



Sunset Report
Alabama
Board of Genetic
Counseling
Montgomery, Alabama

October 1, 2023 through September 30, 2025

ALABAMA DEPARTMENT OF
EXAMINERS of Public Accounts

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September 16, 2026

Representative Margie Wilcox
Chairman, Sunset Committee
Alabama State House
Montgomery, Alabama 36130

Dear Representative Wilcox:

This report was prepared to provide information for use by the Sunset Committee in conducting its review and evaluation of the operations of the Alabama Board of Genetic Counseling in accordance with the *Code of Alabama 1975*, Section 41-20-9.

The report contains unaudited information obtained from the management, staff, and records of the Alabama Board of Genetic Counseling in addition to information obtained from other sources.

Please contact me if you have any questions concerning this report.

Sincerely,

Rachel Laurie Riddle
Chief Examiner

Examiner
Dixie B. Thomas

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PROFILE

Purpose/Authority

The Board of Genetic Counseling (the “Board”) was created by Act Number 2019-224, Acts of Alabama. The Board licenses and regulates the practice of genetic counseling. The Board operates under the authority of the *Code of Alabama 1975*, Sections 34-13A-1 through 34-13A-11.

The following Act passed since the last sunset review has been codified in the current statutory authority.

Act Number 2025-164, Acts of Alabama, was passed to continue the existence and functioning of the State Board of Genetic Counseling until October 1, 2027, with certain modifications. This act amended Section 34-13A-3 of the *Code of Alabama 1975*, to require that a board member resides in and be appointed from each congressional district in this state and that any remaining members be appointed from the state at-large. This act became effective on June 1, 2025.

<u>Characteristics</u>	
Members and Selection	Nine members are appointed as follows: • One member appointed by the Department of Genetics at the University of Alabama in Birmingham. • Four practicing genetic counselors, appointed by the Governor. • One physician appointed by the Medical Association of the State of Alabama. • One physician appointed by the State Board of Medical Examiners. • One physician appointed by the Lieutenant Governor. • One physician appointed by the Speaker of the House of Representatives. <i>Code of Alabama 1975</i>, Section 34-13A-3(b)
Term	Board members appointed by the Governor serve two-year terms and, upon expiration of term, may continue to serve until replaced or reappointed. All others serve until they are replaced by their respective appointing authority. <i>Code of Alabama 1975</i>, Section 34-13A-3(c)

Qualifications	The four members appointed by the Governor must hold a master's or doctoral degree in genetic counseling from an Accreditation Council for Genetic Counseling (ACGC) or American Board of Medical Genetics and Genomics (AMBGG) accredited training program, or an equivalent program approved by either. The physician appointed by the Lieutenant Governor must specialize in pediatric genetics. <i>Code of Alabama 1975</i>, Section 34-13A-3(b)
Consumer Representation	No specific statutory requirement.
Racial Representation	No specific statutory requirement. Two minority members currently serving.
Geographical Representation	Commencing on June 1, 2025, as the terms of the members serving on the Board expire, the membership of the Board shall be appointed so that one member resides in and is appointed from each congressional district in this state with the remaining members being appointed from the state at-large. <i>Code of Alabama 1975</i>, Section 34-13A-3(e)
Other Representation	The appointing authorities shall coordinate their appointments to ensure the Board's membership is inclusive and reflects the racial, gender, geographic, urban, rural, and economic diversity of this state. <i>Code of Alabama 1975</i>, Section 34-13A-3(e)
Compensation	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. <i>Code of Alabama 1975</i>, Section 34-13A-3(g)
Attended Board Member Training	Six Current Board Members Two Former Board Members Executive Director Former Executive Director Two staff members of former administrative services provider

