATION OF THE PERCEPTION OF RISK AND BURDEN ASSOCIATED WITH A GENETIC DISORDER.

(ii) ADJUSTMENT AND ADAPTATION TO A DISORDER OR THE INDIVIDUAL'S OR FAMILY MEMBER'S GENETIC RISK BY ADDRESSING NEEDS FOR PSYCHOLOGICAL, SOCIAL AND MEDICAL SUPPORT.

6. "GENETIC COUNSELING INTERN" MEANS A STUDENT WHO IS ENROLLED IN A GENETIC COUNSELING PROGRAM ACCREDITED BY THE AMERICAN BOARD OF GENETIC COUNSELING, OR ITS SUCCESSOR, OR THE AMERICAN BOARD OF MEDICAL GENETICS AND GENOMICS, OR ITS SUCCESSOR.

7. "GENETIC COUNSELOR" MEANS A PERSON WHO IS LICENSED PURSUANT TO THIS CHAPTER TO ENGAGE IN THE PRACTICE OF GENETIC COUNSELING.

32-2702. Board of genetic counselors; membership; appointment; terms; immunity; compensation

A. THE BOARD OF GENETIC COUNSELORS IS ESTABLISHED CONSISTING OF THE FOLLOWING MEMBERS WHO ARE APPOINTED BY THE GOVERNOR:

1. FIVE GENETIC COUNSELORS WHO HOLD ACTIVE CERTIFICATION IN GOOD STANDING WITH THE AMERICAN BOARD OF GENETIC COUNSELING AND, BEGINNING JANUARY 1, 2027, WHO HOLD AN ACTIVE LICENSE PURSUANT TO THIS CHAPTER AND HAVE NOT PREVIOUSLY BEEN SUBJECT TO DISCIPLINARY ACTION AS A HEALTH PROFESSIONAL IN THIS STATE OR ANY OTHER JURISDICTION. THE GOVERNOR MAY SEEK INPUT AND NOMINATIONS BEFORE THE GOVERNOR MAKES THESE APPOINTMENTS.

2. TWO PUBLIC MEMBERS.

3. ONE PHYSICIAN WHO IS ACTIVELY ENGAGED IN THE PRACTICE OF MEDICINE, WHO IS LICENSED PURSUANT TO CHAPTER 17 OF THIS TITLE AND WHO INTERACTS PROFESSIONALLY WITH GENETIC COUNSELORS.

4. ONE PHYSICIAN WHO IS ACTIVELY ENGAGED IN THE PRACTICE OF MEDICINE, WHO IS LICENSED PURSUANT TO CHAPTER 13 OF THIS TITLE AND WHO INTERACTS PROFESSIONALLY WITH GENETIC COUNSELORS.

B. BEFORE APPOINTMENT BY THE GOVERNOR, A PROSPECTIVE MEMBER OF THE BOARD SHALL SUBMIT A FULL SET OF FINGERPRINTS TO THE GOVERNOR FOR THE PURPOSE OF OBTAINING A STATE AND FEDERAL CRIMINAL RECORDS CHECK PURSUANT TO SECTION 41-1750 AND PUBLIC LAW 92-544. THE DEPARTMENT OF PUBLIC SAFETY MAY EXCHANGE THIS FINGERPRINT DATA WITH THE FEDERAL BUREAU OF INVESTIGATION.

C. THE TERM OF OFFICE OF MEMBERS OF THE BOARD IS FOUR YEARS TO BEGIN AND END ON SEPTEMBER 1.

D. EACH BOARD MEMBER IS ELIGIBLE FOR APPOINTMENT TO NOT MORE THAN TWO FULL TERMS, EXCEPT THAT THE TERM OF OFFICE FOR A MEMBER WHO IS APPOINTED TO FILL A VACANCY THAT IS NOT CAUSED BY THE EXPIRATION OF A FULL TERM IS FOR THE UNEXPIRED PORTION OF THAT TERM, AND THE GOVERNOR MAY REAPPOINT THAT MEMBER TO NOT MORE THAN TWO ADDITIONAL FULL TERMS. EACH BOARD MEMBER MAY CONTINUE TO HOLD OFFICE UNTIL THE APPOINTMENT AND QUALIFICATION OF THAT MEMBER'S SUCCESSOR. THE GOVERNOR MAY REMOVE A 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. THE GOVERNOR SHALL
3 APPOINT A QUALIFIED REPLACEMENT TO FILL A VACANT POSITION FOR THE
4 UNEXPIRED PORTION OF THE TERM.

