

State of Arizona
Senate
Fifty-sixth Legislature
Second Regular Session
2024

SENATE BILL 1043

AN ACT

AMENDING SECTIONS 32-3201 AND 36-414, ARIZONA REVISED STATUTES; AMENDING TITLE 36, CHAPTER 6, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 7.3; AMENDING SECTION 36-3601, ARIZONA REVISED STATUTES; RELATING TO PUBLIC HEALTH.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 32-3201, Arizona Revised Statutes, is amended to
3 read:

4 32-3201. Definitions

5 In this chapter, unless the context otherwise requires:

6 ~~1.~~ 1. "Health professional" means a person who is certified or
7 licensed pursuant to chapter 7, 8, 11, 13, 14, 15, 15.1, 16, 17, 18, 19,
8 19.1, 21, 25, 28, 29, 33, 34, 35, 39, 41 or 42 of this title, title 36,
9 chapter 4, article 6, title 36, chapter 6, article 7 OR 7.3 or title 36,
10 chapter 17.

11 ~~2.~~ 2. "Health profession regulatory board" means any board that
12 regulates one or more health professionals in this state.

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

15 Sec. 2. Section 36-414, Arizona Revised Statutes, is amended to
16 read:

17 36-414. Health services licensing fund; exemption

18 A. The health services licensing fund is established consisting of
19 monies deposited pursuant to sections 30-654, 32-1308, 32-2805, 36-405,
20 36-765.05, 36-766.06, 36-767.08, 36-851.01, 36-882, 36-897.01, ~~and~~ 36-1903
21 AND 36-2063. The department of health services shall administer the fund.

22 B. Monies in the fund are subject to legislative appropriation.

23 C. Monies in the fund are exempt from the provisions of section
24 35-190 relating to lapsing of appropriations.

25 Sec. 3. Title 36, chapter 6, Arizona Revised Statutes, is amended
26 by adding article 7.3, to read:

27 ARTICLE 7.3. GENETIC COUNSELORS

28 36-767. Definitions

29 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

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

34 2. "CERTIFICATION" MEANS CERTIFICATION AS A GENETIC COUNSELOR BY
35 THE AMERICAN BOARD OF GENETIC COUNSELING, OR ITS SUCCESSOR, OR THE
36 AMERICAN BOARD OF MEDICAL GENETICS AND GENOMICS, OR ITS SUCCESSOR, OR
37 CERTIFICATION AS A PHD GENETICIST BY THE AMERICAN BOARD OF MEDICAL
38 GENETICS AND GENOMICS, OR ITS SUCCESSOR.

39 3. "DEPARTMENT" MEANS THE DEPARTMENT OF HEALTH SERVICES.

40 4. "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT.

41 5. "GENETIC COUNSELING" MEANS A COMMUNICATION PROCESS THAT MAY
42 INCLUDE:

43 (a) ESTIMATING THE LIKELIHOOD OF THE OCCURRENCE OR RECURRENCE OF
44 ANY POTENTIAL INHERITED OR GENETICALLY INFLUENCED CONDITION OR CONGENITAL
45 ABNORMALITY, INCLUDING:

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

3 (ii) REVIEWING PERTINENT MEDICAL RECORDS.

4 (iii) EVALUATING THE RISKS FROM EXPOSURE TO POSSIBLE MUTAGENS OR
5 TERATOGENS.

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

9 (v) ORDERING, COORDINATING AND DISCLOSING GENETIC LABORATORY TESTS
10 AND RESULTS AND OTHER DIAGNOSTIC STUDIES AS APPROPRIATE FOR THE GENETIC
11 ASSESSMENT.

12 (b) HELPING AN INDIVIDUAL, FAMILY MEMBER OR HEALTH CARE PROVIDER
13 TO:

14 (i) APPRECIATE THE MEDICAL, PSYCHOLOGICAL AND SOCIAL IMPLICATIONS
15 OF A DISORDER, INCLUDING ITS FEATURES, VARIABILITY, USUAL COURSE AND
16 MANAGEMENT OPTIONS.

