

**GENETIC COUNSELING
LICENSURE ACT
and
REGULATIONS**



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Genetic Counseling Advisory Committee
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**GENETIC COUNSELING LICENSURE ACT
TITLE 63 OF THE OKLAHOMA STATUTES
(Unofficial Version)**

Effective November 1, 2006

Section 1-561. Short Title

This act shall be known and may be cited as the "Genetic Counseling Licensure Act".

Section 1-562. Definitions

As used in the Genetic Counseling Licensure Act:

1. "ABGC" means the American Board of Genetic Counseling;
2. "ABMG" means the American Board of Medical Genetics;
3. "General supervision" means the process of a supervisor, whether licensed as a genetic counselor or a physician, having overall responsibility to assess the work of a supervisee, including regular meetings and chart reviews. An annual supervision contract signed by the supervisor and supervisee shall be on file with both parties; and
4. "Genetic counseling" means a communication process, conducted by one or more appropriately trained individuals, that includes:
 - a. estimating the likelihood of occurrence or recurrence of a birth defect or of any potentially inherited or genetically influenced condition. Such assessment may involve:
 - (1) obtaining and analyzing a complete health history of an individual and the individual's family,
 - (2) review of pertinent medical records,
 - (3) evaluation of the risks from exposure to possible mutagens or teratogens, or
 - (4) discussion of genetic testing or other valuations to diagnose a condition or determine the carrier status of one or more family members,
 - b. helping an individual, the individual's family, a health care provider, or the public to:
 - (1) appreciate the medical, psychological and social implications of a disorder including its features, variability, usual course, and management options,
 - (2) learn how genetic factors contribute to the disorder and affect the chance for recurrence of the condition in other family members,
 - (3) understand available options for coping with, preventing or reducing the chance of occurrence or recurrence of a condition,
 - (4) select the most appropriate, accurate and cost-effective methods of diagnosis, or
 - (5) understand genetic or prenatal tests, coordinate testing for inherited disorders, and interpret genetic test results, and
 - c. facilitating an individual's or family's:
 - (1) exploration of the perception of risk and burden associated with a disorder,
 - (2) decision-making regarding testing or medical interventions consistent with the individual's or family's beliefs, goals, needs, resources, culture and ethical or moral views, or
 - (3) adjustment and adaptation to the condition or the individual's or family's genetic risk by addressing needs for psychological, social and medical support.

Section 1-563. License Required to Practice Genetic Counseling

A. Except as provided in subsection C of this section, any person engaging in the practice of genetic counseling shall obtain a license to do so as hereinafter provided. A license to practice genetic counseling shall be issued to any person who qualifies pursuant to the provisions of this act.

B. Any person who does not have a valid license or temporary license as a genetic counselor shall not use in connection with his or her name or place of business the title "genetic counselor", "licensed genetic counselor", "gene counselor", "genetic consultant", "genetic associate", or any words, letters, abbreviations or insignia indicating or implying that a person has met the qualifications for or has the license issued pursuant to the provisions of this act.

C. The provisions of this section shall not apply to a person engaging in the practice of genetic counseling prior to the effective date of this act.

Section 1-564. Qualifications for License - Temporary License

A. An applicant for licensure as a genetic counselor shall:

1. Submit an application, as promulgated by the State Board of Health pursuant to recommendations of the Genetic Counseling Advisory Committee;
2. Pay a fee, not to exceed Three Hundred Dollars (\$300.00), as determined by the State Board of Health;
3. Provide satisfactory evidence of having earned:
 - a. a master's degree from a genetic counseling training program that is accredited by the American Board of Genetic Counseling or an equivalent entity as determined by the ABGC, or
 - b. a doctoral degree from a medical genetics training program accredited by the American Board of Medical Genetics or an equivalent as determined by the ABMG; and
4. Meet the examination requirement for certification as:
 - a. a genetic counselor by the ABGC or the ABMG, or
 - b. a medical geneticist by the ABMG.

B. A temporary license may be issued to an applicant who meets all of the requirements for licensure except the examination provided for in paragraph 4 of subsection A of this section.

Section 1-565. Temporary Licenses

The requirements for temporary licensure shall provide that:

1. An applicant shall meet all of the qualifications for licensure as established in the Genetic Counseling Licensure Act with the exception of certification by the American Board of Medical Genetics or the American Board of Genetic Counseling, and have active candidate status conferred by the ABMG or ABGC;
2. An individual practicing under the authority of a temporary license must practice under the general supervision of a licensed genetic counselor, or a physician licensed to practice in this state, with current ABMG certification in clinical genetics;
3. A temporary licensee shall apply for and take the next available examination. If an applicant fails the first sitting of the ABGC or ABMG certification examination, the applicant may reapply for a second temporary license;
4. A temporary license shall not be issued to an applicant who has failed the ABGC or ABMG certification examination more than once; and
5. A temporary license shall expire upon the earliest of the following:

- a. issuance of full licensure,
- b. thirty (30) days after failing the certification examination, or
- c. the date printed on the temporary license.