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

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

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

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

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

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

15 G. THE BOARD SHALL HOLD AT LEAST ONE REGULAR MEETING EACH YEAR AND
16 MAY HOLD ADDITIONAL MEETINGS AS DETERMINED NECESSARY TO CARRY OUT THE
17 FUNCTIONS OF THE BOARD. THE BOARD SHALL ANNUALLY ELECT FROM THE
18 MEMBERSHIP A CHAIRPERSON AND VICE CHAIRPERSON. THE VICE CHAIRPERSON MAY
19 CALL REGULAR MEETINGS AND SPECIAL MEETINGS IF THE CHAIRPERSON IS NOT
20 AVAILABLE.

21 H. BOARD MEMBERS ARE ELIGIBLE TO RECEIVE COMPENSATION IN THE AMOUNT
22 OF \$200 FOR EACH DAY OF ACTUAL SERVICE IN THE BUSINESS OF THE BOARD AND
23 FOR ALL EXPENSES NECESSARY AND PROPERLY INCURRED IN ATTENDING BOARD
24 MEETINGS.

25 32-2703. Powers and duties; delegation of authority; rules;
26 subcommittees; immunity

27 A. THE BOARD SHALL:

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

30 2. LICENSE AND REGULATE GENETIC COUNSELORS PURSUANT TO THIS
31 CHAPTER.

32 3. BY RULE:

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

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

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

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

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

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

4 6. INITIATE INVESTIGATIONS AND DETERMINE ON THE BOARD'S OWN MOTION
5 WHETHER A LICENSEE HAS ENGAGED IN UNPROFESSIONAL CONDUCT OR IS OR MAY BE
6 INCOMPETENT OR MENTALLY OR PHYSICALLY UNABLE TO SAFELY PRACTICE GENETIC
7 COUNSELING.

8 7. ENGAGE IN THE FULL EXCHANGE OF INFORMATION WITH THE LICENSING
9 AND DISCIPLINARY BOARDS AND PROFESSIONAL ASSOCIATIONS OF OTHER STATES AND
10 JURISDICTIONS OF THE UNITED STATES AND FOREIGN COUNTRIES AND WITH A
11 STATEWIDE ASSOCIATION FOR GENETIC COUNSELORS.

12 8. DIRECT THE PREPARATION AND CIRCULATION OF EDUCATIONAL MATERIALS
13 THE BOARD DETERMINES ARE HELPFUL AND PROPER FOR LICENSEES.

14 9. DISCIPLINE AND REHABILITATE GENETIC COUNSELORS PURSUANT TO THIS
15 CHAPTER.

16 B. THE BOARD MAY DELEGATE TO THE DIRECTOR THE BOARD'S AUTHORITY
17 PURSUANT TO THIS SECTION OR SECTION 32-2704. THE BOARD SHALL ADOPT A
18 SUBSTANTIVE POLICY STATEMENT PURSUANT TO SECTION 41-1091 FOR EACH SPECIFIC
19 LICENSING AND REGULATORY AUTHORITY THE BOARD DELEGATES TO THE DIRECTOR.

20 C. THE BOARD MAY ADOPT RULES NECESSARY TO PROPERLY ADMINISTER AND
21 ENFORCE THIS CHAPTER.

22 D. THE CHAIRPERSON MAY ESTABLISH SUBCOMMITTEES CONSISTING OF BOARD
23 MEMBERS AND DEFINE THEIR DUTIES AS THE CHAIRPERSON DEEMS NECESSARY TO
24 CARRY OUT THE FUNCTIONS OF THE BOARD.

25 E. BOARD EMPLOYEES, INCLUDING THE DIRECTOR, TEMPORARY PERSONNEL AND
26 PROFESSIONAL MEDICAL INVESTIGATORS, ARE IMMUNE FROM CIVIL LIABILITY FOR
27 GOOD FAITH ACTIONS THEY TAKE TO ENFORCE THIS CHAPTER.