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

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

21 (c) FACILITATING AN INDIVIDUAL'S OR FAMILY MEMBER'S:

22 (i) EXPLORATION OF THE PERCEPTION OF RISK AND BURDEN ASSOCIATED
23 WITH A GENETIC DISORDER.

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

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

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

33 36-767.01. Licensure required; exceptions

34 A. EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE, A PERSON MAY NOT
35 ACT AS A GENETIC COUNSELOR WITHOUT BEING LICENSED PURSUANT TO THIS
36 ARTICLE.

37 B. THE ARTICLE DOES NOT APPLY TO ANY OF THE FOLLOWING:

38 1. A PERSON WHO IS LICENSED IN THIS STATE AS A PHYSICIAN OR
39 LICENSED TO PRACTICE IN A HEALTH CARE PROFESSION OTHER THAN THAT OF A
40 GENETIC COUNSELOR WHEN ACTING WITHIN THE SCOPE OF THE PERSON'S PROFESSION
41 AND DOING WORK OF A NATURE CONSISTENT WITH THE PERSON'S TRAINING. A
42 PERSON DESCRIBED IN THIS PARAGRAPH MAY NOT CLAIM TO BE A GENETIC
43 COUNSELOR.

44 2. A PERSON WHO IS EMPLOYED AS A GENETIC COUNSELOR BY THE FEDERAL
45 GOVERNMENT OR A FEDERAL AGENCY IF THE PERSON PROVIDES GENETIC COUNSELING

1 SERVICES SOLELY UNDER THE DIRECTION AND CONTROL OF THE ENTITY BY WHICH THE
2 PERSON IS EMPLOYED.

3 3. A GENETIC COUNSELING INTERN IF THE GENETIC COUNSELING SERVICES
4 PERFORMED BY THE GENETIC COUNSELING INTERN ARE AN INTEGRAL PART OF THE
5 GENETIC COUNSELING INTERN'S COURSE OF STUDY AND ARE PERFORMED UNDER THE
6 DIRECT SUPERVISION OF A GENETIC COUNSELOR WHO IS ASSIGNED TO SUPERVISE THE
7 GENETIC COUNSELING INTERN AND WHO IS ON DUTY AND AVAILABLE IN THE ASSIGNED
8 PATIENT CARE AREA.

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

14 36-767.02. Licensure; reciprocity; exceptions; renewal

15 A. BEGINNING ON OCTOBER 1, 2025, A PERSON WHO WISHES TO PRACTICE
16 GENETIC COUNSELING IN THIS STATE SHALL BE LICENSED PURSUANT TO THIS
17 ARTICLE. A PERSON WHO WAS PRACTICING GENETIC COUNSELING ON THE EFFECTIVE
18 DATE OF THIS SECTION SHALL APPLY TO THE DEPARTMENT FOR LICENSURE PURSUANT
19 TO THIS ARTICLE ON OR BEFORE JANUARY 1, 2026.

20 B. AN APPLICANT FOR LICENSURE SHALL SUBMIT TO THE DEPARTMENT AN
21 APPLICATION AS PRESCRIBED BY THE DEPARTMENT, THE PRESCRIBED FEE AND
22 SATISFACTORY EVIDENCE OF HAVING CURRENT CERTIFICATION.

23 C. THE DEPARTMENT SHALL GRANT A GENETIC COUNSELOR LICENSE TO A
24 PERSON WHO MEETS THE QUALIFICATIONS PRESCRIBED BY THIS ARTICLE AND THE
25 RULES ADOPTED BY THE DEPARTMENT PURSUANT TO THIS ARTICLE.

26 D. AN APPLICANT WHO PROVIDES ADEQUATE DOCUMENTATION TO THE
27 DEPARTMENT OF THE APPLICANT'S LICENSURE OR REGISTRATION AS A GENETIC
28 COUNSELOR UNDER THE LAWS OF ANOTHER STATE, TERRITORY OR JURISDICTION OF
29 THE UNITED STATES THAT THE DEPARTMENT DETERMINES IMPOSES SUBSTANTIALLY THE
30 SAME LICENSING REQUIREMENTS AS THIS STATE MAY BE LICENSED PURSUANT TO THIS
31 ARTICLE.

