

SENATE BILL NO. 248

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - SECOND SESSION

BY SENATOR DUNBAR

Introduced: 2/18/26

Referred: Labor & Commerce, Health & Social Services

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the practice of genetic counseling; relating to the licensure of genetic**
2 **counselors; establishing the Genetic Counseling Advisory Council; relating to the duties**
3 **of the State Medical Board; relating to telehealth by licensed genetic counselors; relating**
4 **to medical malpractice liability of licensed genetic counselors; relating to immunity from**
5 **civil liability for a licensed genetic counselor providing free health care services; and**
6 **prohibiting unfair discrimination under group health insurance against genetic**
7 **counselors."**

8 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

9 *** Section 1.** AS 08.02.110(a) is amended to read:

10 (a) An acupuncturist licensed under AS 08.06, an audiologist or speech-
11 language pathologist licensed under AS 08.11, a behavior analyst licensed under
12 AS 08.15, a person licensed in the state as a chiropractor under AS 08.20, a
13 professional or associate counselor licensed under AS 08.29, a dentist under AS 08.36,

1 a dietitian or nutritionist licensed under AS 08.38, **a genetic counselor licensed**
 2 **under AS 08.53**, a massage therapist licensed under AS 08.61, a marital and family
 3 therapist licensed under AS 08.63, a medical practitioner or osteopath under AS 08.64,
 4 a direct-entry midwife certified under AS 08.65, a registered or advanced practice
 5 registered nurse under AS 08.68, an optometrist under AS 08.72, a licensed
 6 pharmacist under AS 08.80, a physical therapist or occupational therapist licensed
 7 under AS 08.84, a psychologist under AS 08.86, or a clinical social worker licensed
 8 under AS 08.95, shall use as professional identification appropriate letters or a title
 9 after that person's name that represents the person's specific field of practice. The
 10 letters or title shall appear on all signs, stationery, or other advertising in which the
 11 person offers or displays personal professional services to the public. In addition, a
 12 person engaged in the practice of medicine or osteopathy as defined in AS 08.64.380,
 13 or a person engaged in any manner in the healing arts who diagnoses, treats, tests, or
 14 counsels other persons in relation to human health or disease and uses the letters
 15 "M.D." or the title "doctor" or "physician" or another title that tends to show that the
 16 person is willing or qualified to diagnose, treat, test, or counsel another person, shall
 17 clarify the letters or title by adding the appropriate specialist designation, if any, such
 18 as "dermatologist," "radiologist," "audiologist," "naturopath," or the like.

19 * **Sec. 2.** AS 08.02.130(j)(1) is amended to read:

20 (1) "health care provider" means

21 (A) an audiologist or speech-language pathologist licensed
 22 under AS 08.11; a behavior analyst licensed under AS 08.15; a chiropractor
 23 licensed under AS 08.20; a professional or associate counselor licensed under
 24 AS 08.29; a dental hygienist licensed under AS 08.32; a dentist licensed under
 25 AS 08.36; a dietitian or nutritionist licensed under AS 08.38; a naturopath
 26 licensed under AS 08.45; **a genetic counselor licensed under AS 08.53**; a
 27 marital and family therapist licensed under AS 08.63; a physician licensed
 28 under AS 08.64; a podiatrist, osteopath, or physician assistant licensed under
 29 AS 08.64; a direct-entry midwife certified under AS 08.65; a nurse licensed
 30 under AS 08.68; a dispensing optician licensed under AS 08.71; an optometrist
 31 licensed under AS 08.72; a pharmacist licensed under AS 08.80; a physical

therapist or occupational therapist licensed under AS 08.84; a psychologist or psychological associate licensed under AS 08.86; or a social worker licensed under AS 08.95; or

(B) a physician licensed in another state; or

(C) a member of a multidisciplinary care team who is licensed in another state;

* **Sec. 3.** AS 08.02.130(j)(4) is amended to read:

(4) "member of a multidisciplinary care team" means an audiologist, speech-language pathologist, behavior analyst, professional counselor, dietitian, **genetic counselor**, nutritionist, naturopath, marital and family therapist, podiatrist, osteopath, physician assistant, nurse, pharmacist, physical therapist, occupational therapist, psychologist or psychological associate, advanced nurse practitioner, or social worker who is a member of a team coordinated by a physician licensed in another state who meets the requirements of (b)(3) of this section;

* **Sec. 4.** AS 08 is amended by adding a new chapter to read:

Chapter 53. Genetic Counselors.