28 F. IN PERFORMING ITS DUTIES PURSUANT TO SUBSECTION A OF THIS
29 SECTION, THE BOARD MAY RECEIVE AND REVIEW STAFF REPORTS ON COMPLAINTS,
30 MALPRACTICE CASES AND ALL INVESTIGATIONS.

31 32-2704. Executive director: duties: board staff and
32 personnel: compensation

33 A. THE EXECUTIVE DIRECTOR OF THE ARIZONA BOARD OF OSTEOPATHIC
34 EXAMINERS IN MEDICINE AND SURGERY IS THE DIRECTOR OF THE BOARD OF GENETIC
35 COUNSELORS. THE STAFF OF THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS IN
36 MEDICINE AND SURGERY SHALL CARRY OUT THE ADMINISTRATIVE RESPONSIBILITIES
37 OF THE BOARD OF GENETIC COUNSELORS.

38 B. THE DIRECTOR IS ELIGIBLE TO RECEIVE COMPENSATION SET BY THE
39 BOARD WITHIN THE RANGE DETERMINED UNDER SECTION 38-611.

40 C. THE DIRECTOR OR THE DIRECTOR'S DESIGNEE SHALL:

41 1. EMPLOY, EVALUATE, DISMISS, DISCIPLINE AND DIRECT PROFESSIONAL,
42 CLERICAL, TECHNICAL, INVESTIGATIVE AND ADMINISTRATIVE PERSONNEL NECESSARY
43 TO CARRY ON THE WORK OF THE BOARD.

44 2. SET COMPENSATION FOR BOARD EMPLOYEES WITHIN THE RANGE DETERMINED
45 UNDER SECTION 38-611.

3. AS DIRECTED BY THE BOARD, PREPARE AND SUBMIT RECOMMENDATIONS FOR
2 AMENDMENTS TO THE GENETIC COUNSELORS PRACTICE ACT FOR CONSIDERATION BY THE
3 LEGISLATURE.

4. APPOINT AND EMPLOY CONSULTANTS AND AGENTS NECESSARY TO CONDUCT
5 INVESTIGATIONS, GATHER INFORMATION AND PERFORM THOSE DUTIES THE DIRECTOR
6 DETERMINES ARE NECESSARY AND APPROPRIATE TO ENFORCE THIS CHAPTER.

7. ISSUE LICENSES TO APPLICANTS WHO MEET THE REQUIREMENTS OF THIS
8 CHAPTER.

9. 6. MANAGE THE BOARD'S OFFICES.

10. 7. PREPARE MINUTES, RECORDS, REPORTS, REGISTRIES, DIRECTORIES,
11 BOOKS AND NEWSLETTERS AND RECORD ALL BOARD TRANSACTIONS AND ORDERS.

12. 8. COLLECT ALL MONIES DUE AND PAYABLE TO THE BOARD.

13. 9. PAY ALL BILLS FOR AUTHORIZED EXPENDITURES OF THE BOARD AND ITS
14 STAFF.

15. 10. PREPARE AN ANNUAL BUDGET.

16. 11. SUBMIT A COPY OF THE BUDGET EACH YEAR TO THE GOVERNOR, THE
17 PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

18. 12. INITIATE AN INVESTIGATION IF EVIDENCE APPEARS TO DEMONSTRATE
19 THAT A GENETIC COUNSELOR MAY BE ENGAGED IN UNPROFESSIONAL CONDUCT OR MAY
20 BE MEDICALLY INCOMPETENT OR MENTALLY OR PHYSICALLY UNABLE TO SAFELY
21 PRACTICE AS A GENETIC COUNSELOR.

22. 13. ISSUE SUBPOENAS IF NECESSARY TO COMPEL THE ATTENDANCE AND
23 TESTIMONY OF WITNESSES AND THE PRODUCTION OF BOOKS, RECORDS, DOCUMENTS AND
24 OTHER EVIDENCE.

