

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH

CHAPTER 406. LICENSED GENETIC COUNSELORS

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[**Authority:** 2006 O.S.L. 174; 63 O.S., § 1-561]

[**Source:** Codified 6-25-07]

SUBCHAPTER 1. GENERAL PROVISIONS

Section 310:406-1-1	Purpose
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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 11-1-06 (emergency); Added at 24 Ok Reg 1971, eff 6-25-07]

310:406-1-2. Definitions

When used in this Chapter, the following words or terms 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.

"**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 does not include those professions exempted by Section 1-566 of the Act.

[Source: Added at 24 Ok Reg 197, eff 11-1-06 (emergency); Added at 24 Ok Reg 1971, eff 6-25-07; Amended at 32 Ok Reg 1788, eff 9-11-15; Amended at 38 Ok Reg 2024, eff 9-11-21]

SUBCHAPTER 3. ADVISORY COMMITTEE OPERATIONS {REVOKED}

[Section 310:406-3-1](#)

[Purpose](#) [Revoked]

[Section 310:406-3-2](#)

[Advisory committee membership](#) [Revoked]

[Section 310:406-3-3](#)

[Officers](#) [Revoked]

[Section 310:406-3-4](#)

[Rules of Order](#) [Revoked]

[Section 310:406-3-5](#)

[Subcommittees](#) [Revoked]

310:406-3-1. Purpose [REVOKED]

[Source: Added at 24 Ok Reg 197, eff 11-1-06 (emergency); Added at 24 Ok Reg 1971, eff 6-25-07; Revoked at 32 Ok Reg 1788, eff 9-11-15]

310:406-3-2. Advisory committee membership [REVOKED]

[Source: Added at 24 Ok Reg 197, eff 11-1-06 (emergency); Added at 24 Ok Reg 1971, eff 6-25-07; Revoked at 32 Ok Reg 1788, eff 9-11-15]

310:406-3-3. Officers [REVOKED]

[Source: Added at 24 Ok Reg 197, eff 11-1-06 (emergency); Added at 24 Ok Reg 1971, eff 6-25-07; Revoked at 32 Ok Reg 1788, eff 9-11-15]

310:406-3-4. Rules of Order [REVOKED]

[Source: Added at 24 Ok Reg 197, eff 11-1-06 (emergency); Added at 24 Ok Reg 1971, eff 6-25-07; Revoked at 32 Ok Reg 1788, eff 9-11-15]

310:406-3-5. Subcommittees [REVOKED]

[Source: Added at 24 Ok Reg 197, eff 11-1-06 (emergency); Added at 24 Ok Reg 1971, eff 6-25-07; Revoked at 32 Ok Reg 1788, eff 9-11-15]

SUBCHAPTER 5. RULES OF PROFESSIONAL CONDUCT

[Section 310:406-5-1](#)

[Responsibility](#)

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[Section 310:406-5-3](#)

[Patient welfare](#)

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310:406-5-1. Responsibility

- (a) LGCs shall accept responsibility for the consequences of their work and ensure that their services are used appropriately.
 - (b) LGCs shall not:
 - (1) participate in, condone, or be associated with dishonesty, fraud, deceit or misrepresentation; or
 - (2) use their relationships with patients for personal advantage, profit, satisfaction, or interest.
- [Source: Added at 24 Ok Reg 197, eff 11-1-06 (emergency); Added at 24 Ok Reg 1971, eff 6-25-07; Amended at 38 Ok Reg 2024, eff 9-11-21]

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 shall 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 11-1-06 (emergency); Added at 24 Ok Reg 1971, eff 6-25-07; Amended at 38 Ok Reg 2024, eff 9-11-21]

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 are 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 is considered 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; or
- (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 are not to 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; and
 - (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 cannot 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:
 - (1) 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;
 - (2) 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; and
 - (3) 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 11-1-06 (emergency); Added at 24 Ok Reg 1971, eff 6-25-07; Amended at 38 Ok Reg 2024, eff 9-11-21]

