

[Code of Alabama](#)

[Title 34. Professions and Businesses.](#)

[Chapter 13A. Alabama Genetic Counselor Act.](#)

Ala.Code 1975 T. 34, Ch. 13A, Refs & Annos

[Currentness](#)

Ala. Code 1975 T. 34, Ch. 13A, Refs & Annos, AL ST T. 34, Ch. 13A, Refs & Annos
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Ala.Code 1975 § 34-13A-1

§ 34-13A-1. Short title.

Effective: May 21, 2019

[Currentness](#)

This chapter shall be known and may be cited as the Alabama Genetic Counselor Act.

Credits

[\(Act 2019-224, § 1.\)](#)

Ala. Code 1975 § 34-13A-1, AL ST § 34-13A-1

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Ala.Code 1975 § 34-13A-2

§ 34-13A-2. Definitions.

Effective: May 21, 2019

[Currentness](#)

For the purposes of this chapter, the following terms shall have the following meanings:

- (1) ABGC. The American Board of Genetic Counseling, or its successor or equivalent.
- (2) ABMGG. The American Board of Medical Genetics and Genomics, or its successor or equivalent.
- (3) ACGC. The Accreditation Council for Genetic Counseling, or its successor or equivalent.
- (4) BOARD. The Alabama Board of Genetic Counseling.
- (5) EXAMINATION FOR LICENSURE. The ABGC or ABMGG certification examination, or the examination provided by a successor entity to the ABGC or ABMGG, to test the competence and qualifications of applicants to practice genetic counseling.
- (6) GENETIC COUNSELING. The provision of services by a genetic counselor to do any of the following:
 - a. Obtain and evaluate individual, family, and medical histories to determine genetic risk for genetic or medical conditions and diseases in a patient, his or her offspring, or other family members.
 - b. Discuss the features, natural history, means of diagnosis, genetic and environmental factors, and management of risk for genetic or medical conditions and diseases.

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

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

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

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

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

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

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

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

(9) GENETIC TEST or GENOMIC TEST.

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

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

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

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

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

1. Routine physical measurements.

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

3. Tests for the use of drugs.

4. Tests for the presence of a pathogen.

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

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

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

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

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

Credits

(Act 2019-224, § 2.)

Ala. Code 1975 § 34-13A-2, AL ST § 34-13A-2
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Ala.Code 1975 § 34-13A-3

§ 34-13A-3. State Board of Genetic Counseling.

Effective: May 21, 2019

[Currentness](#)

- (a) The State Board of Genetic Counseling is created to implement and administer this chapter.
- (b) The membership of the board shall consist of all of the following:
- (1) One individual appointed by the Department of Genetics at the University of Alabama at Birmingham.
 - (2) Four individuals who practice genetic counseling in Alabama and who hold a master's degree or doctoral degree in genetic counseling from an ACGC or ABMGG accredited training program, or an equivalent program approved by the ACGC or the ABMGG, appointed by the Governor.
 - (3) One physician appointed by the Medical Association of the State of Alabama.
 - (4) One physician appointed by the State Board of Medical Examiners.
 - (5) One physician who specializes in pediatric genetics appointed by the Lieutenant Governor.
 - (6) One physician appointed by the Speaker of the House of Representatives.
- (c) Board members appointed by the Governor shall serve for terms of two years and, upon the expiration of a term, may continue to serve until replaced or reappointed. All other board members shall serve until they are replaced by their respective appointing authority.

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

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

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

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

Credits

([Act 2019-224, § 3.](#))

Ala. Code 1975 § 34-13A-3, AL ST § 34-13A-3
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Ala.Code 1975 § 34-13A-4

§ 34-13A-4. License -- Qualifications and issuance; temporary license.

Effective: May 21, 2019

[Currentness](#)

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

- (1) Is at least 21 years of age.
- (2) Has applied in writing to the board in a form and substance that is satisfactory to the board.
- (3) Has not engaged in conduct or activities which would constitute grounds for discipline under this chapter.
- (4) Has successfully completed either of the following:
 - a. A master's degree in genetic counseling from an ACGC or ABMGG accredited training program, or an equivalent program approved by the ACGC or the ABMGG.
 - b. A doctoral degree and an ABMGG accredited medical genetics training program, or an equivalent program approved by the ABMGG.
- (5) Has successfully completed an examination for licensure, as approved by the board.
- (6) Has paid fees established by board rule.

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

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

(b) The board may issue a temporary license to practice genetic counseling to any individual who has made application to the board, has submitted evidence to the board of admission to examination for licensure, and has satisfied all other requirements or conditions for licensure as provided in this section and by board rule, except for the examination requirement. A temporary license shall be valid for no more than one year. The holder of a temporary license shall practice only under the supervision of a qualified supervisor. Nothing in this subsection shall prohibit an applicant from reapplying for a temporary license if he or she otherwise satisfies the qualifications of this subsection.

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(Act 2019-224, § 4.)

Ala. Code 1975 § 34-13A-4, AL ST § 34-13A-4
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Ala.Code 1975 § 34-13A-5

§ 34-13A-5. License -- Duration and renewal; restoration of license; inactive status.

Effective: May 21, 2019

[Currentness](#)

(a) A license issued by the board pursuant to this chapter shall be valid for no more than two years, unless otherwise specified by this chapter or board rule, and shall be renewable on a renewal date established by board rule.

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

(1) Making application to the board.

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

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

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

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

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(Act 2019-224, § 5.)