25. 14. PROVIDE ASSISTANCE TO THE ATTORNEY GENERAL IN PREPARING AND
26 SIGN AND EXECUTE DISCIPLINARY ORDERS, REHABILITATIVE ORDERS AND NOTICES OF
27 HEARINGS AS DIRECTED BY THE BOARD.

28. 15. ENTER INTO CONTRACTS TO PROCURE GOODS AND SERVICES PURSUANT TO
29 TITLE 41, CHAPTER 23 THAT ARE NECESSARY TO CARRY OUT BOARD POLICIES AND
30 DIRECTIVES.

31. 16. EXECUTE BOARD DIRECTIVES.

32. 17. REPRESENT THE BOARD IN MATTERS WITH THE FEDERAL GOVERNMENT,
33 OTHER STATES OR JURISDICTIONS OF THE UNITED STATES, THIS STATE, POLITICAL
34 SUBDIVISIONS OF THIS STATE, THE NEWS MEDIA AND THE PUBLIC.

35. 18. ENTER INTO STIPULATED AGREEMENTS ON BEHALF OF THE BOARD WITH
36 PERSONS UNDER THE JURISDICTION OF THE BOARD FOR THE TREATMENT,
37 REHABILITATION OR MONITORING OF CHEMICAL SUBSTANCE ABUSE OR MISUSE.

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

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

43. D. CONSULTANTS AND AGENTS APPOINTED PURSUANT TO SUBSECTION C,
44 PARAGRAPH 4 OF THIS SECTION ARE ELIGIBLE TO RECEIVE COMPENSATION

1 DETERMINED BY THE DIRECTOR IN AN AMOUNT OF NOT MORE THAN \$200 FOR EACH DAY
2 OF SERVICE.

3 32-2705. Licensure required; exceptions

4 A. EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE, A PERSON MAY NOT
5 ACT AS A GENETIC COUNSELOR WITHOUT BEING LICENSED PURSUANT TO THIS
6 CHAPTER.

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

8 1. A PERSON WHO IS LICENSED IN THIS STATE AS A PHYSICIAN OR
9 LICENSED TO PRACTICE IN A HEALTH CARE PROFESSION OTHER THAN THAT OF A
10 GENETIC COUNSELOR WHEN ACTING WITHIN THE SCOPE OF THE PERSON'S PROFESSION
11 AND DOING WORK OF A NATURE CONSISTENT WITH THE PERSON'S TRAINING. A
12 PERSON DESCRIBED IN THIS PARAGRAPH MAY NOT CLAIM TO BE A GENETIC
13 COUNSELOR.

14 2. A PERSON WHO IS EMPLOYED AS A GENETIC COUNSELOR BY THE FEDERAL
15 GOVERNMENT OR A FEDERAL AGENCY IF THE PERSON PROVIDES GENETIC COUNSELING
16 SERVICES SOLELY UNDER THE DIRECTION AND CONTROL OF THE ENTITY BY WHICH THE
17 PERSON IS EMPLOYED.

18 3. A GENETIC COUNSELING INTERN IF THE GENETIC COUNSELING SERVICES
19 PERFORMED BY THE GENETIC COUNSELING INTERN ARE AN INTEGRAL PART OF THE
20 GENETIC COUNSELING INTERN'S COURSE OF STUDY AND ARE PERFORMED UNDER THE
21 DIRECT SUPERVISION OF A GENETIC COUNSELOR WHO IS ASSIGNED TO SUPERVISE THE
22 GENETIC COUNSELING INTERN AND WHO IS ON DUTY AND AVAILABLE IN THE ASSIGNED
23 PATIENT CARE AREA.

24 4. A VISITING GENETIC COUNSELOR WHO HOLDS A CERTIFICATION, WHO IS
25 FROM ANOTHER STATE AND WHO IS PERFORMING ACTIVITIES AND SERVICES FOR A
26 PERIOD OF LESS THAN THIRTY DAYS EACH YEAR. A VISITING GENETIC COUNSELOR
27 MUST BE LICENSED OR REGISTERED IN THE STATE OF THE PERSON'S RESIDENCE IF
28 LICENSURE OR REGISTRATION IS AVAILABLE.