310:406-5-4. Professional standards

- (a) **Violations of other laws.** It is 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 11-1-06 (emergency); Added at 24 Ok Reg 1971, eff 6-25-07; Amended at 38 Ok Reg 2024, eff 9-11-21]

SUBCHAPTER 7. APPLICATION FOR LICENSURE

[Section 310:406-7-1](#)

[General](#)

[Section 310:406-7-2](#)

[Application materials and forms](#)

[Section 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 11-1-06 (emergency); Added at 24 Ok Reg 1971, eff 6-25-07]

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; and
 - (4) 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; Amended at 38 Ok Reg 2024, eff 9-11-21]

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 has 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 11-1-06 (emergency); Added at 24 Ok Reg 1971, eff 6-25-07; Amended at 38 Ok Reg 2024, eff 9-11-21]

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 11-1-06 (emergency); Added at 24 Ok Reg 1971, eff 6-25-07]

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 11-1-06 (emergency); Added at 24 Ok Reg 1971, eff 6-25-07]

SUBCHAPTER 13. SUPERVISION REQUIREMENTS [REVOKED]

[Section 310:406-13-1](#) [Purpose](#) [Revoked] [Section 310:406-13-2](#) [General supervision](#) [Revoked] [Section 310:406-13-3](#) [Frequency of supervision contact](#) [Revoked] [Section 310:406-13-4](#) [Supervisor qualification](#) [Revoked] [Section 310:406-13-5](#) [Documentation of supervision](#) [Revoked]

310:406-13-1. Purpose [REVOKED]

[Source: Added at 24 Ok Reg 197, eff 11-1-06 (emergency); Added at 24 Ok Reg 1971, eff 6-25-07; Revoked at 38 Ok Reg 2024, eff 9-11-21]

310:406-13-2. General supervision [REVOKED]

[Source: Added at 24 Ok Reg 197, eff 11-1-06 (emergency); Added at 24 Ok Reg 1971, eff 6-25-07; Revoked at 38 Ok Reg 2024, eff 9-11-21]

310:406-13-3. Frequency of supervision contact [REVOKED]

[Source: Added at 24 Ok Reg 197, eff 11-1-06 (emergency); Added at 24 Ok Reg 1971, eff 6-25-07; Revoked at 38 Ok Reg 2024, eff 9-11-21]

310:406-13-4. Supervisor qualification [REVOKED]

[Source: Added at 24 Ok Reg 197, eff 11-1-06 (emergency); Added at 24 Ok Reg 1971, eff 6-25-07; Revoked at 38 Ok Reg 2024, eff 9-11-21]

310:406-13-5. Documentation of supervision [REVOKED]

[Source: Added at 24 Ok Reg 197, eff 11-1-06 (emergency); Added at 24 Ok Reg 1971, eff 6-25-07; Revoked at 38 Ok Reg 2024, eff 9-11-21]

SUBCHAPTER 15. FEES

[Section 310:406-15-1](#) [Schedule of fees](#) [Section 310:406-15-2](#) [Method of payment](#) [Revoked] [Section 310:406-15-3](#) [Fees non-refundable](#) [Section 310:406-15-4](#) [Review of fees](#)

310:406-15-1. Schedule of fees

- (a) Application fee. The application fee of three hundred dollars (\$300) is due with the submission of the application form.
- (b) License renewal fee. The renewal fee is two hundred dollars (\$200). It is due no later than every 2 years from the last day of the month the original license was issued.
- (c) Late renewal fee. A twenty-five dollar (\$25) late fee is added to the renewal fee if it is not submitted within the time frame provided in (b) of this section.
- (d) 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 197, eff 11-1-06 (emergency); Added at 24 Ok Reg 1971, eff 6-25-07; Amended at 38 Ok Reg 2024, eff 9-11-21]

310:406-15-2. Method of payment [REVOKED]

[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; Revoked at 38 Ok Reg 2024, eff 9-11-21]

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

Fees paid by applicants are not refundable.