Section 1-566. Lawful Practice of Genetic Counseling Without License

The following persons may engage in the practice of genetic counseling, subject to the stated circumstances and limitations, without being licensed under the provisions of this act:

1. Professionals licensed, certified or registered in this state other than as a genetic counselor who engage in the competent practice of that occupation or profession without additional licensure under this title. The individual may not use the title "genetic counselor" or any other title tending to indicate that the individual is a genetic counselor unless licensed as such in this state; provided, however, this provision shall not apply to physicians licensed in this state who have appropriate training in medical genetics;
2. A student or intern from a recognized school, engaged in activities constituting the practice of a regulated occupation or profession; provided, however, such activities shall be a defined part of a supervised training program;
3. An individual trained as a genetic counselor, who is reapplying for the American Board of Genetic Counseling certification examination and gathering logbook cases under supervision in an approved genetic counseling training site;
4. An individual trained as a Ph.D. medical geneticist, who is reapplying for the American Board of Medical Genetics certification examination and is gathering logbook cases under a supervisor identified in the training program's ABMG accreditation documents as a member of the training faculty; and
5. A consultant, including activities and services of visiting ABGC- or ABMG-certified genetic counselors from outside this state, or the use of occasional services of organizations from outside the state employing ABGC- or ABMG-certified genetic counselors.

Section 1-567. Continuing Education Requirements for Genetic Counselors

A. The State Board of Health, pursuant to recommendations from the Genetics Counseling Advisory Committee, shall establish continuing education requirements for genetic counselors as a condition of renewal or reinstatement of a license.

B. A licensee shall be responsible for maintaining competent records of completed qualified professional education for a period of four (4) years after close of the two-year period to which the records pertain. It shall be the responsibility of the licensee to maintain such information with respect to qualified professional education to demonstrate that it meets the requirements under this section.

C. A licensee who documents that he or she is subjected to circumstances which prevent the licensee from meeting the continuing professional education requirements established under this section may apply to be excused from the

Section 1-568. Counseling Concerning Abortion - Accreditation of Genetic Counseling Training Programs - Alternative Examination

A. Nothing in the Genetic Counseling Licensure Act may be construed to require any genetic counselor or other person to mention, discuss, suggest, propose, recommend, or refer for, abortion, or to agree or indicate a willingness to do so, nor shall licensing of any genetic

counselor be contingent upon acceptance of abortion as a treatment option for any genetic or other prenatal disease, anomaly, or disability.

B. If the State Board of Health determines that accreditation of genetic counseling training programs by the American Board of Genetic Counseling or of medical genetics training programs by the American Board of Medical Genetics is dependent on criteria, or applied in a manner, incompatible with the provisions of subsection A of this section, it shall establish or recognize and apply criteria for accreditation of alternative genetic counseling training programs or medical genetics training programs compatible with the provisions of subsection A of this section and any genetic counseling training programs or medical genetics training programs accredited thereunder shall be deemed accredited for the purposes of paragraph 3 of subsection A of Section 4 of this act.

C. If the State Board of Health determines that the examination required for certification as a genetic counselor by the American Board of Genetic Counseling or the American Board of Medical Genetics or as a medical geneticist by the American Board of Medical Genetics is incompatible with the provisions of subsection A of this section, it shall establish or recognize an alternative examination compatible with the provisions of that subsection and an individual who passes such an examination shall be deemed to meet the relevant requirements of paragraph 4 of subsection A of Section 4 of this act.

D. The State Board of Health shall by rule waive such other provisions of the Genetic Counseling Licensure Act and provide for appropriate substitute requirements as it determines necessary to ensure compliance with subsection A of this section.

E. There shall be no cause of action against any person for failure to mention, discuss, suggest, propose, recommend, or refer for, abortion, unless the abortion is necessary to prevent the death of the mother.

F. This section shall not be severable from the Genetic Counseling Licensure Act.

Section 1-569. Promulgation of Rules

The State Board of Health shall promulgate rules, pursuant to recommendations from the Genetic Counseling Advisory Committee, establishing licensure requirements for genetic counselors.

Such rules shall include, but not be limited to:

1. Policy and budgetary matters related to licensure;
2. Applicant screening, licensing, renewal licensing, license reinstatement and relicensure;
3. Standards for supervision of students or persons training to become qualified to obtain a license in genetic counseling; and
4. Procedures for reviewing cases of individuals found to be in violation of the provisions of the Genetic Counseling Licensure Act, including disciplinary actions when necessary.

Section 1-570. Genetic Counseling Licensure Revolving Fund

A. There is hereby created in the State Treasury a revolving fund for the State Department of Health to be designated the "Genetic Counseling Licensure Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies that may be directed thereto by the State Board of Health, and all other monies including gifts, grants and other funds that may be directed thereto. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Board for the purpose of licensure of genetic counselors and for other purposes specifically authorized by this act. Expenditures from

the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

B. The fund shall be administered by the State Department of Health.

C. Monies from the fund shall not be used to engage in any political activities or lobbying including, but not limited to, support of or opposition to candidates, ballot initiatives, referenda or other similar activities.

**LICENSED
GENETIC COUNSELORS
REGULATIONS**

(UNOFFICIAL FORMAT)

**TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH
CHAPTER 406. LICENSED GENETIC COUNSELORS**

"Unofficial Version"

As amended July 25, 2010

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[**Authority:** Oklahoma State Board of Health; 2006 O.S.L. 174]

[**Source:** Codified June 25, 2007]

SUBCHAPTER 1. GENERAL PROVISIONS

Section

310:406-1-1. Purpose

310:406-1-2. Definitions

310:406-1-1. Purpose

The rules in this Chapter implement the Oklahoma Genetic Counseling Licensure Act, (2006 O.S.L 174.)

[Source: Added at 24 Ok Reg 197, eff 11-1-2006 (emergency); Added at 24 Ok Reg 1971, eff 6-25-2007]

310:406-1-2. Definitions

When used in this Chapter, the following words or terms shall have the following meaning unless the context of the sentence requires another meaning:

"ABGC" means the American Board of Genetic Counseling [63:1-562(1)].