<u>Operations</u>	
Administrator	The Board has a contract with Arete Impact Management, LLC, for administrative, management, and facility services. Patrick D. McWhorter, Sr. Managing Director of Arete Impact Management, LLC, serves as the Board’s Executive Director. The current annual contract amount is effective from October 23, 2025 through October 22, 2026 for \$30,000.00, paid in monthly installments of \$2,500.00. <i>Code of Alabama 1975</i>, Section 34-13A-7(9)
Location	400 South Union Street, Suite 340 Montgomery, AL 36104 Office Hours: Monday – Friday 8:00 a.m. – 4:00 p.m.
Real Property Ownership	The Board does not own any real property.
Employees	None.
Legal Counsel	Barrett Bowdre, an employee of the Attorney General’s Office, serves as the Board’s legal counsel.
Subpoena Power	The Board does not have subpoena power except as provided by the Administrative Procedures Act, <i>Code of Alabama 1975</i> , Section 41-22-12 for hearings and contested cases.
Internet Presence	https://agcb.alabama.gov/ The Board’s website contains links to the Board’s current statutes, Administrative Rules, the licensure application, information related to fees, a licensee search feature, information to renew online, and complaint information. The Board’s website also contains contact information for the Board and minutes of the Board’s meetings.
<u>Financial</u>	
Source of Funds	Licensure fees.
State Treasury	Yes, Special Revenue Fund 1748. <i>Code of Alabama 1975</i>, Section 34-13A-10
Required Distributions	None.
Unused Funds	Retains unused balances.

<u>Licensure</u>	
Licensees	As of March 30, 2026, the Board had 423 licensees. Source: Executive Director
Licensure Qualifications	<u>Genetic Counselor</u> Applicants for licensure must: • Be at least 21 years of age. • Submit a completed application form, in the format the Board requires. • Have not engaged in conduct or activities that would constitute grounds for discipline. • Hold one of the following qualifications: ➤ A master's degree in genetic counseling from an Accreditation Council for Genetic Counseling (ACGC) or American Board of Medical Genetics and Genomics (ABMGG) accredited training program, or an equivalent program approved by the ACGC or the ABMGG. ➤ A doctoral degree in an ABMGG-accredited medical genetics training program, or an equivalent program approved by the ABMGG. • Complete an examination approved by the Board. • Satisfy requirements for certification established by the ABGC or AMBGG, or their successors, if required by Board rule. • Satisfy any additional requirements established by Board rule. <u>Temporary Licensure</u> Applicants for licensure must: • Submit a complete application form. • Submit the required fees. • Achieve active candidate status, or its equivalent through the American Board of Genetic Counseling (ABGC) or its equivalent. • Have met all the requirements for licensure as a genetic counselor except the examination requirement. Code of Alabama 1975, Section 34-13A-4 Administrative Rules 405-X-1-.01 and 405-X-1-.02
Examinations	The Board does not administer a state examination for licensure. All applicants must have passed a national examination, either provided by the Accreditation Council for Genetic Counseling or the American Board of Medical Genetics and Genomics. Since the exam is a national exam, pass/fail statistics were not available. Source: Executive Director

Reciprocity	No statutory requirement.																																									
Renewals	Licenses are valid for two years, expiring on October 1. The initial licensure period may be abbreviated in order to have the expiration at the established renewal date. 100% of renewals are completed online. <i>Code of Alabama 1975</i> , Section 34-13A-5 <i>Administrative Rule</i> 405-X-1-.03 <i>Source</i> : Executive Director																																									
Licensee Demographics	As of March 30, 2026: <table><tr><td>Females</td><td>Number</td><td>Percentage</td></tr><tr><td>White (Non-Hispanic)</td><td>351</td><td>82.98%</td></tr><tr><td>Asian</td><td>20</td><td>4.73%</td></tr><tr><td>White (Hispanic)</td><td>17</td><td>4.02%</td></tr><tr><td>Other</td><td>9</td><td>2.13%</td></tr><tr><td>Black</td><td>7</td><td>1.65%</td></tr><tr><td>Unknown</td><td>2</td><td>0.47%</td></tr><tr><td>Total Female</td><td>406</td><td>95.98%</td></tr></table> <table><tr><td>Males</td><td></td><td></td></tr><tr><td>White (Non-Hispanic)</td><td>14</td><td>3.31%</td></tr><tr><td>Asian</td><td>2</td><td>0.47%</td></tr><tr><td>Other</td><td>1</td><td>0.24%</td></tr><tr><td>Total Male</td><td>17</td><td>4.02%</td></tr></table> <i>Source</i> : Executive Director			Females	Number	Percentage	White (Non-Hispanic)	351	82.98%	Asian	20	4.73%	White (Hispanic)	17	4.02%	Other	9	2.13%	Black	7	1.65%	Unknown	2	0.47%	Total Female	406	95.98%	Males			White (Non-Hispanic)	14	3.31%	Asian	2	0.47%	Other	1	0.24%	Total Male	17	4.02%
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Continuing Education	For each renewal period a genetic counselor holds a genetic counselor license, the genetic counselor must complete 2.5 continuing education units or 25 contact hours approved for recertification purposes by the Board prior to renewing the license. <i>Code of Alabama 1975</i> , Section 34-13A-7(6) <i>Administrative Rule</i> 405-X-3-.01																																									