32 E. AN INDIVIDUAL WHO DOES NOT QUALIFY FOR LICENSURE UNDER THIS
33 ARTICLE BUT WHO HAS BEEN PRACTICING GENETIC COUNSELING IN THIS STATE
34 BEFORE THE EFFECTIVE DATE OF THIS ARTICLE AND WHO HAS WORKED IN THIS STATE
35 AS A GENETIC COUNSELOR FOR AT LEAST EIGHT YEARS BEFORE THE EFFECTIVE DATE
36 OF THIS ARTICLE MAY APPLY TO THE DEPARTMENT FOR LICENSURE IF THE
37 INDIVIDUAL SUBMITS ALL OF THE FOLLOWING TO THE DEPARTMENT:

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

41 2. THREE LETTERS OF RECOMMENDATION FROM A PHYSICIAN OR GENETIC
42 COUNSELOR, INCLUDING AT LEAST ONE LETTER FROM A GENETIC COUNSELOR WHO IS
43 ELIGIBLE FOR LICENSURE UNDER THIS SECTION AND ONE LETTER FROM A CLINICAL
44 OR MEDICAL GENETICIST WHO IS CERTIFIED BY THE AMERICAN BOARD OF MEDICAL
45 GENETICS AND GENOMICS, OR ITS SUCCESSOR. ALL INDIVIDUALS WHO SUBMIT

1 LETTERS OF RECOMMENDATION UNDER THIS PARAGRAPH MUST HAVE WORKED WITH THE
2 APPLICANT IN AN EMPLOYMENT SETTING WITHIN THE IMMEDIATELY PRECEDING TEN
3 YEARS AND BE ABLE TO ATTEST TO THE APPLICANT'S COMPETENCY IN PROVIDING
4 GENETIC COUNSELING SERVICES.

5 3. DOCUMENTATION OF HAVING COMPLETED TWO AND ONE-HALF CONTINUING
6 EDUCATION UNITS IN THE TWELVE MONTHS IMMEDIATELY PRECEDING THE APPLICATION
7 DATE.

8 F. EXCEPT IN THE CASE OF A PROVISIONAL LICENSE ISSUED PURSUANT TO
9 SECTION 36-767.03, ALL LICENSES SHALL BE ISSUED FOR A TWO-YEAR PERIOD ON
10 PAYMENT OF THE PRESCRIBED FEES.

11 G. A LICENSE SHALL BE RENEWED ON FILING A RENEWAL APPLICATION THAT
12 INCLUDES THE PRESCRIBED RENEWAL FEE AND DOCUMENTATION OF HAVING COMPLETED
13 THE NUMBER OF CONTINUING EDUCATION UNITS REQUIRED FOR CERTIFICATION,
14 PRORATED FOR THE LENGTH OF THE LICENSE. A PERSON SHALL FILE AN
15 APPLICATION FOR RENEWAL AT LEAST THIRTY DAYS AND NOT MORE THAN SIXTY DAYS
16 BEFORE THE DATE THE PERSON'S CURRENT LICENSE EXPIRES.

17 36-767.03. Provisional license; expiration; extension;
18 supervision requirements; definitions

19 A. THE DEPARTMENT MAY GRANT A PERSON WITH ACTIVE CANDIDATE STATUS A
20 PROVISIONAL LICENSE FOR THAT PERSON TO PRACTICE GENETIC COUNSELING IF THE
21 PERSON FILES AN APPLICATION AND PAYS THE PROVISIONAL LICENSE FEE. THE
22 PROVISIONAL LICENSE IS VALID FOR ONE YEAR AFTER THE DATE OF ISSUANCE AND
23 MAY BE EXTENDED FOR ONE ADDITIONAL YEAR IF THE APPLICANT FAILS TO OBTAIN
24 CERTIFICATION.