Ala. Code 1975 § 34-13A-5, AL ST § 34-13A-5
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Ala.Code 1975 § 34-13A-6

§ 34-13A-6. Prohibited activities; violations.

Effective: May 21, 2019

[Currentness](#)

(a) After the board establishes the genetic counseling licensing program as provided in this chapter, an individual who does not hold a valid license issued by the board may not do any of the following:

- (1) Engage in the practice of genetic counseling in this state.
- (2) Hold himself or herself out as a genetic counselor.
- (3) Use, in connection with his or her name or place of business, any of the following terms:
 - a. Genetic counselor.
 - b. Licensed genetic counselor.
 - c. Gene counselor.
 - d. Genetic consultant.
 - e. Genetic associate.
 - f. Any words, letters, abbreviations, or insignia indicating or implying the individual holds a genetic counseling license.

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

Credits

([Act 2019-224, § 6.](#))

Ala. Code 1975 § 34-13A-6, AL ST § 34-13A-6
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Ala.Code 1975 § 34-13A-7

§ 34-13A-7. Powers and duties of board.

Effective: May 21, 2019

[Currentness](#)

The board may do all of the following:

- (1) Determine the qualifications and fitness of applicants for licensure and renewal of licensure.
- (2) Consistent with the laws of this state, adopt and revise rules as necessary to conduct its business, carry out its duties, and administer this chapter.
- (3) Examine for, approve, issue, deny, revoke, suspend, sanction, and renew the license of any applicant or genetic counselor, as applicable, pursuant to this chapter and conduct hearings in connection with those actions.
- (4) Conduct hearings on complaints concerning violations of this chapter, and any rule adopted pursuant to this chapter, and cause the prosecution and enjoinder of any violation.
- (5) Establish licensure, application, examination, certification, and other administrative fees as necessary.
- (6) Establish continuing education requirements.
- (7) Impose administrative fines, not to exceed one thousand dollars (\$1,000) per violation, for a violation of this chapter, a board rule, or a condition of a license.
- (8) Accept grants from foundations, individuals, and institutions to further the purposes of the board.

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

Credits

([Act 2019-224, § 7.](#))

Ala. Code 1975 § 34-13A-7, AL ST § 34-13A-7
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Ala.Code 1975 § 34-13A-8

§ 34-13A-8. Exemptions.

Effective: May 21, 2019

[Currentness](#)

This chapter does not apply to any of the following:

- (1) Any individual licensed by the state to practice in a profession other than that of a genetic counselor, when acting within the scope of his or her profession and doing work of a nature consistent with his or her training. The individual may not hold himself or herself out to the public as a genetic counselor.
- (2) Any physician licensed to practice medicine or osteopathy in this state.
- (3) Any individual who is certified by ABMGG as a doctor of philosophy medical geneticist before December 31, 2018.
- (4) Any individual employed as a genetic counselor by the federal government or an agency thereof, if the individual provides genetic counseling services solely under the direction and control of the organization through which he or she is employed.
- (5) A genetic counseling intern enrolled in an ACGC or ABMGG accredited genetic counseling educational program, if genetic counseling services performed by the genetic counseling intern are an integral part of his or her course of study and are performed under the direct instruction of a genetic counselor or licensed physician who is assigned to the genetic counseling intern and is on duty and available in the assigned patient care area.
- (6) Any company providing services available directly to consumers without seeing a physician or genetic counselor which is approved by the United States Food and Drug Administration to assess, and not diagnose, risks for certain genetic diseases or conditions.

Credits

§ 34-13A-8. Exemptions., AL ST § 34-13A-8

(Act 2019-224, § 8.)

Ala. Code 1975 § 34-13A-8, AL ST § 34-13A-8
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Ala.Code 1975 § 34-13A-9

§ 34-13A-9. Genetic counselors not authorized to practice medicine.

Effective: May 21, 2019

[Currentness](#)

Nothing in this chapter may be construed as authorizing a genetic counselor to practice medicine.

Credits

[\(Act 2019-224, § 9.\)](#)

Ala. Code 1975 § 34-13A-9, AL ST § 34-13A-9

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Ala.Code 1975 § 34-13A-10

§ 34-13A-10. Genetic Counseling Fund.

Effective: May 21, 2019

[Currentness](#)

There is established in the State Treasury a separate special revenue trust fund known as the Genetic Counseling Fund. All receipts collected by the board pursuant to this chapter shall be deposited into the fund and shall be used only to implement this chapter. The receipts shall be disbursed only by warrant of the Comptroller upon the State Treasury, upon itemized vouchers approved by the executive director, or the board if no executive director is employed. No funds may be withdrawn or expended except as budgeted and allotted according to [Sections 41-4-80 to 41-4-96](#), inclusive, and [Sections 41-19-1 to 41-19-12](#), inclusive, and only in amounts as stipulated in the general appropriations bill or other appropriations bills.

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[\(Act 2019-224, § 10.\)](#)

Ala. Code 1975 § 34-13A-10, AL ST § 34-13A-10
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Ala.Code 1975 § 34-13A-11

§ 34-13A-11. Sunset provision.

Effective: May 21, 2019

[Currentness](#)

The Alabama Board of Genetic Counseling shall be subject to the Alabama Sunset Law, Chapter 20 of Title 41, as an enumerated agency as provided in [Section 41-20-3](#), and shall have a termination date of October 1, 2021, and every four years thereafter, unless continued pursuant to the Alabama Sunset Law.

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[\(Act 2019-224, § 11.\)](#)

Ala. Code 1975 § 34-13A-11, AL ST § 34-13A-11
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