29 32-2706. Licensure; reciprocity; exceptions; renewal

30 A. ON COMPLETION OF RULEMAKING AND NOT LATER THAN OCTOBER 1, 2025,
31 A PERSON WHO WISHES TO PRACTICE GENETIC COUNSELING IN THIS STATE SHALL BE
32 LICENSED PURSUANT TO THIS CHAPTER. A PERSON WHO WAS PRACTICING GENETIC
33 COUNSELING ON THE EFFECTIVE DATE OF THIS SECTION SHALL APPLY TO THE BOARD
34 FOR LICENSURE PURSUANT TO THIS CHAPTER ON OR BEFORE JANUARY 1, 2027.

35 B. AN APPLICANT FOR LICENSURE SHALL SUBMIT TO THE BOARD AN
36 APPLICATION PRESCRIBED BY THE BOARD, THE FEE ESTABLISHED BY THE BOARD
37 PURSUANT TO SECTION 32-2711 AND SATISFACTORY EVIDENCE OF HAVING CURRENT
38 CERTIFICATION.

39 C. THE BOARD SHALL GRANT A GENETIC COUNSELOR LICENSE TO A PERSON
40 WHO MEETS THE QUALIFICATIONS PRESCRIBED BY THIS CHAPTER AND THE RULES
41 ADOPTED BY THE BOARD PURSUANT TO THIS CHAPTER.

42 D. AN APPLICANT WHO PROVIDES ADEQUATE DOCUMENTATION TO THE BOARD OF
43 THE APPLICANT'S LICENSURE OR REGISTRATION AS A GENETIC COUNSELOR UNDER THE
44 LAWS OF ANOTHER STATE, TERRITORY OR JURISDICTION OF THE UNITED STATES THAT

1 THE BOARD DETERMINES IMPOSES SUBSTANTIALLY THE SAME LICENSING REQUIREMENTS
2 AS THIS STATE MAY BE LICENSED PURSUANT TO THIS CHAPTER.

3 E. AN INDIVIDUAL WHO DOES NOT QUALIFY FOR LICENSURE UNDER THIS
4 CHAPTER BUT WHO HAS BEEN PRACTICING GENETIC COUNSELING IN THIS STATE
5 BEFORE THE EFFECTIVE DATE OF THIS SECTION AND WHO HAS WORKED IN THIS STATE
6 AS A GENETIC COUNSELOR FOR AT LEAST EIGHT YEARS BEFORE THE EFFECTIVE DATE
7 OF THIS SECTION MAY APPLY TO THE BOARD FOR LICENSURE IF THE INDIVIDUAL
8 SUBMITS ALL OF THE FOLLOWING TO THE BOARD:

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

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

21 3. DOCUMENTATION OF HAVING COMPLETED TWO AND ONE-HALF CONTINUING
22 EDUCATION UNITS IN THE TWELVE MONTHS IMMEDIATELY PRECEDING THE APPLICATION
23 DATE.

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

27 G. A LICENSE SHALL BE RENEWED ON FILING A RENEWAL APPLICATION THAT
28 INCLUDES THE RENEWAL FEE ESTABLISHED BY THE BOARD PURSUANT TO SECTION 32-
29 2711 AND DOCUMENTATION OF HAVING COMPLETED THE NUMBER OF CONTINUING
30 EDUCATION UNITS REQUIRED FOR CERTIFICATION, PRORATED FOR THE LENGTH OF THE
31 LICENSE. A PERSON SHALL FILE AN APPLICATION FOR RENEWAL AT LEAST THIRTY
32 DAYS AND NOT MORE THAN SIXTY DAYS BEFORE THE DATE THE PERSON'S CURRENT
33 LICENSE EXPIRES.

34 32-2707. Provisional license; expiration; extension;
35 supervision requirements; definitions

36 A. THE BOARD MAY GRANT A PERSON WITH ACTIVE CANDIDATE STATUS A
37 PROVISIONAL LICENSE FOR THAT PERSON TO PRACTICE GENETIC COUNSELING IF THE
38 PERSON FILES AN APPLICATION AND PAYS THE PROVISIONAL LICENSE FEE
39 ESTABLISHED BY THE BOARD PURSUANT TO SECTION 32-2711. THE PROVISIONAL
40 LICENSE IS VALID FOR ONE YEAR AFTER THE DATE OF ISSUANCE AND MAY BE
41 EXTENDED FOR ONE ADDITIONAL YEAR IF THE APPLICANT FAILS TO OBTAIN
42 CERTIFICATION.