25 B. A PROVISIONAL LICENSE EXPIRES AUTOMATICALLY ON THE EARLIEST OF
26 THE FOLLOWING:

- 27 1. ISSUANCE OF A LICENSE PURSUANT TO SECTION 36-767.02.
- 28 2. THIRTY DAYS AFTER THE APPLICANT FAILS TO TAKE OR PASS THE NEXT
29 AVAILABLE COMPLETE CERTIFICATION EXAMINATION.
- 30 3. THE DATE PRINTED ON THE PROVISIONAL LICENSE.

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

33 D. A PROVISIONAL LICENSEE SHALL WORK UNDER THE SUPERVISION OF A
34 QUALIFIED SUPERVISOR AT ALL TIMES DURING WHICH THE PROVISIONAL LICENSEE
35 PRACTICES GENETIC COUNSELING. THE QUALIFIED SUPERVISOR AND THE
36 PROVISIONAL LICENSEE SHALL COMPLETE AND MAINTAIN A SUPERVISION AGREEMENT
37 THAT IS SIGNED BY THE QUALIFIED SUPERVISOR AND THE PROVISIONAL LICENSEE
38 AND IS ON FILE WITH BOTH PARTIES.

39 E. FOR THE PURPOSES OF THIS SECTION:

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

42 2. "SUPERVISION":

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

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

3 36-767.04. Rules; advisory committee

4 A. THE DIRECTOR MAY ADOPT RULES NECESSARY TO PROPERLY ADMINISTER
5 AND ENFORCE THIS ARTICLE.

6 B. THE DIRECTOR, BY RULE, SHALL:

7 1. DEFINE AND DESCRIBE THE DUTIES AND LIMITS OF THE PRACTICE OF
8 GENETIC COUNSELING CONSISTENT WITH THIS ARTICLE.

9 2. ADOPT STANDARDS WITH RESPECT TO THE PRACTICE OF GENETIC
10 COUNSELING DESIGNED TO SAFEGUARD THE HEALTH AND SAFETY OF PATIENTS.

11 3. ESTABLISH CRITERIA FOR GRANTING, DENYING, SUSPENDING AND
12 REVOKING A LICENSE IN ORDER TO PROTECT THE HEALTH AND SAFETY OF PATIENTS.

13 C. THE DIRECTOR SHALL ESTABLISH A FIVE-MEMBER GENETIC COUNSELORS
14 ADVISORY COMMITTEE COMPOSED OF FOUR GENETIC COUNSELORS AND ONE PHYSICIAN
15 TO ASSIST THE DEPARTMENT IN DEVELOPING, REVISING AND ADOPTING RULES OR
16 SUGGESTED STATUTORY CHANGES THAT ARE NECESSARY TO REGULATE GENETIC
17 COUNSELORS IN THIS STATE. THE ADVISORY COMMITTEE SHALL ASSIST THE
18 DEPARTMENT WITH ANY INVESTIGATIONS AND ADMINISTRATIVE PROCEEDINGS
19 CONCERNING COMPETENCY, UNLAWFUL PRACTICE OR UNPROFESSIONAL CONDUCT
20 COMPLAINTS THAT INVOLVE A LICENSED GENETIC COUNSELOR. COMMITTEE MEMBERS
21 ARE ELIGIBLE TO RECEIVE REIMBURSEMENT OF EXPENSES PURSUANT TO TITLE 38,
22 CHAPTER 4, ARTICLE 2.

23 36-767.05. Grounds for denial, suspension or revocation of a
24 license; disciplinary action; hearings; civil
25 penalties; enforcement

26 A. THE DIRECTOR MAY DENY, SUSPEND OR REVOKE THE LICENSE OF ANY
27 GENETIC COUNSELOR WHO:

28 1. VIOLATES ANY PROVISION OF THIS ARTICLE OR THE RULES ADOPTED
29 PURSUANT TO THIS ARTICLE.

