

**CS FOR HOUSE BILL NO. 293(L&C)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - SECOND SESSION

BY THE HOUSE LABOR AND COMMERCE COMMITTEE

Offered: 2/25/26

Referred: Finance

Sponsor(s): REPRESENTATIVE FIELDS

**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

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

4 (B) a physician licensed in another state; or

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

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

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

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

16 **Chapter 53. Genetic Counselors.**

17 **Article 1. Licensing of Genetic Counselors.**

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

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

28 **Sec. 08.53.110. Qualifications for license.** The board shall issue a license to  
 29 practice genetic counseling to an applicant who

30 (1) pays the required fees and applies on a form prescribed by the  
 31 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 and

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

21 **Sec. 08.53.120. Temporary license.** The board shall issue a temporary license  
22 to practice genetic counseling for up to one year to an applicant who meets the  
23 requirements of AS 08.53.110(1), (2)(A), (2)(C), and (2)(D), and has met the  
24 requirement to take the examination required under AS 08.53.110(2)(B), but has either  
25 not taken the examination or has not received examination results. A genetic counselor  
26 working under a temporary license shall work under the general supervision of a  
27 licensed genetic counselor or a licensed physician. A temporary license terminates 30  
28 days after the holder of the temporary license fails to pass the examination.

29 **Sec. 08.53.130. Licensure by credentials.** The board may issue a license to  
30 practice genetic counseling to an applicant who pays the required fees and provides  
31 satisfactory evidence to the board that the applicant holds an equivalent valid license

1 issued by another state, territory, or jurisdiction of the United States.

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

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

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

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

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

22 (3) approved continuing education units were not reasonably available  
23 to the licensee.

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

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

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

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

7 **Article 2. Regulation of Genetic Counselors.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### 18                   **Article 3. Genetic Counseling Advisory Council.**

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

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

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

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

31                   (3) have a direct financial interest in the occupation that the board

1 regulates.

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

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

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

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

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

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

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

18 (g) Members of the council are not entitled to per diem and travel expenses  
19 authorized for boards and commissions under AS 39.20.180.

#### 20 **Article 4. General Provisions.**

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

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

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

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

30 (3) licensed in another state or jurisdiction who is teaching or  
31 demonstrating clinical techniques at a meeting, seminar, or limited course of

1 instruction sponsored by a genetic counseling society or association or by an  
2 accredited genetic counseling or medical genetics educational institution;

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

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

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

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

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

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

26 **Sec. 08.53.300. Definitions.** In this chapter,

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

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

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

31 (a) The board shall

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

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

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

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

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

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

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

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

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

28 (1) conduct investigations into alleged violations of this chapter,  
29 violations of AS 08.53, and into alleged violations of regulations and orders of the  
30 board;

31 (2) at the request of the board, conduct investigations based on

1 complaints filed with the department or with the board; [AND]

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

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

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

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

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

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

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

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

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

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

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

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

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

30 TRANSITION: INITIAL MEMBERS OF THE GENETIC COUNSELING  
 31 ADVISORY COUNCIL. (a) The State Medical Board shall appoint the initial members of the

1 Genetic Counseling Advisory Council established in sec. 4 of this Act during the first meeting  
2 of the board following the effective date of this Act.

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