Article 1. Licensing of Genetic Counselors.

Sec. 08.53.100. License required; title. (a) Except as provided in AS 08.53.150 and 08.53.210, a person may not practice, offer or attempt to practice, or advertise or announce as being prepared or qualified to practice as a genetic counselor without a license.

(b) Unless licensed under this chapter or excepted from licensure under AS 08.53.210(a), a person may not use or publicly display a title in connection with the person's name, including "genetic counselor," "licensed genetic counselor," "gene counselor," "genetic consultant," "genetic associate," or a similar title or associated letters, abbreviations, or insignia indicating that the person holds a genetic counseling license.

Sec. 08.53.110. Qualifications for license. (a) The board shall issue a license to practice genetic counseling to an applicant who

(1) pays the required fees and applies on a form prescribed by the board; and

1 (2) provides evidence satisfactory to the board that the applicant

2 (A) has successfully completed a certification program in
3 genetic counseling or medical genetics that, at the time of graduation, is
4 accredited by a nationally recognized certifying organization for genetic
5 counseling or medical genetics and approved by the board in regulation;

6 (B) has passed a certified genetic counselor examination
7 provided by a nationally recognized certifying organization for genetic
8 counseling or medical genetics approved by the board in regulation;

9 (C) unless the license was later reinstated, has not had a license
10 to practice genetic counseling revoked, suspended, or, while under
11 investigation, has not voluntarily surrendered a license, in this state or another;

12 (D) is not the subject of an unresolved or adverse decision
13 based on a complaint, investigation, review procedure, or other disciplinary
14 proceeding undertaken by a state, territorial, local, or federal genetic
15 counseling licensing jurisdiction or law enforcement agency that relates to
16 criminal or fraudulent activity, genetic counseling malpractice, or negligent
17 genetic counseling and that adversely reflects on the applicant's ability or
18 competence to practice as a genetic counselor or on the safety or well-being of
19 a patient or client; and

20 (E) meets other qualifications for a license to practice genetic
21 counseling established by the board by regulation.

22 (b) The board shall issue a license to practice genetic counseling to an
23 applicant who does not qualify for licensure under (a)(2)(A) or (a)(2)(B) of this
24 section if the applicant

25 (1) meets the qualifications prescribed in (a)(1) and (a)(2)(C) - (E) of
26 this section;

27 (2) submits a letter of recommendation from three individuals who
28 have worked with the applicant in an employment setting within the previous 10 years
29 and can attest to the applicant's competency in providing genetic counseling services;
30 at least one letter of recommendation must be from a genetic counselor who qualifies
31 for licensure under (a) of this section, and at least one letter of recommendation must

be from either a certified clinical geneticist or a certified medical geneticist; in this paragraph, "certified clinical geneticist" or "certified medical geneticist" means a medical doctor certified by a nationally recognized certifying organization for genetic counseling or medical genetics approved by the board in regulation, to be competent in diagnosing, managing, and counseling patients, clients, and families about genetic conditions;

(3) provides evidence satisfactory to the board that the applicant

(A) has worked as a genetic counselor for at least 10 years before the effective date of this Act;

(B) has a master's degree or higher in genetics or related field of study as determined by the board in regulation;

(C) has earned continuing education units in genetic counseling within the last five years from a program by a nationally recognized certifying organization for genetic counseling or medical genetics approved by the board in regulation; and

(D) has never failed a certified genetic counselor examination provided by a nationally recognized certifying organization for genetic counseling or medical genetics.