30 2. IS CONVICTED OF A FELONY OR A MISDEMEANOR INVOLVING MORAL
31 TURPITUDE.

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

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

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

44 D. IN ADDITION TO ANY OTHER DISCIPLINARY ACTION, THE DIRECTOR MAY
45 ASSESS A CIVIL PENALTY OF NOT MORE THAN \$100 FOR EACH VIOLATION OF THIS

1 ARTICLE OR A RULE ADOPTED PURSUANT TO THIS ARTICLE AS DETERMINED BY A
2 HEARING HELD PURSUANT TO THIS SECTION. EACH DAY THAT A VIOLATION
3 CONTINUES CONSTITUTES A SEPARATE OFFENSE. THE ATTORNEY GENERAL OR THE
4 COUNTY ATTORNEY MAY BRING AN ACTION IN THE NAME OF THIS STATE TO ENFORCE A
5 CIVIL PENALTY. THE ACTION SHALL BE FILED IN THE SUPERIOR COURT OR IN
6 JUSTICE COURT IN THE COUNTY WHERE THE VIOLATION OCCURRED.

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

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

18 G. A PROVISIONAL LICENSEE WHO LOSES ACTIVE CANDIDATE STATUS SHALL
19 SURRENDER THE PROVISIONAL LICENSE TO THE DEPARTMENT IMMEDIATELY.

20 36-767.06. Investigations; subpoenas; confidentiality

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

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

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

40 36-767.07. Violations; classification

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

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

1 2. PRACTICES GENETIC COUNSELING WITHOUT A LICENSE ISSUED PURSUANT
2 TO THIS ARTICLE OR AFTER THE PERSON'S LICENSE HAS BEEN DENIED, SUSPENDED
3 OR REVOKED.

4 36-767.08. Fees; rules; deposit

5 A. THE DIRECTOR SHALL PRESCRIBE IN RULE AND COLLECT FEES FOR ALL OF
6 THE FOLLOWING:

7 1. AN INITIAL GENETIC COUNSELOR LICENSE APPLICATION.

8 2. A ONE-YEAR PROVISIONAL GENETIC COUNSELOR LICENSE AND, IF
9 GRANTED, A ONE-YEAR PROVISIONAL LICENSE EXTENSION.

10 3. A TWO-YEAR GENETIC COUNSELOR LICENSE.

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

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

13 B. NINETY PERCENT OF THE FEES COLLECTED PURSUANT TO THIS SECTION
14 SHALL BE DEPOSITED, PURSUANT TO SECTIONS 35-146 AND 35-147, IN THE HEALTH
15 SERVICES LICENSING FUND ESTABLISHED BY SECTION 36-414 AND TEN PERCENT OF
16 THE FEES COLLECTED PURSUANT TO THIS SECTION SHALL BE DEPOSITED, PURSUANT
17 TO SECTIONS 35-146 AND 35-147, IN THE STATE GENERAL FUND.

18 36-767.09. Use of title; prohibitions

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

23 Sec. 4. Section 36-3601, Arizona Revised Statutes, is amended to
24 read:

25 36-3601. Definitions

26 For the purposes of this chapter:

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

29 2. "Health care provider":

30 (a) Means a person licensed pursuant to title 32, chapter 7, 8, 13,
31 14, 15, 15.1, 16, 17, 18, 19, 19.1, 25, 28, 29, 33, 34, 35, 39, 41 or 42,
32 or chapter 4, article 6 of this title, chapter 6, article 7 OR 7.3 of this
33 title or chapter 17 of this title.

34 (b) Includes:

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

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

39 3. "Health care provider regulatory board or agency" means a board
40 or agency that regulates one or more health care provider professions in
41 this state.

42 4. "Telehealth" means:

43 (a) The interactive use of audio, video or other electronic media,
44 including asynchronous store-and-forward technologies and remote patient

1 monitoring technologies, for the practice of health care, assessment,
2 diagnosis, consultation or treatment and the transfer of medical data.

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

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