SIGNIFICANT ISSUES

Significant Issue 2026-001: The Board has not developed a Records Disposition Authority (RDA), which is the legally required authorization issued by the State Records Commission. An approved RDA establishes which records the Board is required to maintain, the retention period for each record type, and when and how records may be destroyed or archived. Because an RDA has not been completed, the Board must retain all records indefinitely, and no records may be destroyed.

The *Code of Alabama 1975*, Section 41-13-21, provides that the State Records Commission is responsible for determining which records must be permanently preserved, which may be destroyed after microfilming, and which may be destroyed without microfilming. The statute further requires that “no state officer or agency head shall cause any state record to be destroyed or otherwise disposed of without first obtaining approval of the State Records Commission.”

Significant Issue 2026-002: The Board has not enrolled in the Federal Systematic Alien Verification for Entitlements (SAVE) program used to verify documentation presented by noncitizen licensure applicants. As a result, the Board may have issued licenses to individuals that may not be lawfully present in the United States.

The *Code of Alabama 1975*, Section 31-13-7(i) states, “The verification that an alien seeking state or local public benefits is an alien lawfully present in the United States shall be made through the Systematic Alien Verification for Entitlements (SAVE) program, operated by the United States Department of Homeland Security.”

Significant Issue 2026-003: The Board records the collection of all funds as “Miscellaneous Fees” and is not utilizing separate revenue source codes for different types of fees collected by the Board. As a result, for accounting and financial purposes, neither the Board nor the Department of Finance can differentiate all revenues being collected by the Board.

According to the Department of Finance’s Fiscal Policy and Procedures Manual, deposits of revenues include taxes, fees, fines, interest, rent, grants, and federal funds. The required codes of revenues are fund, agency, and revenue source codes.

STATUS OF PRIOR FINDINGS/SIGNIFICANT ISSUES

The one prior significant issue from the Board's previous Sunset review remains outstanding.

Prior Significant Issue 2024-001: The Board executed multiple emergency contracts during the sunset review period. Additionally, the Board operated without a contract in place for three periods of time between October 2021 and September 2023. During the first year of the Board's financial operations, the Board utilized Smith Warren Management Services, Inc., for administrative services. These services were paid via a purchase order approved by the Department of Finance's Purchasing Division at a rate of \$1,000.00 per month for the period of March 1, 2021 through September 30, 2021. Upon the expiration of the purchase order, the Board operated without a contract in place from October 1, 2021 through December 31, 2021. The Board continued to pay \$1,000.00 per month during this three-month period despite no contract being in place.

On January 5, 2022, the Board submitted an emergency contract with Smith Warren Management Services, Inc. for administrative services to the Department of Finance's Purchasing Division. The emergency contract was approved for a period of twelve months at a rate of \$1,000.00 per month, plus costs. The very next month, on February 10, 2022, the Board entered a second emergency contract with Smith Warren Management Services, Inc. for a period of twelve months at an increased rate of \$2,500.00 per month, plus costs.

On January 5, 2023, the Board entered a third emergency contract with Smith Warren Management Services, Inc., for administrative services through June 30, 2023, at a rate of \$2,500.00 per month. On September 11, 2023, the Board entered a fourth emergency contract with Smith Warren Management Services, Inc., for administrative services pending the completion of the Board's Request for Proposals (RFP) process. The Board operated without a contract in place from July 1, 2023 through September 10, 2023. Again, the Board continued to pay \$2,500.00 per month during this period despite no contract being in place.

The Board issued an RFP on August 29, 2023, and submitted a contract between the Board and Smith Warren Management Services, Inc. to be reviewed at the Contract Review Permanent Legislative Oversight Committee's (the "Committee") December 2023 meeting. The Board's contract was held by the Committee and was not signed by the Governor until January 16, 2024. The current contract for administrative services is with Smith Warren Management Services for a period twelve months at a rate of \$3,000.00 per month.