43 B. A PROVISIONAL LICENSE EXPIRES AUTOMATICALLY ON THE EARLIEST OF
44 THE FOLLOWING:

45 1. ISSUANCE OF A LICENSE PURSUANT TO SECTION 32-2706.

1 2. THIRTY DAYS AFTER THE APPLICANT PROVISIONAL LICENSEE FAILS TO
2 TAKE OR PASS THE NEXT AVAILABLE COMPLETE CERTIFICATION EXAMINATION.

3 3. THE DATE PRINTED ON THE PROVISIONAL LICENSE.

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

6 D. A PROVISIONAL LICENSEE SHALL WORK UNDER THE SUPERVISION OF A
7 QUALIFIED SUPERVISOR AT ALL TIMES DURING WHICH THE PROVISIONAL LICENSEE
8 PRACTICES GENETIC COUNSELING. THE QUALIFIED SUPERVISOR AND THE
9 PROVISIONAL LICENSEE SHALL COMPLETE AND MAINTAIN A SUPERVISION AGREEMENT
10 THAT IS SIGNED BY THE QUALIFIED SUPERVISOR AND THE PROVISIONAL LICENSEE
11 AND IS ON FILE WITH BOTH PARTIES.

12 E. FOR THE PURPOSES OF THIS SECTION:

13 1. "QUALIFIED SUPERVISOR" MEANS A PERSON WHO IS A LICENSED GENETIC
14 COUNSELOR OR A LICENSED PHYSICIAN IN THIS STATE.

15 2. "SUPERVISION":

16 (a) MEANS THAT A QUALIFIED SUPERVISOR WHO HAS THE OVERALL
17 RESPONSIBILITY ASSESSES THE WORK OF THE PROVISIONAL LICENSEE, INCLUDING
18 REGULAR MEETINGS AND CHART REVIEW.

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

21 32-2708. Grounds for denial, suspension or revocation of a
22 license; disciplinary action; hearings; civil
23 penalties; enforcement

24 A. THE BOARD MAY DENY, SUSPEND OR REVOKE THE LICENSE OF ANY GENETIC
25 COUNSELOR WHO:

26 1. VIOLATES ANY PROVISION OF THIS CHAPTER OR THE RULES ADOPTED
27 PURSUANT TO THIS CHAPTER.

28 2. IS CONVICTED OF A FELONY OR A MISDEMEANOR INVOLVING MORAL
29 TURPITUDE.

30 3. INDULGES IN CONDUCT OR A PRACTICE THAT IS DETRIMENTAL TO THE
31 HEALTH OR SAFETY OF A PATIENT.

32 B. THE BOARD MAY DENY A LICENSE WITHOUT HOLDING A HEARING. AN
33 APPLICANT MAY APPEAL THIS DECISION PURSUANT TO TITLE 41, CHAPTER 6,
34 ARTICLE 10.

35 C. THE BOARD SHALL CONDUCT ANY HEARING TO SUSPEND OR REVOKE A
36 LICENSE IN ACCORDANCE WITH THE PROCEDURES ESTABLISHED PURSUANT TO TITLE
37 41, CHAPTER 6, ARTICLE 10. IF THE BOARD DETERMINES AT THE CONCLUSION OF A
38 HEARING THAT GROUNDS EXIST TO SUSPEND OR REVOKE A LICENSE, THE BOARD MAY
39 DO SO PERMANENTLY OR FOR ANY PERIOD OF TIME AND UNDER ANY CONDITIONS THAT
40 THE BOARD DEEMS APPROPRIATE. AN APPLICANT FOR LICENSURE OR A LICENSEE MAY
41 APPEAL THE FINAL DECISION OF THE BOARD.