"ABMG" means the American Board of Medical Genetics [63:1-562(2)].

"Act" means Title 63, Sections 1-561 et seq., of the Oklahoma Statutes.

"Active candidate status" means an individual who has been approved by the American Board of Genetic Counseling (ABGC) to sit for the certification exam in genetic counseling.

"Advisory Committee" means the Genetic Counseling Advisory Committee appointed by the Commissioner.

"Board" means the State Board of Health.

"Patient" means a person receiving genetic counseling from a genetic counselor.

"Commissioner" means the State Commissioner of Health.

"Department" means the State Department of Health.

"Dual relationships" means a familial, social, financial, business, professional, close personal, sexual or other non-counseling relationship with a patient, or engaging in any activity with another person that interferes or conflicts with the LGC's professional obligation to a patient.

"Licensed genetic counselor" or "LGC" means any person who is licensed pursuant to the provisions of the Genetic Counseling Licensure Act or offers to or engages in genetic counseling. The term shall not include those professions exempted by Section 1-566 of the Act.

[Source: Added at 24 Ok Reg 197, eff 11-1-2006 (emergency); Added at 24 Ok Reg 1971, eff 6-25-2007]

SUBCHAPTER 3. ADVISORY COMMITTEE OPERATIONS

Section

310:406-3-1. Purpose

310:406-3-2. Advisory committee membership

310:406-3-3. Officers

310:406-3-4. Rules of Order

310:406-3-5. Subcommittees

310:406-3-1. Purpose

This Subchapter creates the Genetic Counseling Advisory Committee, whose duty shall be to advise the Department regarding provisions of the Act, except as otherwise provided by law.

[Source: Added at 24 Ok Reg 197, eff 11-1-2006 (emergency); Added at 24 Ok Reg 1971, eff 6-25-2007]

310:406-3-2. Advisory committee membership

(a) The advisory committee shall consist of five (5) members who shall be appointed by the Commissioner.

(b) Two members shall be licensed genetic counselors; provided, initial genetic counselor appointees shall not be required to be licensed under the Act before the end of the first year that the license is available. One member shall be an ethicist or a geneticist currently licensed by the State Board of Examiners for Medical Licensure and Supervision or the Board of Osteopathic Examiners. One member shall be a representative of the Oklahoma Genetics Advisory Council. One member shall be a lay person who is not affiliated with any practice of genetic counseling.

(c) The first advisory committee shall serve the following terms: one member for one (1) year, two members for two (2) years, and two members for three (3) years. Thereafter, at the expiration of the term of each member, the Commissioner shall appoint a successor for a four (4) year term.

(d) Vacancies occurring in the advisory committee shall be filled for the unexpired term by appointment by the Commissioner.

(e) Any advisory committee member may be removed by the Commissioner, after written notice, for incapacity, incompetence, neglect of duty, or misfeasance or malfeasance in office.

(f) Members of the advisory committee shall serve without compensation, but shall be reimbursed their actual and necessary travel expenses as provided in the State Travel Reimbursement Act.

(g) Advisory committee members may be reappointed at the completion of their term.

(h) The advisory committee may hold four regularly scheduled meetings each year and special meetings as needed. Meetings shall be held at such time and place as the advisory committee may provide. The advisory committee shall elect annually the following officers: A chair, a vice-chair, and a secretary. Three members of the advisory committee shall constitute a quorum.

[Source: Added at 24 Ok Reg 197, eff 11-1-2006 (emergency); Added at 24 Ok Reg 1971, eff 6-25-2007]

310:406-3-3. Officers

(a) **Chair.** The chair shall preside at all meetings at which he or she is in attendance and perform all duties prescribed by law or rule. The chair is authorized to make day-to-day decisions regarding advisory committee activities in order to facilitate the responsiveness and effectiveness of the advisory committee.

(b) **Vice-chair.** The vice-chair shall perform the duties of the chair in the absence or disability of the chair.

(c) **Secretary.** In the absence of the chair and vice-chair, the secretary will preside until the chair or vice-chair is present.

[Source: Added at 24 Ok Reg 197, eff 11-1-2006 (emergency); Added at 24 Ok Reg 1971, eff 6-25-2007]

310:406-3-4. Rules of Order

Robert's Rules of Order Newly Revised, 10th ed. (Cambridge, Mass.: Perseus Publishing, 2000) shall be the basis of parliamentary decisions except as otherwise provided by the advisory committee.

[Source: Added at 24 Ok Reg 197, eff 11-1-2006 (emergency); Added at 24 Ok Reg 1971, eff 6-25-2007]

310:406-3-5. Subcommittees

(a) The chair with the approval of the advisory committee may establish subcommittees deemed necessary to carry out advisory committee responsibilities.

(b) The chair shall appoint the members of the advisory committee to serve on subcommittees.

(c) The chair may appoint non-advisory committee members to serve as subcommittee members on a consultant or voluntary basis subject to advisory committee approval.

(d) The subcommittee chair shall make regular reports to the advisory committee in interim written reports and/or at regular meetings.

(e) Subcommittees shall direct all reports or other materials to the Department for distribution.

(f) Subcommittees shall meet when called by the chair or when so directed by the advisory committee.

[Source: Added at 24 Ok Reg 197, eff 11-1-2006 (emergency); Added at 24 Ok Reg 1971, eff 6-25-2007]

SUBCHAPTER 5. RULES OF PROFESSIONAL CONDUCT

Section

310:406-5-1. Responsibility

310:406-5-2. Competence

310:406-5-3. Patient welfare

310:406-5-4. Professional standards

310:406-5-1. Responsibility

LGCs shall accept responsibility for the consequences of their work and ensure that their services are used appropriately. LGCs shall not participate in, condone, or be associated with dishonesty, fraud, deceit or misrepresentation. LGCs shall not use their relationships with patients for personal advantage, profit, satisfaction, or interest.

