

**TITLE 17. PUBLIC HEALTH  
DIVISION 1. STATE DEPARTMENT OF HEALTH SERVICES  
CHAPTER 4. PREVENTIVE MEDICAL SERVICE  
SUBCHAPTER 9. TESTING FOR HERITABLE DISORDERS  
GROUP 1. LICENSING OF GENETIC COUNSELORS**

Designate new Article 1. to read:

**Article 1. Definitions**

Adopt Section 6300.1. to read:

**Section 6300.1. American Board of Genetic Counseling (ABGC).**

“ABGC” means the American Board of Genetic Counseling.

NOTE: Authority cited: Sections 124977, 124980, 124981, 124982, 131052 and 131200, Health and Safety Code.

Reference: Sections 124980, 124981, 124982, and 124996, Health and Safety Code.

Adopt Section 6300.3. to read:

**Section 6300.3. American Board of Medical Genetics (ABMG).**

“ABMG” means the American Board of Medical Genetics.

NOTE: Authority cited: Sections 124977, 124980, 124981, 124982, 131052 and 131200, Health and Safety Code.

Reference: Sections 124980, 124981, 124982, and 124996, Health and Safety Code.

Adopt Section 6300.5. to read:

**Section 6300.5. Active Candidate.**

“Active candidate” means a person who has received written notification from the ABGC that he or she meets the eligibility requirements to take the first available ABGC national certification examination, but who has not yet been certified by the ABGC.

NOTE: Authority cited: Sections 124977, 124980, 124981, 124982, 131052 and 131200, Health and Safety Code.

Reference: Sections 124980, 124981, 124982, and 124996, Health and Safety Code.

Adopt Section 6300.7. to read:

**Section 6300.7. Category 1 Continuing Education Unit (CEU).**

“Category 1 CEU” means a learning experience that has been approved by the NSGC as a Category 1 CEU.

NOTE: Authority cited: Sections 124977, 124980, 124981, 124982, 131052 and 131200, Health and Safety Code.

Reference: Sections 124980, 124981, 124982, and 124996, Health and Safety Code.

Adopt Section 6300.9. to read:

**Section 6300.9. Category 2 Continuing Education Unit (CEU).**

“Category 2 CEU” means a learning experience that has received Category 2 CEU approval by the NSGC, or that is submitted for NSGC approval prior to or within 90 days of completion by a genetic counselor and subsequently receives NSGC approval.

NOTE: Authority cited: Sections 124977, 124980, 124981, 124982, 131052 and 131200, Health and Safety Code.

Reference: Sections 124980, 124981, 124982, and 124996, Health and Safety Code.

Adopt Section 6300.11. to read:

**Section 6300.11. Continuing Education.**

“Continuing education” means learning experiences that have been approved by the NSGC as Category 1 or Category 2 CEU programs, including lectures, conferences, workshops, seminars led by an instructor and/or discussion leader; or activities in which a learner is engaged in a planned learning program in which the learner’s progress is monitored and the learner receives feedback (independent study, computer-assisted instruction, interactive video, web site learning and planned projects).

NOTE: Authority cited: Sections 124977, 124980, 124981, 124982, 131052 and 131200, Health and Safety Code.

Reference: Sections 124980, 124981, 124982, and 124996, Health and Safety Code.

Adopt Section 6300.13. to read:

**Section 6300.13. Department.**

“Department” means California Department of Public Health.

NOTE: Authority cited: Sections 124977, 124980, 124981, 124982, 131052 and 131200, Health and Safety Code.

Reference: Sections 124980, 124981, 124982, and 124996, Health and Safety Code.

Adopt Section 6300.15. to read:

**Section 6300.15. Genetic Counseling.**

~~“Genetic counseling” means providing information to clients regarding the medical, psychological, and familial implications of inherited risks for disease, including interpretation of family and medical histories to assess the chance of disease occurrence or recurrence, and education about inheritance, testing, management, prevention, resources and research.:~~

(a) obtaining and evaluating individual, family, and medical histories to determine genetic risk for genetic/medical conditions and diseases in a patient, his/her offspring, and other family members;

(b) discussing the features, natural history, means of diagnosis, genetic and environmental factors, and management of risk for genetic/medical conditions and diseases;

(c) identifying and coordinating genetic laboratory tests and other diagnostic studies as appropriate for the genetic assessment. Nothing in this subsection shall be construed to authorize a genetic counselor to diagnose, test or treat any genetic disease or condition or other disease or condition;

(d) integrating genetic laboratory test results and other diagnostic studies with personal and family medical history to assess and communicate risk factors for genetic/medical conditions and diseases;

(e) explaining the clinical implications of genetic laboratory tests and other diagnostic studies and their results;

(f) evaluating the client's or family's responses to the condition or risk of recurrence and providing client-centered counseling and anticipatory guidance;

(g) identifying and utilizing community resources that provide medical, educational, financial, and psychosocial support and advocacy; and

(h) providing written documentation of medical, genetic, and counseling information for families and health care professionals.

#“Genetic counseling” excludes the communication specified in Section 124980(m) of the Health and Safety Code.