42 D. IN ADDITION TO ANY OTHER DISCIPLINARY ACTION, THE BOARD MAY
43 ASSESS A CIVIL PENALTY OF NOT MORE THAN \$100 FOR EACH VIOLATION OF THIS
44 CHAPTER OR A RULE ADOPTED PURSUANT TO THIS CHAPTER AS DETERMINED BY A
45 HEARING HELD PURSUANT TO THIS SECTION. EACH DAY THAT A VIOLATION

1 CONTINUES CONSTITUTES A SEPARATE OFFENSE. THE ATTORNEY GENERAL OR THE
2 COUNTY ATTORNEY MAY BRING AN ACTION IN THE NAME OF THIS STATE TO ENFORCE A
3 CIVIL PENALTY. THE ACTION SHALL BE FILED IN THE SUPERIOR COURT OR IN
4 JUSTICE COURT IN THE COUNTY WHERE THE VIOLATION OCCURRED.

5 E. IN ADDITION TO OTHER AVAILABLE REMEDIES, THE BOARD MAY APPLY TO
6 THE SUPERIOR COURT FOR AN INJUNCTION TO RESTRAIN A PERSON FROM VIOLATING
7 THIS CHAPTER OR A RULE ADOPTED PURSUANT TO THIS CHAPTER. THE COURT SHALL
8 GRANT A TEMPORARY RESTRAINING ORDER, A PRELIMINARY INJUNCTION OR A
9 PERMANENT INJUNCTION WITHOUT BOND. THE DEFENDANT MAY BE SERVED IN ANY
10 COUNTY OF THIS STATE. THE ACTION SHALL BE BROUGHT ON BEHALF OF THE BOARD
11 BY THE ATTORNEY GENERAL OR THE COUNTY ATTORNEY OF THE COUNTY WHERE THE
12 VIOLATION OCCURS.

13 F. A GENETIC COUNSELOR WHOSE LICENSE IS SUSPENDED OR REVOKED OR
14 WHOSE SURRENDER OF A LICENSE WITH OR WITHOUT PREJUDICE HAS BEEN ACCEPTED
15 BY THE BOARD SHALL PROMPTLY DELIVER THE LICENSE TO THE BOARD.

16 G. A PROVISIONAL LICENSEE WHO LOSES ACTIVE CANDIDATE STATUS SHALL
17 SURRENDER THE PROVISIONAL LICENSE TO THE BOARD IMMEDIATELY.

18 32-2709. Investigations: complaints: subpoenas:
19 confidentiality

20 A. THE DIRECTOR MAY INVESTIGATE A COMPLAINT OR ANY INFORMATION THAT
21 INDICATES THAT A PERSON IS OR MAY BE VIOLATING THIS ARTICLE. IN
22 CONNECTION WITH AN INVESTIGATION, THE DIRECTOR MAY EXAMINE AND COPY
23 DOCUMENTS AND OTHER PHYSICAL EVIDENCE WHEREVER LOCATED THAT RELATE TO THE
24 CONDUCT OR COMPETENCY OF A GENETIC COUNSELOR PURSUANT TO THE REQUIREMENTS
25 OF THIS CHAPTER AND THE RULES ADOPTED PURSUANT TO THIS CHAPTER.

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

31 C. PATIENT RECORDS, INCLUDING CLINICAL RECORDS, MEDICAL REPORTS,
32 LABORATORY STATEMENTS AND REPORTS, FILES, FILMS, ORAL STATEMENTS RELATING
33 TO PATIENT AND FAMILY HISTORIES, EVALUATIONS, FINDINGS AND COUNSELING
34 INFORMATION THAT ARE KEPT BY THE DIRECTOR PURSUANT TO AN INVESTIGATION OR
35 AN ADMINISTRATIVE PROCEEDING ARE NOT PUBLIC RECORDS AND ARE NOT SUBJECT TO
36 TITLE 39, CHAPTER 1, ARTICLE 2. THE DIRECTOR SHALL KEEP CONFIDENTIAL THE
37 NAMES OF PATIENTS AND THEIR FAMILIES WHOSE RECORDS ARE REVIEWED DURING THE
38 COURSE OF AN INVESTIGATION OR HEARING.