Sec. 08.53.120. Temporary license. The board shall issue a temporary license to practice genetic counseling for up to one year to an applicant who meets the requirements of AS 08.53.110(a)(1), (a)(2)(A), and (a)(2)(C) - (E), and has met the requirement to take the examination required under AS 08.53.110(a)(2)(B), but has either not taken the examination or has not received examination results. A genetic counselor working under a temporary license shall work under the general supervision of a licensed genetic counselor or a licensed physician. A genetic counselor working under a temporary license who fails the examination may renew the temporary license for up to one year by submitting an application to the board that has been signed by the licensed genetic counselor or physician supervising the applicant. A temporary license terminates 30 days after the holder of the temporary license fails to pass the examination.

Sec. 08.53.130. Licensure by credentials. The board may issue a license to

1 practice genetic counseling to an applicant who pays the required fees and provides
 2 satisfactory evidence to the board that the applicant holds an equivalent valid license
 3 issued by another state, territory, or jurisdiction of the United States.

4 **Sec. 08.53.140. Renewal of license; continuing education.** (a) The board
 5 shall renew the license of a licensee who applies for renewal on a form provided by
 6 the board, pays the required fee, provides evidence of continued competency in
 7 accordance with regulations adopted by the board, and provides evidence satisfactory
 8 to the board that the licensee meets the requirements of either (b) or (c) of this section.

9 (b) A licensee shall provide with an application to renew the license evidence
 10 satisfactory to the board demonstrating the licensee has completed, within two years
 11 immediately preceding the application, 50 continuing education units provided by a
 12 nationally recognized certifying organization for genetic counseling or medical
 13 genetics that is approved by the board in regulation.

14 (c) A licensee may submit a written request to the board to waive or reduce
 15 the continuing education requirements under (b) of this section or grant an extension
 16 of time in which the continuing education requirements must be completed. The board
 17 may grant the request if the licensee was unable to complete the continuing education
 18 requirements because

19 (1) of an illness of the licensee or of a family member for whom the
 20 licensee provides care;

21 (2) the licensee experienced another demonstrated hardship that
 22 substantially interfered with the licensee's ability to complete the continuing education
 23 requirements; or

24 (3) approved continuing education units were not reasonably available
 25 to the licensee.

26 **Sec. 08.53.150. Genetic counseling intern.** (a) A person enrolled as a student
 27 in a certification program in genetic counseling or medical genetics that is accredited
 28 by a nationally recognized certifying organization for genetic counseling or medical
 29 genetics and approved by the board in regulation may perform genetic counseling
 30 services using the title of genetic counseling intern if the services

31 (1) performed are an integral part of the student's course of study; and

(2) are performed under the direct supervision of a licensed genetic counselor who is assigned to supervise the student.

(b) In this section, "direct supervision" means supervision that is on-site or available by visual or real-time electronic means through which a supervising licensed genetic counselor guides the genetic counseling intern while the genetic counseling intern performs a clinical activity; "direct supervision" may include demonstration, coaching, and observation to the extent that the demonstration, coaching, or observation otherwise meets the requirements of this subsection.

Article 2. Regulation of Genetic Counselors.

Sec. 08.53.160. Scope of practice of genetic counselors. A licensed genetic counselor may

(1) obtain and evaluate individual, family, and medical histories to determine genetic risk for medical conditions and diseases in a patient or client or a patient's or client's family members, including future potential children of the patient or client;

(2) discuss the features, natural history, means of diagnosis, genetic and environmental factors, and management of risk for genetic or medical conditions or diseases with a patient or client;

(3) identify, order, and coordinate genetic laboratory tests and other diagnostic studies as appropriate for the genetic assessment of a patient or client;

(4) integrate genetic laboratory test results and other diagnostic studies with a patient's or client's personal and family medical history to assess and communicate risk factors for genetic or medical conditions and diseases;

(5) explain the results and clinical implications of genetic laboratory tests and other diagnostic studies to a patient or client;

(6) evaluate a patient's or client's or the patient's or client's family's responses to, risk of, or risk of the recurrence of a medical condition or disease, and provide related counseling and anticipatory guidance centered on the patient or client;

(7) use and provide referrals for community and online resources for medical, educational, financial, and psychosocial support and advocacy to patients, clients, families, and health care professionals; and

(8) provide written clinical documentation of medical, genetic, and counseling information to patients, clients, families, and health care professionals.