NOTE: Authority cited: Sections 124977, 124980, 124981, 124982, 131052 and 131200, Health and Safety Code.

Reference: Sections 124980, 124981, 124982, and 124996, Health and Safety Code.

Adopt Section 6300.17. to read:

**Section 6300.17. Genetic Counselor.**

“Genetic counselor” means an individual who holds a current and valid genetic counselor license or temporary genetic counselor license issued by the Department and who may engage in the practice of genetic counseling under this Subchapter.

NOTE: Authority cited: Sections 124977, 124980, 124981, 124982, 131052 and 131200, Health and Safety Code.

Reference: Sections 124980, 124981, 124982, and 124996, Health and Safety Code.

Adopt Section 6300.19. to read:

**Section 6300.19. Genetic Counselor License.**

“Genetic counselor license” means the document issued by the Department authorizing the holder to provide the service as defined in Section 6300.15, after fulfilling the requirements of Section 6301.1 and Section 6303.1.

NOTE: Authority cited: Sections 124977, 124980, 124981, 124982, 131052 and 131200, Health and Safety Code.

Reference: Sections 124980, 124981, 124982, and 124996, Health and Safety Code.

Adopt Section 6300.21. to read:

**Section 6300.21. National Society of Genetic Counselors (NSGC).**

“NSGC” means the National Society of Genetic Counselors.

NOTE: Authority cited: Sections 124977, 124980, 124981, 124982, 131052 and 131200, Health and Safety Code.

Reference: Sections 124980, 124981, 124982, and 124996, Health and Safety Code.

Adopt Section 6300.23. to read:

**Section 6300.23. Temporary Genetic Counselor License.**

“Temporary genetic counselor license” means the document issued by the Department authorizing the holder to provide the service as defined in Section 6300.15, in accordance with supervision requirements of Health and Safety Code Section 124982, after fulfilling the requirements of Section 6301.3 and Section 6303.1.

NOTE: Authority cited: Sections 124977, 124980, 124981, 124982, 131052 and 131200, Health and Safety Code.

Reference: Sections 124980, 124981, 124982, and 124996, Health and Safety Code.

Designate new Article 2. to read:

**Article 2. Genetic Counselor License Requirements**

Adopt Section 6301.1 to read:

**Section 6301.1. Genetic Counselor License Requirements.**

(a) To obtain a genetic counselor license, an applicant shall submit:

(1) A completed application form, CDPH 4486 (03/12), and completed license payment form, CDPH 4487 (03/12), both incorporated by reference; and either

(A) A copy of current certification as a genetic counselor by the ABGC if certified in 1993 or thereafter or by the ABMG if certified prior to 1993; or

(B) A copy of current certification as a Doctor of Philosophy (Ph.D.) medical geneticist by the ABMG; and

(2) A copy of the completed Request for Live Scan Service form for background clearance through the Department of Justice; and

(3) License fee payment of \$200.00.

(b) A temporary genetic counselor licensee applying for a genetic counselor license shall provide the Department the documentation required in subsection (a) above, with the exception of the completed Request for Live Scan Service form, and a license fee payment of \$100.00.

(c) Any license issued under this Section shall be valid for a three-year period from the date of issue by the Department, unless at any time during that period it is revoked.

(d) An application submitted under this Section is considered complete when all documents, information, and fees required to be submitted on or with the application are received by the Department.

(e) Should the applicant receive notification that the application is not complete, the applicant shall submit the information and/or documents specified in the notification within 30 calendar days of the date of notification, or the application will be denied.

(f) There shall be a \$30.00 fee for replacement of a genetic counselor license with completed license payment form CDPH 4487 (03/12), incorporated by reference.

NOTE: Authority cited: Sections 124977, 124980, 124981, 124982, 131052 and 131200, Health and Safety Code.

Reference: Sections 124980, 124981, 124982, and 124996, Health and Safety Code.

Adopt Section 6301.3 to read:

**Section 6301.3. Temporary Genetic Counselor License Requirements.**

(a) To obtain a temporary genetic counselor license, an applicant shall submit:

(1) A completed application form, CDPH 4486 (03/12), and completed license payment form, CDPH 4487 (03/12), both incorporated by reference; and

(2) A copy of the completed Request for Live Scan Service form for background clearance through the Department of Justice; and

(3) License fee payment of \$200.00; and either

(A) Documentation from the ABGC that the applicant is an active candidate and has been accepted to take the first available ABGC certification examination; or

(B) Documentation verifying that the applicant:

1. Has successfully completed a master's degree from a genetic counselor training program accredited by the ABGC or an ABGC-approved/equivalent organization.

Successful completion may be verified by a copy of a master's diploma, official transcripts, or a letter from the program director or appropriate administrator designated by the degree granting institution; and

2. Attests that they will apply to the ABGC for active candidate status for the first available examination, or for the examination in the year following the year of the first available examination.

(b) If the temporary genetic counselor license applicant or temporary genetic counselor licensee was not an active candidate at the time of application for licensure, he or she must submit documentation from the ABGC that the applicant or licensee has been

granted active candidate status. The applicant or licensee must submit the documentation to the Department within thirty days of receiving such documentation.