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

310:406-15-4. Review of fees

The Department will 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 197, eff 11-1-06 (emergency); Added at 24 Ok Reg 1971, eff 6-25-07; Amended at 38 Ok Reg 2024, eff 9-11-21]

SUBCHAPTER 17. CONTINUING EDUCATION REQUIREMENTS

<u>Section 310:406-17-1</u>	<u>Purpose</u>
<u>Section 310:406-17-2</u>	<u>Number of hours required</u>
<u>Section 310:406-17-3</u>	<u>Acceptable continuing education</u>
<u>Section 310:406-17-4</u>	<u>Submission of continuing education roster</u>
<u>Section 310:406-17-5</u>	<u>Penalty for failure to submit continuing education</u>
<u>Section 310:406-17-6</u>	<u>Submission of fraudulent continuing education</u>

310:406-17-1. Purpose

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

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

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 11-1-06 (emergency); Added at 24 Ok Reg 1971, eff 6-25-07]

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 may 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; Amended at 38 Ok Reg 2024, eff 9-11-21]

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 11-1-06 (emergency); Added at 24 Ok Reg 1971, eff 6-25-07]

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 11-1-06 (emergency); Added at 24 Ok Reg 1971, eff 6-25-07]

SUBCHAPTER 19. ISSUANCE OF LICENSE

Section 310:406-19-1	License
Section 310:406-19-2	Property of the Department
Section 310:406-19-3	Notification
Section 310:406-19-4	Replacement [Revoked]
Section 310:406-19-5	Temporary license [Revoked]
Section 310:406-19-6	Temporary licensure [Revoked]

310:406-19-1. License

A license certificate issued by the Commissioner contains the following information: the licensee's name, license number, highest accredited genetic counseling academic degree, and date of issue.

[Source: Added at 24 Ok Reg 197, eff 11-1-06 (emergency); Added at 24 Ok Reg 1971, eff 6-25-07; Amended at 38 Ok Reg 2024, eff 9-11-21]

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

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

[Source: Added at 24 Ok Reg 197, eff 11-1-06 (emergency); Added at 24 Ok Reg 1971, eff 6-25-07; Amended at 38 Ok Reg 2024, eff 9-11-21]

310:406-19-3. Notification

After the applicant fulfills all requirements for licensure the Department shall notify the licensee of qualification.

[Source: Added at 24 Ok Reg 197, eff 11-1-06 (emergency); Added at 24 Ok Reg 1971, eff 6-25-07; Amended at 38 Ok Reg 2024, eff 9-11-21]

310:406-19-4. Replacement [REVOKED]

[Source: Added at 24 Ok Reg 197, eff 11-1-06 (emergency); Added at 24 Ok Reg 1971, eff 6-25-07; Revoked at 38 Ok Reg 2024, eff 9-11-21]

310:406-19-5. Temporary license [REVOKED]

[Source: Added at 24 Ok Reg 197, eff 11-1-06 (emergency); Added at 24 Ok Reg 1971, eff 6-25-07; Revoked at 38 Ok Reg 2024, eff 9-11-21]

310:406-19-6. Temporary licensure [REVOKED]

[Source: Added at 24 Ok Reg 197, eff 11-1-06 (emergency); Added at 24 Ok Reg 1971, eff 6-25-07; Revoked at 38 Ok Reg 2024, eff 9-11-21]

SUBCHAPTER 21. LICENSE RENEWAL AND EXPIRATION

Section 310:406-21-1	Responsibility
Section 310:406-21-2	Initial licensing period [Revoked]
Section 310:406-21-3	Renewal of license
Section 310:406-21-4	Requirements for renewal
Section 310:406-21-5	Display of verification card
Section 310:406-21-6	Inactive status [Revoked]
Section 310:406-21-7	Renewal notification
Section 310:406-21-8	Failure to renew
Section 310:406-21-9	Return of license
Section 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 11-1-06 (emergency); Added at 24 Ok Reg 1971, eff 6-25-07]

310:406-21-2. Initial licensing period [REVOKED]