Sec. 08.53.170. Disciplinary sanctions. (a) In addition to the board's powers under AS 08.01.075, the board may revoke or suspend the license of a genetic counselor, or may reprimand, censure, or discipline a licensee, if, after a hearing, the board finds that the licensee

(1) used or knowingly cooperated in deceit, fraud, or intentional misrepresentation to obtain a license;

(2) engaged in unprofessional conduct in the course of providing professional services;

(3) violated the code of ethics adopted by the board;

(4) violated any provision of this chapter, a regulation adopted under this chapter, or an order issued by the board; or

(5) has been convicted of a felony or a crime that involves moral turpitude.

(b) The board may reinstate a revoked license if the licensee applies for reinstatement of the revoked license at least one year after the revocation and, after a hearing, the board finds that the licensee is able to practice the profession with skill and safety.

Article 3. Genetic Counseling Advisory Council.

Sec. 08.53.180. Genetic Counseling Advisory Council. (a) The board shall establish the Genetic Counseling Advisory Council for the purpose of advising the board on matters relating to administering this chapter.

(b) The council consists of at least three and not more than five members appointed by the board. A majority membership of the council must be licensed genetic counselors. The council must include at least one licensed physician. If the council has five members, the council may include one public member. A public member of the council may not

(1) be engaged in the occupation that the board regulates;

(2) be associated by legal contract with a member of the occupation that the board regulates except as a consumer of the services provided by a practitioner

1 of the occupation; or

2 (3) have a direct financial interest in the occupation that the board
3 regulates.

4 (c) The council shall meet at least annually or as necessary to conduct
5 business. The council may meet at the call of the chair, by the written request of a
6 majority of the council members, or at the request of the board.

7 (d) At the first meeting of the council, and annually thereafter, the council
8 shall elect from its membership a chair, vice chair, and secretary. An officer shall
9 serve until a successor is elected.

10 (e) A majority of the members of the council constitute a quorum.

11 (f) Members of the council serve staggered terms of three years. A council
12 member may not be appointed for more than three consecutive full terms. If a vacancy
13 occurs, the board shall appoint a qualified person to fill the unexpired portion of the
14 term. The board may remove a council member if the council member

15 (1) during the term of service, no longer meets the qualifications
16 required for appointment to the council;

17 (2) fails to attend council meetings for a period of one year;

18 (3) is found by the board to be in violation of a provision of this
19 chapter.

20 (g) Members of the council are entitled to per diem and travel expenses
21 authorized for boards and commissions under AS 39.20.180.

22 **Article 4. General Provisions.**

23 **Sec. 08.53.200. Application of Administrative Procedure Act.** AS 44.62
24 (Administrative Procedure Act) applies to any action taken by the board under this
25 chapter.

26 **Sec. 08.53.210. Exceptions to application of chapter.** (a) This chapter does
27 not apply to a genetic counselor who is

28 (1) in the military service in the discharge of official duties;

29 (2) in the employ of the United States Public Health Service, United
30 States Department of Veterans Affairs, United States Indian Health Service, or another
31 agency of the federal government, in the discharge of official duties;

(3) licensed in another state or jurisdiction who is teaching or demonstrating clinical techniques at a meeting, seminar, or limited course of instruction sponsored by a genetic counseling society or association or by an accredited genetic counseling or medical genetics educational institution;

(4) employed in the state by an Indian health program, as that term is defined in 25 U.S.C. 1603, while providing genetic counseling services to a person the Indian health program is entitled to serve under 25 U.S.C. 5301 - 5332 (Indian Self-Determination and Education Assistance Act), as amended, and 25 U.S.C. 1601 et seq. (Indian Health Care Improvement Act), as amended.