39 32-2710. Violations: classification

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

41 1. OBTAINS A LICENSE AS A GENETIC COUNSELOR BY FRAUD, INTENTIONAL
42 MISREPRESENTATION OR DECEIT.

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

1 32-2711. Fees; rules

2 THE BOARD SHALL PRESCRIBE IN RULE AND COLLECT FEES FOR ALL OF THE
3 FOLLOWING:

- 4 1. AN INITIAL GENETIC COUNSELOR LICENSE APPLICATION.
- 5 2. A ONE-YEAR PROVISIONAL GENETIC COUNSELOR LICENSE AND, IF
6 GRANTED, A ONE-YEAR PROVISIONAL LICENSE EXTENSION.
- 7 3. A TWO-YEAR GENETIC COUNSELOR LICENSE.
- 8 4. A TWO-YEAR RENEWAL OF THE GENETIC COUNSELOR LICENSE.
- 9 5. AN APPLICATION FOR REINSTATEMENT OF AN EXPIRED LICENSE.

10 32-2712. Use of title; prohibitions

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

15 32-2713. Genetic counselors board fund; deposit

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

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

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

24 32-3201. Definitions

25 In this chapter, unless the context otherwise requires:

26 2. 1. "Health professional" means a person who is certified or
27 licensed pursuant to chapter 7, 8, 11, 13, 14, 15, 15.1, 16, 17, 18, 19,
28 19.1, 21, 25, 27, 28, 29, 33, 34, 35, 39, 41 or 42 of this title, title
29 36, chapter 4, article 6, title 36, chapter 6, article 7 or title 36,
30 chapter 17.

31 1. 2. "Health profession regulatory board" means any board that
32 regulates one or more health professionals in this state.

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

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

37 36-3601. Definitions

38 ~~For the purposes of~~ IN this chapter, UNLESS THE CONTEXT OTHERWISE
39 REQUIRES:

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

42 2. "Health care provider":

43 (a) Means a person licensed pursuant to title 32, chapter 7, 8, 13,
44 14, 15, 15.1, 16, 17, 18, 19, 19.1, 25, 27, 28, 29, 33, 34, 35, 39, 41 or

1 42, or chapter 4, article 6 of this title, chapter 6, article 7 of this
2 title or chapter 17 of this title.

3 (b) Includes:

4 (i) A health care institution licensed pursuant to chapter 4 of
5 this title.

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

8 3. "Health care provider regulatory board or agency" means a board
9 or agency that regulates one or more health care provider professions in
10 this state.

11 4. "Telehealth" means:

12 (a) The interactive use of audio, video or other electronic media,
13 including asynchronous store-and-forward technologies and remote patient
14 monitoring technologies, for the practice of health care, assessment,
15 diagnosis, consultation or treatment and the transfer of medical data.

16 (b) Includes the use of an audio-only telephone encounter between
17 the patient or client and health care provider if an audio-visual
18 telehealth encounter is not reasonably available due to the patient's
19 functional status, the patient's lack of technology or telecommunications
20 infrastructure limits, as determined by the health care provider.

21 (c) Does not include the use of a fax machine, instant messages,
22 voice mail or email.

23 Sec. 4. Title 41, chapter 27, article 2, Arizona Revised Statutes,
24 is amended by adding section 41-3033.01, to read:

25 41-3033.01. Board of genetic counselors: termination July 1,
26 2033

27 A. THE BOARD OF GENETIC COUNSELORS TERMINATES ON JULY 1, 2033.

28 B. TITLE 32, CHAPTER 27 AND THIS SECTION ARE REPEALED ON JANUARY 1,
29 2034.

30 Sec. 5. Purpose

31 Pursuant to section 41-2955, subsection E, Arizona Revised Statutes,
32 the legislature establishes the board of genetic counselors to regulate
33 the practice of genetic counseling for the public health, safety and
34 welfare.

35 Sec. 6. Initial terms; members of board of genetic counselors

36 A. Notwithstanding section 32-2702, Arizona Revised Statutes, as
37 added by this act, the initial terms of members of the board of genetic
38 counselors are:

39 1. One term ending September 1, 2027.
40 2. Two terms ending September 1, 2028.

41 B. The governor shall make all subsequent appointments as
42 prescribed by statute.