[Source: Added at 24 Ok Reg 197, eff 11-1-2006 (emergency); Added at 24 Ok Reg 1971, eff 6-25-2007]

310:406-5-2. Competence

(a) **Genetic counseling.** LGCs shall practice only within the boundaries of their competence and within professional standards, based on their education, training, and appropriate professional experience.

(b) **Impairment.** LGCs shall not offer or render professional services when such services may be impaired by a personal physical, mental or emotional condition(s). LGCs shall seek assistance for any such personal problem(s) with their physical, mental or emotional condition, and, if necessary, limit, suspend, or terminate their professional activities. If an LGC possesses a bias, disposition, attitude, moral persuasion or other similar condition that limits his or her ability to recommend a

course of treatment or decision-making that is indicated, and under such circumstances where all other treatment and decision options are contra-indicated, then in that event the LGC shall not undertake to provide genetic counseling and will terminate the genetic counseling relationship in accordance with these rules.

(c) **Opinion Testimony.** LGCs shall not offer or accept an offer to engage in rendering opinion testimony relating to work performed for their patient and shall limit their role to fact witness in any matter involving that patient, unless otherwise required by law or court order.

[Source: Added at 24 Ok Reg 197, eff 11-1-2006 (emergency); Added at 24 Ok Reg 1971, eff 6-25-2007]

310:406-5-3. Patient welfare

(a) **Discrimination.** LGCs shall not, in the rendering of professional services, participate in, condone, or promote discrimination on the basis of race, color, age, gender, religion or national origin.

(b) **Confidentiality.** LGCs shall maintain the confidentiality of any information received from any person or source about a patient, unless authorized in writing by the patient or otherwise authorized or required by law or court order.

(c) **Confidentiality of records.** LGCs shall be responsible for complying with the applicable state and federal regulations in regard to the security, safety and confidentiality of any genetic counseling record they create, maintain, transfer, or destroy whether the record is written, taped, computerized, or stored in any other medium.

(d) **Requirement of records.** LGCs shall maintain verifiable records necessary for rendering professional services to their patients for at least 3 (three) years beyond discontinuation of services. LGCs employed at an institution or facility that has a published records retention policy that is equal to the retention required by this subsection will be deemed to be in compliance with this subsection.

(e) **Patient access to records.** LGCs shall provide the patient with a copy of the patient's record in accordance with state law. In situations involving multiple patients, access to records is limited to those parts of records that do not include confidential information related to another patient.

(f) **Dual relationships.** LGCs shall not knowingly enter into a dual relationship(s) and shall take any necessary precautions to prevent a dual relationship from occurring. When the LGC reasonably suspects that he or she has inadvertently entered into a dual relationship the LGC shall record that fact in the records of the affected patient(s) and take reasonable steps to eliminate the source or agent creating or causing the dual relationship. If the dual relationship cannot be prevented or eliminated and the LGC cannot readily refer the patient to another genetic counselor or other professional, the LGC shall complete one or more of the following measures as necessary to prevent the exploitation of the patient and/or the impairment of the LGC's professional judgment:

(1) Fully disclose the circumstances of the dual relationship to the patient and secure the patient's written consent to continue providing genetic counseling;

(2) Consult with other professional(s) to understand the potential impairment to the LGC's professional judgment and the risk of harm to the patient of continuing the dual relationship;

(g) **Invasion of privacy.** LGCs shall not make inquiry into persons or situations not directly associated with the patient's situation.

(h) **Referral.**

(1) LGCs shall not abandon or neglect current patients without making reasonable arrangements for the continuation of necessary counseling services by another professional.

(2) When an LGC becomes cognizant of a disability or other condition that may impede, undermine or otherwise interfere with the LGC's competence or duty of responsibility to current patients, including a suspension of the LGC's license or any other situation or condition described in this Subchapter, the LGC shall promptly notify the patient in writing of the presence or existence of the disability or condition and take reasonable steps to timely terminate the genetic counseling relationship.

(i) **Providing counseling to persons of prior association.** LGCs shall not undertake to provide genetic counseling to any person with whom the LGC has had any prior sexual contact or close personal relationship within the previous five (5) years.

(j) **Interaction with former patients.** LGCs shall not knowingly enter into a close personal relationship, or engage in any business or financial dealings with a former patient for two (2) years after the termination of the genetic counseling relationship. LGCs shall not engage in any activity that is or may be sexual in nature with a former patient for at least five (5) years after the termination of the genetic counseling relationship. LGCs shall not exploit or obtain an advantage over a former patient by the use of information or trust gained during the genetic counseling relationship.

[Source: Added at 24 Ok Reg 197, eff 11-1-2006 (emergency); Added at 24 Ok Reg 1971, eff 6-25-2007]

310:406-5-4. Professional standards

(a) **Violations of other laws.** It shall be unprofessional conduct for an LGC to violate a state or federal statute if the violation directly relates to the duties and responsibilities of the genetic counselor or if the violation involves moral turpitude.

(b) **Drug and alcohol use.** LGCs shall not render professional services while under the influence of alcohol or other mind or mood altering drugs.

(c) **Updating.** LGCs shall notify the Department of any change in address, telephone number or employment within thirty (30) days of such change.