[Source: Added at 24 Ok Reg 197, eff 11-1-06 (emergency); Added at 24 Ok Reg 1971, eff 6-25-07; Revoked at 38 Ok Reg 2024, eff 9-11-21]

310:406-21-3. Renewal of license

The initial license expires two (2) years from the date of issuance unless renewed. License renewals 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 11-1-06 (emergency); Added at 24 Ok Reg 1971, eff 6-25-07; Amended at 38 Ok Reg 2024, eff 9-11-21]

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 11-1-06 (emergency); Added at 24 Ok Reg 1971, eff 6-25-07]

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 11-1-06 (emergency); Added at 24 Ok Reg 1971, eff 6-25-07]

310:406-21-6. Inactive status [REVOKED]

[Source: Added at 24 Ok Reg 197, eff 11-1-06 (emergency); Added at 24 Ok Reg 1971, eff 6-25-07;
Revoked at 38 Ok Reg 2024, eff 9-11-21]

310:406-21-7. Renewal notification

The Department shall notify licensee, 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 11-1-06 (emergency); Added at 24 Ok Reg 1971, eff 6-25-07;
Amended at 38 Ok Reg 2024, eff 9-11-21]

310:406-21-8. Failure to renew

If the licensee fails to renew the license by the expiration date, the Department shall mail to the licensee's last known address a notification that includes 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 11-1-06 (emergency); Added at 24 Ok Reg 1971, eff 6-25-07;
Amended at 38 Ok Reg 2024, eff 9-11-21]

310:406-21-9. Return of license

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

[Source: Added at 24 Ok Reg 197, eff 11-1-06 (emergency); Added at 24 Ok Reg 1971, eff 6-25-07;
Amended at 38 Ok Reg 2024, eff 9-11-21]

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 11-1-06 (emergency); Added at 24 Ok Reg 1971, eff 6-25-07]

SUBCHAPTER 23. ENFORCEMENT

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

Section 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 11-1-06 (emergency); Added at 24 Ok Reg 1971, eff 6-25-07]

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. The Department shall determine whether the complaint alleges a possible violation of the Act or this Chapter.

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

[Source: Added at 24 Ok Reg 197, eff 11-1-06 (emergency); Added at 24 Ok Reg 1971, eff 6-25-07; Amended at 32 Ok Reg 1788, eff 9-11-15; Amended at 38 Ok Reg 2024, eff 9-11-21]

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 11-1-06 (emergency); Added at 24 Ok Reg 1971, eff 6-25-07]

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 each violation and remedy sought by the Department. A remedy may include any or all of the following: revocation of a license, suspension of a license, probation of a licensee 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 11-1-06 (emergency); Added at 24 Ok Reg 1971, eff 6-25-07; Amended at 38 Ok Reg 2024, eff 9-11-21]

310:406-23-5. Hearing

Hearings shall be conducted by the Commissioner or the Commissioner's designee as specified in Chapter 2 of this Title. At the conclusion of the evidence, the Department recommends the most appropriate penalty.

[Source: Added at 24 Ok Reg 197, eff 11-1-06 (emergency); Added at 24 Ok Reg 1971, eff 6-25-07; Amended at 32 Ok Reg 1788, eff 9-11-15; Amended at 38 Ok Reg 2024, eff 9-11-21]

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 11-1-06 (emergency); Added at 24 Ok Reg 1971, eff 6-25-07]

310:406-23-7. Unauthorized practice

Any person found to be practicing genetic counseling without being either properly licensed or exempt will 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 11-1-06 (emergency); Added at 24 Ok Reg 1971, eff 6-25-07; Amended at 38 Ok Reg 2024, eff 9-11-21]

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 cannot exceed ten thousand dollars (\$10,000.00) for any related series of violations.

[Source: Added at 24 Ok Reg 197, eff 11-1-06 (emergency); Added at 24 Ok Reg 1971, eff 6-25-07; Amended at 38 Ok Reg 2024, eff 9-11-21]