

SUBCHAPTER 5. RULES OF PROFESSIONAL CONDUCT

Section

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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]