(d) **Candor to the Department.** An LGC or an LGC candidate, in connection with a license application or an investigation conducted by the Department pursuant to OAC 310:406-23-3, shall not:

(1) knowingly make a false statement of material fact;

(2) fail to disclose a fact necessary to correct a misapprehension known by the LGC or LGC candidate to have arisen in the application or the matter under investigation; or,

(3) fail to respond to a demand for information made by the Department or any designated representative thereof within twenty (20) days of the demand, unless a request for a protective order has been first made pursuant to Chapter 2 of this Title, in which case the LGC or LGC candidate may await the decision concerning the issuance or denial of a protective order before making any response.

[Source: Added at 24 Ok Reg 197, eff 11-1-2006 (emergency); Added at 24 Ok Reg 1971, eff 6-25-2007]

SUBCHAPTER 7. APPLICATION FOR LICENSURE

Section

310:406-7-1. General

310:406-7-2. Application materials and forms

310:406-7-3. Denial of license

310:406-7-1. General

- (a) This Subchapter ensures that all applicants meet those requirements specified in the Act.
- (b) Unless otherwise indicated, an applicant shall submit all required information and documentation of credentials on official Department forms.

[Source: Added at 24 Ok Reg 197, eff 11-1-2006 (emergency); Added at 24 Ok Reg 1971, eff 6-25-2007]

310:406-7-2. Application materials and forms

- (a) Each application shall include the following documents:
 - (1) Application form,
 - (2) Official transcript, mailed from a genetic counseling training program accredited by the ABGC or ABMG,
 - (3) Verification of certification by the ABGC or ABMG, or verification of active candidate status conferred by the ABGC, ABMG, or an equivalent acceptable entity.
 - (4) Two (2) classifiable sets of fingerprints, and
 - (5) Fees.
- (b) The application form requires the following:
 - (1) Identifying information;
 - (2) Possession of other credentials;
 - (3) Previous misconduct (if applicable);
 - (4) Education;
 - (5) References; and
 - (6) Proposed professional practice.

[Source: Added at 24 Ok Reg 197, eff 11-1-06 (emergency); Added at 24 Ok Reg 1971, eff 6-25-07; Amended at 27 Ok Reg 2520, eff 7-25-10]

310:406-7-3. Denial of license

If the Department denies any application or request for licensure the applicant or requestor shall be notified of the Department's decision within thirty (30) days thereof and the applicant shall have fifteen (15) days to request a hearing to review the Department's decision. The notice shall advise the applicant or requestor of his or her right to a hearing and the time within which a request to review the Department's decision must be submitted.

[Source: Added at 24 Ok Reg 197, eff 11-1-2006 (emergency); Added at 24 Ok Reg 1971, eff 6-25-2007]

SUBCHAPTER 9. ACADEMIC REQUIREMENTS

Section

310:406-9-1. Degrees required

310:406-9-1. Degrees required

- (a) Each applicant shall possess at least a master's degree from a genetic counseling training program that is accredited by the ABGC or an equivalent entity as determined by the ABGC, or

(b) An applicant may possess a doctoral degree from a medical genetics training program accredited by the ABMG or an equivalent as determined by the ABMG.

[Source: Added at 24 Ok Reg 197, eff 11-1-2006 (emergency); Added at 24 Ok Reg 1971, eff 6-25-2007]

SUBCHAPTER 11. LICENSURE EXAMINATIONS

Section

310:406-11-1. Examination required

310:406-11-1. Examination required

All applicants shall take and pass the ABGC Genetics Counseling Certification Examination or have passed the ABMG General Genetics and Genetic Counseling Specialty examinations.

[Source: Added at 24 Ok Reg 197, eff 11-1-2006 (emergency); Added at 24 Ok Reg 1971, eff 6-25-2007]

SUBCHAPTER 13. SUPERVISION REQUIREMENTS

Section

310:406-13-1. Purpose

310:406-13-2. General supervision

310:406-13-3. Frequency of supervision contact

310:406-13-4. Supervisor qualification

310:406-13-5. Documentation of supervision

310:406-13-1. Purpose

This Subchapter establishes the supervision requirements for individuals practicing under the authority of a temporary license.

[Source: Added at 24 Ok Reg 197, eff 11-1-2006 (emergency); Added at 24 Ok Reg 1971, eff 6-25-2007]

310:406-13-2. General supervision

All individuals practicing under the authority of a temporary license shall receive general supervision as required by the Act. Supervision shall at a minimum include a review of applicable genetic counseling services provided by the supervisee that have not been previously reviewed.

[Source: Added at 24 Ok Reg 197, eff 11-1-2006 (emergency); Added at 24 Ok Reg 1971, eff 6-25-2007]

310:406-13-3. Frequency of supervision contact

Supervision contact shall occur at least every two weeks provided patient contacts have taken place in person, in writing or electronically.

[Source: Added at 24 Ok Reg 197, eff 11-1-2006 (emergency); Added at 24 Ok Reg 1971, eff 6-25-2007]

310:406-13-4. Supervisor qualification

Any person serving as a supervisor to a person holding a temporary license must be a licensed genetic counselor or a licensed physician.

[Source: Added at 24 Ok Reg 197, eff 11-1-2006 (emergency); Added at 24 Ok Reg 1971, eff 6-25-2007]

310:406-13-5. Documentation of supervision

(a) A supervision agreement form between the supervisor and supervisee shall be received and approved by the Department prior to beginning the accrual of supervision.

(b) A supervision agreement form between the supervisor and supervisee shall be submitted annually.

(c) The supervisor and supervisee shall sign and submit a documentation of supervision form annually.