Current Status: Unresolved. The Board approved a one-year renewal of the contract with Smith Warren Management Services, Inc., which was set to expire on January 15, 2025. The renewal was on the agenda for the January 2, 2025 Contract Review Permanent Legislative Oversight Committee (the "Committee") meeting. **However, no representative from the Board attended the Committee meeting and the contract could not be considered by the Committee, thereby expiring and requiring the Board to issue a new Request for Proposal (RFP).**

On May 22, 2025, the Board submitted an emergency contract with Smith Warren Management Services, Inc. for administrative services to the Department of Finance's Chief Procurement Officer (the "CPO"). The emergency contract was approved by the Department of Finance's Purchasing Division for a period from May 1, 2025 through September 1, 2025, at a rate of \$3,000.00 per month, plus costs. Documentation was not provided to show the Governor's approval of this emergency contract in accordance with *Executive Order 726*. **The Board operated without a contract in place from January 15, 2025 through May 22, 2025.** The Board did not make any payments to Smith Warren Management Services, Inc. during this period.

At the Board's February 5, 2025 meeting, the new RFP was approved. At the Board's August 6, 2025 meeting, the Board voted to accept the one response from Arete Impact Management, LLC. The Board submitted a contract between the Board and Arete Impact Management, LLC to be reviewed at the Committee's September 2025 meeting. This contract was held by the Committee and was signed by the Governor on October 23, 2025. The current contract for administrative services is with Arete Impact Management, LLC for a period of twelve months at a rate of \$2,500.00 per month.

MATTERS OF CONCERN FROM QUESTIONNAIRES

There were no Matters of Concern noted from the survey responses.

QUESTIONNAIRES

Board Member Questionnaire

A letter was sent to all nine members of the Board of Genetic Counseling requesting participation in our survey. Two participated in our survey. The percentages are based on the number who responded to the question.

- 1. What do you consider the most significant issue(s) currently facing the Board of Genetic Counseling and how is the Board addressing these issues?**

Board Member #1 – “The Board is working on continuing education offerings for its licensees. The GC members of the Board are working through the logistics of making such an offering.”

Board Member #2 – “I do not see any significant issues that the Board of Genetic Counseling is facing. It would be nice to be able to have completely virtual meetings given the geographic diversity of our board members and complex schedules of physicians with demanding clinical schedules that sometimes limit the ability for board members to attend in person.”

- 2. What, if any, changes to the Board’s laws are needed?**

Board Member #1 – “None”

Board Member #2 – “None known”

- 3. Do you think the Board is adequately funded?**

Yes	2	100%
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- 4. Do you think the Board is adequately staffed?**

Yes	2	100%
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- 5. Does the Board receive regular reports on its operations from the Executive Director?**

Yes	2	100%
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- 6. Has the Board experienced any significant change to its operations?**

Yes	2	100%
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- 7. Does the Board plan to make any significant changes to its operations?**

No	2	100%
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- 8. Do you have any additional comments you would like to make?**

Board Member #1 – “In answer to question 6, the Executive Director changed in 2025.”

Board Member #2 – “Just to clarify, my answer of "yes" to question 6 is in regard to changing administrative services providers. During times of transition, there is always a learning curve; but things seem to have settled nicely and I did not appreciate any significant delays in continuing on with the mission of the board during that time.”

Licensee Questionnaire

A letter was sent to one hundred licensees requesting participation in our survey. Ten participated in the survey. The percentages are based on the number who responded to the question.

1. What do you consider the most significant issue(s) facing your profession in Alabama?

Respondent #1 – “The fact we cannot bill for our services or order genetic testing.”

Respondent #2 – “N/A.”

Respondent #3 – “To my knowledge, there are very few hospitals or clinics in the state that offer genetic counseling services. While I haven't lived in the state for quite some time, I currently provide telehealth services across the US and find that when I speak to patients from Alabama that they often live in rural towns and find that traveling to Birmingham or Huntsville would be a big burden.”

Respondent #4 – “Legal recognition of genetics counselors as providers.”

Respondent #5 – “Access to care.”

Respondent #6 – “Genetic counselors are not recognized by CMS, though genetic counselors are recognized by national guidelines as most appropriate professionals to support patients/families through genetic risk/testing. This creates barriers to funding genetic counseling services/positions in our state.”

Respondent #7 – “We need more licensed and board-certified counselors.”