(b) A health care provider licensed in the state who is not a licensed genetic counselor may provide genetic information, education, and support consistent with the scope of the health care provider's practice, education, and training.

(c) A person excepted from this chapter under (a) of this section is held to the same standard of care as a person covered by this chapter.

Sec. 08.53.220. Penalty. A person who violates a provision of this chapter or a regulation adopted under this chapter for which a penalty is not otherwise provided is guilty of a class B misdemeanor.

Sec. 08.53.230. Regulation of genetic counselors; powers of the board. (a) In consultation with the Genetic Counseling Advisory Council established under AS 08.53.180, the board shall adopt regulations necessary to carry out the purposes of AS 08.53 regarding the licensure of genetic counselors and regulation of services a genetic counselor may perform. The regulations must include the adoption of a code of ethics for genetic counselors based on nationally recognized ethical standards for genetic counselors.

(b) The board shall have the power to administer oaths, subpoena witnesses, and compel the production of documents pertinent to carrying out duties imposed by this chapter.

Sec. 08.53.300. Definitions. In this chapter,

(1) "board" means the State Medical Board;

(2) "licensed genetic counselor" means a genetic counselor licensed under this chapter.

1 * **Sec. 5.** AS 08.64.101(a) is amended to read:

2 (a) The board shall

3 (1) except as provided in regulations adopted by the board under (b) of
4 this section, examine and issue licenses to applicants;

5 (2) develop written guidelines to ensure that licensing requirements are
6 not unreasonably burdensome and the issuance of licenses is not unreasonably
7 withheld or delayed;

8 (3) after a hearing, impose disciplinary sanctions on persons who
9 violate this chapter, AS 08.53, or the regulations or orders of the board;

10 (4) adopt regulations ensuring that renewal of licenses is contingent on
11 proof of continued competency on the part of the licensee;

12 (5) under regulations adopted by the board, contract with private
13 professional organizations to establish an impaired medical professionals program to
14 identify, confront, evaluate, and treat persons licensed under this chapter who abuse
15 alcohol, other drugs, or other substances or are mentally ill or cognitively impaired;

16 (6) adopt regulations that establish guidelines for a physician or
17 physician assistant who is rendering a diagnosis, providing treatment, or prescribing,
18 dispensing, or administering a prescription drug to a person without conducting a
19 physical examination under AS 08.64.364; the guidelines must include a nationally
20 recognized model policy for standards of care of a patient who is at a different location
21 than the physician or physician assistant;

22 (7) require that a licensee who has a federal Drug Enforcement
23 Administration registration number register with the controlled substance prescription
24 database under AS 17.30.200(n).

25 * **Sec. 6.** AS 08.64.103(a) is amended to read:

26 (a) After consulting with the board, the department shall employ two persons
27 who are not members of the board; one shall be assigned as the investigator for the
28 board; the other shall be assigned as the executive secretary for the board. The
29 investigator shall

30 (1) conduct investigations into alleged violations of this chapter,
31 violations of AS 08.53, and into alleged violations of regulations and orders of the

board;

(2) at the request of the board, conduct investigations based on complaints filed with the department or with the board; [AND]

(3) be directly responsible and accountable to the board, except that only the department has authority to terminate the investigator's employment and the department shall provide day-to-day [DAY TO DAY] and administrative supervision of the investigator; **and**

(4) in consultation with the Genetic Counseling Advisory Council, ensure that applicants for a license or renewal meet the applicable requirements under AS 08.53 and established by the board.

* **Sec. 7.** AS 08.64.130(a) is amended to read:

(a) The board shall preserve a record of its proceedings, which must contain the name, age, residence, and duration of residence of each applicant for a license under this chapter, the time spent by the applicant in medical study, the place of medical study, and the year and school from which degrees were granted. The record must also show whether the applicant was granted a license or rejected.