(d) The supervision agreement may be renewed annually by the Department with the submission of a new supervision agreement and the documentation of supervision provided in the previous year.

[Source: Added at 24 Ok Reg 197, eff 11-1-2006 (emergency); Added at 24 Ok Reg 1971, eff 6-25-2007]

SUBCHAPTER 15. FEES

Section

310:406-15-1. Schedule of fees

310:406-15-2. Method of payment

310:406-15-3. Fees non-refundable

310:406-15-4. Review of fees

310:406-15-1. Schedule of fees

(a) **Application fee.** Three hundred dollars (\$300.00) shall be submitted with the application form.

(b) **License renewal fee.** After the initial two-year period of licensure, this fee is two hundred dollars (\$200) and shall be submitted on or before two (2) years from the last day of the month in which the license was originally issued.

(c) **Late renewal fee.** An additional twenty-five dollars (\$25.00) shall be submitted for the late renewal of a license.

(d) **Replacement fee.** Twenty-five dollars (\$25.00) shall be submitted for the issuance of a license to replace a license, which has been lost, damaged, or is in need of revision.

(e) **Inactive license fee.** Twenty-five dollars (\$25.00) shall be submitted with a request to place the license on inactive status.

(f) **Reactivation fee.** When an inactive license is reactivated, the biennial renewal fee must be paid in accordance with OAC 310:406-21-6 and shall be submitted at the time of reactivation.

[Source: Added at 24 Ok Reg 1971, eff 6-25-2007]

310:406-15-2. Method of payment

Payment of all fees shall be by personal check, cashier's check, money order, or cash. Payment of fees may be made by credit card or other electronic means, if acceptable by the Department. Any check returned to the Department for non-payment may result in expiration or suspension of license.

[Source: Added at 24 Ok Reg 197, eff 11-1-06 (emergency); Added at 24 Ok Reg 1971, eff 6-25-07; Amended at 27 Ok Reg 2520, eff 7-25-10]

310:406-15-3. Fees non-refundable

Fees paid by applicants are not refundable.

[Source: Added at 24 Ok Reg 1971, eff 6-25-2007]

310:406-15-4. Review of fees

The Department shall periodically review the fee schedule and recommend any adjustments necessary to provide funds to meet its expenses without creating an unnecessary surplus.

[Source: Added at 24 Ok Reg 1971, eff 6-25-2007]

SUBCHAPTER 17. CONTINUING EDUCATION REQUIREMENTS

Section

310:406-17-1. Purpose

310:406-17-2. Number of hours required

310:406-17-3. Acceptable continuing education

310:406-17-4. Submission of continuing education roster

310:406-17-5. Penalty for failure to submit continuing education

310:406-17-6. Submission of fraudulent continuing education

310:406-17-1. Purpose

This Subchapter establishes the continuing education requirements necessary for license renewal.

[Source: Added at 24 Ok Reg 197, eff 11-1-2006 (emergency); Added at 24 Ok Reg 1971, eff 6-25-2007]

310:406-17-2. Number of hours required

LGCs shall complete and furnish documentation to the Department of thirty (30) clock hours of continuing education in each preceding two-year licensing cycle.

[Source: Added at 24 Ok Reg 197, eff 11-1-2006 (emergency); Added at 24 Ok Reg 1971, eff 6-25-2007]

310:406-17-3. Acceptable continuing education

Continuing education must be appropriate for maintenance of certification for at least 10 of the 30 clock hours. The remaining twenty hours may consist of professional continuing education.

[Source: Added at 24 Ok Reg 197, eff 11-1-06 (emergency); Added at 24 Ok Reg 1971, eff 6-25-07; Amended at 27 Ok Reg 2520, eff 7-25-10]

310:406-17-4. Submission of continuing education roster

LGCs shall submit a continuing education roster with the license renewal fee. Rosters must include the identity and license number of the LGC receiving continuing education, the date name, and location of the conference, the number of hours awarded, and the entity or

organization sponsoring the conference. Only continuing education accrued in the preceding license renewal period can be used to satisfy the continuing education requirement for renewal.

[Source: Added at 24 Ok Reg 197, eff 11-1-06 (emergency); Added at 24 Ok Reg 1971, eff 6-25-07; Amended at 27 Ok Reg 2520, eff 7-25-10]

310:406-17-5. Penalty for failure to submit continuing education

Failure to fulfill the continuing education requirements by the renewal date may result in the license being suspended and all rights granted by the license may be null and void, unless the LGC can show that he or she was subjected to circumstances which prevent the LGC from meeting the continuing education requirements.

[Source: Added at 24 Ok Reg 197, eff 11-1-2006 (emergency); Added at 24 Ok Reg 1971, eff 6-25-2007]

310:406-17-6. Submission of fraudulent continuing education

The submission of fraudulent continuing education hours shall result in disciplinary action against any person who knowingly participates in the submission.

[Source: Added at 24 Ok Reg 197, eff 11-1-2006 (emergency); Added at 24 Ok Reg 1971, eff 6-25-2007]

SUBCHAPTER 19. ISSUANCE OF LICENSE

Section

310:406-19-1. License

310:406-19-2. Property of the Department

310:406-19-3. Notification

310:406-19-4. Replacement

310:406-19-5. Temporary license

310:406-19-6. Temporary licensure

310:406-19-1. License

The Commissioner shall issue a license certificate, which contains the licensee's name, license number, and highest accredited genetic counseling academic degree and date of issue.