Respondent #8 – “Reproductive legislation”

Respondent #9 – “With genetic testing becoming more ubiquitous and the workforce struggling to keep up with the demand for genetic counseling, I am concerned that individuals who are not properly trained or licensed in genetic counseling will attempt to step into some of those roles, and it may cross lines of scope. This makes it more important than ever to have a Board to regulate the profession and provide guardrails.”

Respondent #10 – “Ability to bill for services.”

2. Do you think regulation of your profession by the Board of Genetic Counseling is necessary to protect the public welfare?

Yes	9	90%
No	1	10%

3. Do you think any of the Board's laws, rules, or policies are an unnecessary restriction on the practice of your profession?

Yes	1	10%
No	7	70%
Unknown	2	20%

4. Are you adequately informed by the Board of changes to and interpretations of the Board's positions, policies, rules, and laws?

Yes	6	60%
No	1	10%
Unknown	3	30%

5. Do you consider mandatory continuing education necessary for the competent practice of your profession?

Yes	8	80%
No	2	20%

6. Does the Board respond to your inquiries in a timely manner?

Yes	8	80%
Unknown	2	20%

7. Has the Board performed your licensing and renewal in a timely manner?

Yes	10	100%
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8. Do you have any additional comments you would like to make?

Respondent #1 – “No”

Respondent #2 – “None at this time.”

Respondent #3 – “The reason I don't find the mandatory education necessary as a part of licensure is because education is mandatory to recertify through ABGC.”

Respondent #4 – “No”

Respondent #5 – “none at this time”

Respondent #6 – “We have to provide proof of continuing education for national recertification. If we are nationally board certified, it would be less burdensome to provide that proof vs. having separate continuing education proof required at state level.”

Respondent #7 – “None”

Respondent #8 – “None”

Respondent #9 – “None at this time”

Respondent #10 – “Our contact, [REDACTED], has been extremely helpful in answering all questions that arise due to licensure.”

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APPENDICES

Appendix I: Applicable Statutes

Article 1 General Provisions

Section 34-13A-1 Short Title.

This chapter shall be known and may be cited as the Alabama Genetic Counselor Act.
(Act 2019-224, §1.)

Section 34-13A-2 Definitions.

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.
- (Act 2019-224, §2.)

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

- (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 to assure the board membership is inclusive and reflects the racial, gender, geographic, urban, rural, and economic diversity of the state. Commencing on June 1, 2025, as the terms of the members serving on the board expire, the membership of the board shall be appointed so that one member resides in and is appointed from each congressional district in this state with the remaining members being appointed from the state at-large.

- (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.
- (h)(1) Except as provided in subdivision (2), members of the board may participate in a regular meeting of the board by means of telephone conference, video conference, or similar communications equipment pursuant to the Alabama Open Meetings Act, Chapter 25A of Title 36.
- (2) Members of the board may only participate in a meeting of the board relating to a disciplinary action in person.
- (Act 2019-224, §3; Act 2023-471, §1; Act 2025-164, §3.)*

Section 34-13A-4 License – Qualifications and Issuance, Temporary License.

- (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 that 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.
- (Act 2019-224, §4.)*

Section 34-13A-5 License – Duration and Renewal; Restoration of License; Inactive Status.

(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).

(Act 2019-224, §5.)

Section 34-13A-6 Prohibited Activities; Violations.

(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.

(Act 2019-224, §6.)

Section 34-13A-7 Powers and Duties of Board.

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.
- (Act 2019-224, §7.)*

Section 34-13A-8 Exemptions.

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.
- (Act 2019-224, §8.)*

Section 34-13A-9 Genetic Counselors not Authorized to Practice Medicine.

Nothing in this chapter may be construed as authorizing a genetic counselor to practice medicine.
(Act 2019-224, §9.)

Section 34-13A-10 Genetic Counseling Fund.

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. The board may make grants and otherwise arrange with qualified individuals, institutions, or agencies to develop and promote genetic counseling programs and continuing education programs for licensees. 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.

(Act 2019-224, §10; Act 2023-471, §1.)

Section 34-13A-11 Sunset Provision.

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.

(Act 2019-224, §11.)

