

## SUBCHAPTER 23. ENFORCEMENT

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### **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]