[Source: Added at 24 Ok Reg 197, eff 11-1-2006 (emergency); Added at 24 Ok Reg 1971, eff 6-25-2007]

310:406-19-2. Property of the Department

All licenses issued by the Commissioner shall remain the property of the Department and shall be surrendered on demand.

[Source: Added at 24 Ok Reg 197, eff 11-1-2006 (emergency); Added at 24 Ok Reg 1971, eff 6-25-2007]

310:406-19-3. Notification

After the applicant fulfills all requirements for licensure the Department shall mail notification of qualification for licensure to the licensee at his or her last known address.

[Source: Added at 24 Ok Reg 197, eff 11-1-2006 (emergency); Added at 24 Ok Reg 1971, eff 6-25-2007]

310:406-19-4. Replacement

The Department shall replace a license that is lost, damaged, or is in need of revision upon written request and payment of the license replacement fee. Requests must include the LGC's original license or be accompanied by the damaged license, if available.

[Source: Added at 24 Ok Reg 197, eff 11-1-2006 (emergency); Added at 24 Ok Reg 1971, eff 6-25-2007]

310:406-19-5. Temporary license

The Department may issue a temporary license to an applicant who meets the licensure requirements.

[Source: Added at 24 Ok Reg 197, eff 11-1-2006 (emergency); Added at 24 Ok Reg 1971, eff 6-25-2007]

310:406-19-6. Temporary licensure

(a) **Requirements.** An applicant for temporary licensure must meet the following requirements:

(1) Satisfy all of the qualifications for licensure established in the Genetic Counseling Licensure Act with the exception of certification by the ABGC, and have active candidate status conferred by the ABGC;

(2) Obtain a supervisor who is a licensed genetic counselor, or a physician licensed to practice in Oklahoma, with current ABMG certification in clinical genetics.

(b) **Examination.** A person granted a temporary license shall apply for and take the next examination that is available to the person as determined by ABGC. If an applicant fails the first sitting of the ABGC certification examination, the applicant may reapply for a second temporary license. A temporary license shall not be issued to an applicant who has failed the ABCG certification examination more than once.

(c) **Expiration.** A temporary license shall expire upon the earliest of the following:

(1) Issuance of full licensure;

(2) Thirty (30) days after failing the certification examination; or,

(3) The date printed on the temporary license.

[Source: Added at 24 Ok Reg 197, eff 11-1-2006 (emergency); Added at 24 Ok Reg 1971, eff 6-25-2007]

SUBCHAPTER 21. LICENSE RENEWAL AND EXPIRATION

Section

310:406-21-1. Responsibility

310:406-21-2. Initial licensing period

310:406-21-3. Renewal of license

310:406-21-4. Requirements for renewal

310:406-21-5. Display of verification card

310:406-21-6. Inactive status

310:406-21-7. Renewal notification

310:406-21-8. Failure to renew

310:406-21-9. Return of license

310:406-21-10. Misrepresentation

310:406-21-1. Responsibility

Each LGC is responsible for renewing the license before the expiration date.

[Source: Added at 24 Ok Reg 197, eff 11-1-2006 (emergency); Added at 24 Ok Reg 1971, eff 6-25-2007]

310:406-21-2. Initial licensing period

The renewal date of the original license shall be two (2) years from the last day of the month in which the license was originally issued.

[Source: Added at 24 Ok Reg 197, eff 11-1-2006 (emergency); Added at 24 Ok Reg 1971, eff 6-25-2007]

310:406-21-3. Renewal of license

The initial license will expire in two (2) years from the date of issuance unless renewed. License renewals shall expire every two years. Prior to submitting a request for license renewal the licensee must complete at least thirty (30) hours of continuing education.

[Source: Added at 24 Ok Reg 197, eff 11-1-2006 (emergency); Added at 24 Ok Reg 1971, eff 6-25-2007]

310:406-21-4. Requirements for renewal

Requirements for renewal include the following:

- (1) Compliance with the Act and this Chapter;
- (2) Documentation of the required continuing education; and,
- (3) Payment of the renewal fee(s).

[Source: Added at 24 Ok Reg 197, eff 11-1-2006 (emergency); Added at 24 Ok Reg 1971, eff 6-25-2007]

310:406-21-5. Display of verification card

A current license verification card shall be displayed on the original or replaced license.

[Source: Added at 24 Ok Reg 197, eff 11-1-2006 (emergency); Added at 24 Ok Reg 1971, eff 6-25-2007]

310:406-21-6. Inactive status

(a) An active license may be placed on inactive status by written request and payment of a one-time twenty-five dollar (\$25.00) fee. An inactive license forfeits all rights and privileges granted by the license.

(b) When a license is placed on inactive status, the license and active verification cards shall be returned to the Department.

(c) When a license is placed on inactive status, it remains inactive for at least one (1) year from the date of inactivation.

(d) Active status may be reestablished upon payment of the biennial renewal fee and proof of five (5) hours of continuing education in genetics professional education per year during the time of inactive status.

(e) Thirty (30) hours of continuing education shall be submitted at the end of the two-year renewal period of a reactivated license.

[Source: Added at 24 Ok Reg 197, eff 11-1-2006 (emergency); Added at 24 Ok Reg 1971, eff 6-25-2007]

310:406-21-7. Renewal notification

The Department shall mail to licensee's last known address, at least forty-five (45) days prior to the expiration date of the LGC's license, a notice of expiration.

[Source: Added at 24 Ok Reg 197, eff 11-1-2006 (emergency); Added at 24 Ok Reg 1971, eff 6-25-2007]

310:406-21-8. Failure to renew

If the licensee fails to renew the license by the expiration date, the Department shall mail a notification to the last known address which shall include the following:

- (1) Suspension of the license and forfeiture of rights and any privilege granted pursuant to the license, and,
- (2) The LGC has the right to reinstate the license by payment of the renewal fee and the late renewal fee and fulfillment of all other renewal requirements for up to one (1) year following the suspension of the license.