* **Sec. 8.** AS 09.55.560(2) is amended to read:

(2) "health care provider" means an acupuncturist licensed under AS 08.06; an audiologist or speech-language pathologist licensed under AS 08.11; a chiropractor licensed under AS 08.20; a dental hygienist licensed under AS 08.32; a dentist licensed under AS 08.36; **a genetic counselor licensed under AS 08.53;** a nurse licensed under AS 08.68; a dispensing optician licensed under AS 08.71; a naturopath licensed under AS 08.45; an optometrist licensed under AS 08.72; a pharmacist licensed under AS 08.80; a physical therapist or occupational therapist licensed under AS 08.84; a physician or physician assistant licensed under AS 08.64; a podiatrist; a psychologist and a psychological associate licensed under AS 08.86; a hospital as defined in AS 47.32.900, including a governmentally owned or operated hospital; an employee of a health care provider acting within the course and scope of employment; an ambulatory surgical facility and other organizations whose primary purpose is the delivery of health care, including a health maintenance organization, individual practice association, integrated delivery system, preferred provider

organization or arrangement, and a physical hospital organization;

* **Sec. 9.** AS 09.65.300(c)(1) is amended to read:

(1) "health care provider" means a physician, physician assistant, dentist, dental hygienist, osteopath, optometrist, chiropractor, registered nurse, practical nurse, advanced practice registered nurse, naturopath, physical therapist, occupational therapist, marital and family therapist, psychologist, psychological associate, behavior analyst, assistant behavior analyst, licensed clinical social worker, athletic trainer, certified direct-entry midwife, genetic counselor, licensed professional counselor, or licensed associate counselor;

* **Sec. 10.** AS 21.36.090(d) is amended to read:

(d) Except to the extent necessary to comply with AS 21.42.365 and AS 21.56, a person may not practice or permit unfair discrimination against a person who provides a service covered under a group health insurance policy that extends coverage on an expense incurred basis, or under a group service or indemnity type contract issued by a health maintenance organization or a nonprofit corporation, if the service is within the scope of the provider's occupational license. In this subsection, "provider" means a state licensed physician, physician assistant, dentist, osteopath, optometrist, chiropractor, advanced practice registered nurse, pharmacist, naturopath, physical therapist, occupational therapist, marital and family therapist, psychologist, psychological associate, licensed clinical social worker, licensed professional counselor, licensed associate counselor, certified direct-entry midwife, genetic counselor, or dental hygienist holding an advanced practice permit.

* **Sec. 11.** The uncoded law of the State of Alaska is amended by adding a new section to read:

TRANSITION: CURRENT GENETIC COUNSELORS. Notwithstanding the licensing requirement of AS 08.53.100, enacted by sec. 4 of this Act, a person who, on the day before the effective date of this Act, is engaged in the practice of genetic counseling, may continue to practice genetic counseling without a license issued under AS 08.53 by the State Medical Board until July 1, 2027.

* **Sec. 12.** The uncoded law of the State of Alaska is amended by adding a new section to read:

1 TRANSITION: INITIAL MEMBERS OF THE GENETIC COUNSELING
2 ADVISORY COUNCIL. (a) The State Medical Board shall appoint the initial members of the
3 Genetic Counseling Advisory Council established in sec. 4 of this Act during the first meeting
4 of the board following the effective date of this Act.

5 (b) Notwithstanding AS 08.53.180(b), enacted by sec. 4 of this Act, a person who is
6 engaged in the practice of genetic counseling on the day before the effective date of this Act
7 may be appointed by the State Medical Board as an initial member of the Genetic Counseling
8 Advisory Council without a license issued under AS 08.53 by the State Medical Board. A
9 person appointed under this subsection may only continue to serve on the Genetic Counseling
10 Advisory Council after July 1, 2027, if the person obtains a license issued under AS 08.53 by
11 the State Medical Board on or before July 1, 2027.