Appendix II: Board Members



Alabama Board of Genetic Counseling

400 South Union Street, Suite 340

Montgomery, AL 36104

Phone: 334-851-8919

Fax: 334-694-8451

Email: genetic@alaboards.org

April 6, 2026

Mr. Gerald Dedon
Examiners of Public Accounts
401 Adams Avenue, Suite 280
Montgomery, AL 36130-2251

Dear Ms. Dedon:

Please find the following individuals who are currently serving or resigned from the Board.

Fallon Brewer -Board Chair

Hoover, AL 35226
Appointed: 9/1/2021
Expiration: 8/6/2025

Leon S. Dure, M.D.

Birmingham, AL 35222
Appointed: 9/12/2019
Expiration: (indefinite)

Alicia R. Gomes - Vice Chair

Trussville, AL 35173
Appointed: 9/16/2019
Expiration: (indefinite)

Warner Huh, M.D.

Birmingham, AL 35213
Appointed: 7/15/2019
Expiration: (indefinite)

Katherine "Katie" Nelson

Birmingham, AL 35213
Appointed: 9/1/2021
Expiration: 8/6/2025

Jessa Blount - Board Secretary

Spanish Fort, AL 36527
Appointed: 6/3/2021
Expiration: 8/6/2025

Catherine Allen

Madison, AL 35758
Appointed: 1-10-25
Expiration: 8-6-27

Megan Cochran

Spanish Fort, AL 36527
Appointed: 2-19-26
Expiration: 8-6-27

Dr. Marla Daves

Huntsville, AL 35801
Appointed: 12-9-24
Expiration: (indefinite)

Please let me know if any more information is needed.

Sincerely,

A handwritten signature in blue ink, appearing to read "Patrick D. McWhorter". The signature is fluid and cursive, with the first name "Patrick" and last name "McWhorter" clearly distinguishable.

Patrick D. McWhorter
Executive Director

Appendix III: Board's Response



Alabama Board of Genetic Counseling

400 Union Street, 340

Montgomery, AL 36104

Phone: 334-851-8919

Fax: 334-694-8451

Email: genetic@alaboard.org

August 17, 2026

Ms. Dixie B. Thomas
Director of Operational Audits
P.O. Box 302251
Montgomery, Alabama 36130-2251

RE: Alabama Board of Genetic Counseling Response to Audit

Dear Dixie:

We are in receipt of your letter of August 13, 2026 and the attached significant findings. The following is our response to these issues. As you know, we took over the management contract of this Board on October 23, 2025, so our responsibilities began at that time.

Significant Issue 2026-001: The Board has not developed a Records Disposition Authority (RDA), which is the legally required authorization issued by the State Records Commission.

Arete Impact Management LLC became aware immediately upon receiving files and documents of the ABGC and moved to correct it. The Board have contacted the Department of Archives and History and they will work with us to develop the Records Disposition Authority in 2027.

Significant Issue 2026-002: The Board has not enrolled in the Federal Systematic Alien Verification for Entitlements (SAVE) program used to verify documentation presented by noncitizen licensure applicants.

Upon notification by the Examiners of Public Accounts staff of this omission, we we found in the files an application which had not been completed. Application was made by us and mailed. A copy was provided to the Auditor.

Page Two
August 17, 2026
Ms. Dixie B. Thomas

Significant Issue 2026-003: The Board records the collection of all funds as “Miscellaneous Fees” and is not utilizing separate revenue source codes for different types of fees collected by the Board.

After being alerted to this by Examiners, our financial manager worked with the Department of Finance staff and made the necessary corrections in coding payments. Henceforth, all payments for licensing and renewals will remain deposited to the existing Code 0537, while fees for verification letters will be deposited under Code 0578.

Prior Significant Issue 2024-001: The Board executed multiple emergency contracts during the sunset review period. Additionally, the Board operated without a contract in place for three periods of time between October 2021 and September 2023.

This problem has been resolved by the execution of our current contract by and between the ABGC and Arete Impact Management LLC. And we have already begun the process of renewal so that it will meet the deadlines of the Office of Procurement and Contract Review Committee.

I trust you and your staff, and the committee, will find this information helpful. Chair Fallon Brewer is confirmed to attend the Sunset Review Committee meeting on September 17, 2026.

Sincerely,

A handwritten signature in blue ink, appearing to read "Patrick D. McWhorter, Sr.", is positioned above the printed name.

Patrick D. McWhorter, Sr.
Executive Director