[Source: Added at 24 Ok Reg 197, eff 11-1-2006 (emergency); Added at 24 Ok Reg 1971, eff 6-25-2007]

310:406-21-9. Return of license

Licenses not renewed within the one (1) year re-instatement period shall not be reinstated and the license shall be returned to the Department.

[Source: Added at 24 Ok Reg 197, eff 11-1-2006 (emergency); Added at 24 Ok Reg 1971, eff 6-25-2007]

310:406-21-10. Misrepresentation

A LGC whose license has been inactivated, suspended, or revoked and continues to represent himself as an LGC, is in violation of the Act and shall be reported to the appropriate District Attorney for prosecution.

[Source: Added at 24 Ok Reg 197, eff 11-1-2006 (emergency); Added at 24 Ok Reg 1971, eff 6-25-2007]

SUBCHAPTER 23. ENFORCEMENT

Section

- 310:406-23-1. Purpose
- 310:406-23-2. Complaints
- 310:406-23-3. Investigation
- 310:406-23-4. Filing of an action
- 310:406-23-5. Hearing
- 310:406-23-6. Final order
- 310:406-23-7. Unauthorized practice
- 310:406-23-8. Administrative penalties

310:406-23-1. Purpose

This Subchapter specifies the administration of complaints and the filing of disciplinary actions against LGCs or against persons who practice genetic counseling without a license or exemption.

[Source: Added at 24 Ok Reg 197, eff 11-1-2006 (emergency); Added at 24 Ok Reg 1971, eff 6-25-2007]

310:406-23-2. Complaints

(a) Any person may file a complaint against a LGC or a person practicing genetic counseling who is not otherwise exempt from the LGC Act. A person wishing to report a complaint or alleged violation against a licensee or person practicing genetic counseling may notify the Department in writing, by telephone, or by a personal visit. The Department will determine whether the complaint alleges a possible violation of the Act or this Chapter. The Department may present the complaint to the advisory committee for consultation.

(b) The complaint and the identity of the complainant shall be confidential and shall not be available for public inspection.

[Source: Added at 24 Ok Reg 197, eff 11-1-2006 (emergency); Added at 24 Ok Reg 1971, eff 6-25-2007]

310:406-23-3. Investigation

If the Department has reason to believe that a possible violation of the Act or this Chapter has occurred, the Department may commence an investigation of the complaint.

[Source: Added at 24 Ok Reg 197, eff 11-1-2006 (emergency); Added at 24 Ok Reg 1971, eff 6-25-2007]

310:406-23-4. Filing of an action

(a) The Department may begin a disciplinary action against an LGC or a person practicing genetic counseling who is not exempt from licensure by following the procedures in Chapter 2 of this Title. The Department shall specifically state the violation(s) and shall state the remedy sought by the Department. Remedies include revocation of a license, suspension of a license, probation of a licensee and/or administrative penalty.

(b) If in the course of an investigation the Department determines that a licensee or candidate for licensure has engaged in conduct of a nature that is detrimental to the health, safety, or welfare of the public, and which conduct necessitates immediate action to prevent further harm, the Commissioner may order a summary suspension of the genetic counselor's license or authorization to conduct genetic counseling. A presumption of imminent harm to the public shall exist if the Department determines that probable cause exists that a licensee or candidate has violated 310:406-5-3(f) or 310:406-5-4(a,b,c or e).

[Source: Added at 24 Ok Reg 197, eff 11-1-2006 (emergency); Added at 24 Ok Reg 1971, eff 6-25-2007]

310:406-23-5. Hearing

Hearings shall be conducted by the Commissioner or his designee as specified in Chapter 2 of this Title. The Department shall recommend the most appropriate penalty at the conclusion of the evidence. In making its recommendation, the Department may seek the counsel of the advisory committee.

[Source: Added at 24 Ok Reg 197, eff 11-1-2006 (emergency); Added at 24 Ok Reg 1971, eff 6-25-2007]

310:406-23-6. Final order

The Department, either by order of the Commissioner or his designee, shall issue a final order on all disciplinary matters. Final orders are appealable under the Administrative Procedures Act to the district courts.

[Source: Added at 24 Ok Reg 197, eff 11-1-2006 (emergency); Added at 24 Ok Reg 1971, eff 6-25-2007]

310:406-23-7. Unauthorized practice

Any person found to be practicing genetic counseling without being either properly licensed, exempt or under approved supervision as part of the licensure process shall be ordered to cease practicing and may be subject to an administrative penalty. The Department may seek the assistance of the courts if the unauthorized practice of genetic counseling continues.

[Source: Added at 24 Ok Reg 197, eff 11-1-2006 (emergency); Added at 24 Ok Reg 1971, eff 6-25-2007]

310:406-23-8. Administrative penalties

(a) The Department may assess an administrative penalty against an individual if the order includes a finding that the individual violated any of the following:

- (1) Any provision of the Act, including practicing counseling without licensure or exemption;
or
- (2) Any rule within this Chapter; or
- (3) Any order issued pursuant to this Chapter.

(b) The total amount of the administrative penalty assessed shall not exceed ten thousand dollars (\$10,000.00) for any related series of violations.

[Source: Added at 24 Ok Reg 197, eff 11-1-2006 (emergency); Added at 24 Ok Reg 1971, eff 6-25-2007]