

## SUPPLEMENTAL STATEMENT OF REASONS

The California Department of Public Health (Department) is considering changes to the text of the emergency regulations which are discussed below. These changes are either initiated by the Department, or in response to comments that were received during the 45-day public comment period, which ended on March 27, 2013.

**Section 6300.15:** Commenters recommended that the section be amended to expand the definition of genetic counseling to include additional functions performed by genetic counselors.

The Department proposes to include a more comprehensive definition of genetic counseling in the regulations. The current definition in the regulations refers to providing information to clients. The Department believes it is necessary to define genetic counseling to include functions such as identifying and coordinating genetic laboratory tests and integrating test results with personal and family history to assess and communicate risk factors for genetic and medical conditions and diseases. It is in the public's interest that these functions be performed by licensed genetic counselors. The proposed amendment includes these functions but clarifies that nothing in the regulations shall be construed to authorize a licensed genetic counselor to diagnose, test, or treat any genetic disease or condition or other disease or condition. Licensed physicians and surgeons are responsible for the diagnosis, testing, and treatment of genetic diseases and conditions.

**Section 6301.3.:** The regulations currently refer to revoking a temporary genetic license following failure of the ABGC certification examination, while Health and Safety Code Section 124982 refers to the license expiring. The Department proposes to amend this section of the regulations to refer to the expiration provisions in the Health and Safety Code as it is important the regulation language be in accordance with the provisions of the statute.

**Section 6301.9.:** Commenters recommended this section be amended to delete the terms "genetic counseling intern," "genetic intern," and "genetics assistant."

The Department proposes to delete the terms from the regulations. The proposed amendment is necessary so that the use of these titles is not restricted to licensed genetic counselors and may continue to be used by other groups. Students and/or interns enrolled in an ABGC accredited genetic counseling educational programs identify themselves as a "genetic counseling intern" or "genetic intern." These individuals provide services under the supervision of licensed genetic counselors or Board-certified physicians, so their practice should not be putting the public at risk. The term "genetics assistant" is used by individuals providing administrative support within a genetic clinic who do not provide clinical services.

The proposed amendment will allow students enrolled in an accredited genetic counseling educational program to identify themselves as a “genetic counseling intern” or “genetic intern,” and state that nothing in the section shall be construed to limit the service or activities of a student or intern enrolled in a genetic counselor training program accredited by the ABGC or an ABGC-approved/equivalent organization, if practice constitutes a part of a supervised course of study and such student is designated by a title clearly indicating such student’s status as a student or intern. “Genetics assistants” not performing genetic counseling will also be able to continue to use that title.

“Genetic consultant” was not included as a title that only licensed genetic counselors may use in the regulations, and it is necessary to add that term to this section. The Department believes that the title could be abused by unlicensed practitioners purporting to provide genetic counseling unless it is included in the regulations as a title that only licensed genetic counselors may use.

**Section 6303.1.:** The regulations currently include failure of the ABGC certification examination as grounds for revocation of a temporary genetic counselor license. Health and Safety Code Section 124982 provides that the license shall expire in cases where the licensee fails the certification exam. The Department proposes to amend this section of the regulations to remove failure of the ABGC certification examination as a reason for revocation because it is imprecise. The expiration of a license is separate and distinct from the revocation of a license.