(c) Temporary genetic counselor license applicants and temporary genetic counselor licensees must submit certification examination documentation from the ABGC to the Department within thirty days of receiving such documentation. This includes:

(1) Documentation showing the examination was completed; and

(2) Documentation of examination results.

(d) Any license issued under this Section shall be valid for a two-year period from the date of issue by the Department, unless at any time during that period it is revoked, or has otherwise expired as provided for in Health and Safety Code Section 124982, and it shall not be extended or renewed.

(e) An application submitted under this Section is considered complete when all documents, information, and fees required to be submitted on or with the application are received by the Department.

(f) Should the applicant receive notification that the application is not complete, the applicant shall submit the information and/or documents specified in the notification within 30 calendar days of the date of notification or the application will be denied.

(g) There shall be a \$30.00 fee for replacement of a temporary genetic counselor license with completed license payment form CDPH 4487 (03/12), incorporated by reference.

NOTE: Authority cited: Sections 124977, 124980, 124981, 124982, 131052 and 131200, Health and Safety Code.

Reference: Sections 124980, 124981, 124982, and 124996, Health and Safety Code.

Adopt Section 6301.5. to read:

**Section 6301.5. Requirements for Renewal of a Genetic Counselor License.**

(a) To renew a genetic counselor license, the applicant shall submit:

(1) A completed application form, CDPH 4486 (03/12), and completed license payment form, CDPH 4487 (03/12), both incorporated by reference; and

(2) Copies of CEUs and/or other written documentation of participation in activities that meet the continuing education requirements as specified in Section 6301.7 of this Subchapter; and

(3) License fee payment of \$100.00.

(b) An application submitted under this Section is considered complete when all documents, information, and fees required to be submitted are received by the Department.

(c) Should the applicant receive notification that the application is not complete, the applicant shall submit the information and/or documents specified in the notification within 30 calendar days of the date of notification or the application will be denied.

(d) Any license renewed under this Section shall be valid for a three-year period from the date of issue by the Department, unless at any time during that period it is revoked.

NOTE: Authority cited: Sections 124977, 124980, 124981, 124982, 131052 and 131200, Health and Safety Code.

Reference: Sections 124980, 124981, 124982, and 124996, Health and Safety Code.

Adopt Section 6301.7 to read:

**Section 6301.7. Continuing Education Requirements for Licensure.**

(a) In order to be eligible to renew a genetic counselor license, the licensee shall have completed 45 contact hours of continuing education within the three-year license period prior to application for renewal of the genetic counselor license, as follows:

(1) At least 30 contact hours of continuing education shall be from NSGC approved Category 1 CEU programs.

(2) The remaining contact hours of continuing education may be from either NSGC approved Category 1 or Category 2 CEU programs.

(b) A “contact hour” means one 60 minute clock hour of interaction between learner and instructor or between learner and materials which have been prepared to bring about learning.

NOTE: Authority cited: Sections 124977, 124980, 124981, 124982, 131052 and 131200, Health and Safety Code.  
Reference: Sections 124980, 124981, 124982, and 124996, Health and Safety Code.

Adopt Section 6301.9 to read:

**Section 6301.9. Restricted Use of Genetic Counselor Title.**

Any person who does not have a valid genetic counselor license or valid temporary genetic counselor license may not use the title “genetic counselor,” “licensed genetic counselor,” “licensed certified genetic counselor,” “certified genetic counselor,” “gene counselor,” “genetic assistant,” “genetic associate,” or “genetic consultant/intern,” or in any other way hold himself or herself out to be a licensed genetic counselor, by indicating or implying that he or she has either met the qualifications for, or has been issued, a license or temporary license pursuant to this Subchapter. Nothing in this 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.

NOTE: Authority cited: Sections 124977, 124980, 124981, 124982, 131052 and 131200, Health and Safety Code.

Reference: Sections 124980, 124981, 124982, and 124996, Health and Safety Code.

Designate new Article 3. to read:

**Article 3. Denial and Revocation of Licensure**

Adopt Section 6303.1. to read:

**Section 6303.1. Reasons for Denial and Revocation of Licensure.**

A genetic counselor license or temporary genetic counselor license shall be revoked, and the application for an initial license or license renewal shall be denied, by the Department if the licensee or applicant:

(a) Knowingly makes a false statement of fact or omits to state a fact on an application that would have resulted in the denial of a genetic counselor license or temporary genetic counselor license; or

(b) Has been denied or has forfeited certification from either the ABGC or the ABMG, as applicable; or

(c) Has been convicted of a felony charge substantially related to the qualifications, functions, or duties of a genetic counselor. A verdict of guilty or a plea of guilty or nolo contendere to a felony charge shall be deemed a conviction for the purposes of this Section; or

(d) Is found to be non-compliant with child support judgments or orders pursuant to Family Code Section 17520. If the applicant or licensee appears on a certified list as specified in subsection 17520(a)(3), but is otherwise eligible for an initial license or license renewal, he or she shall be issued a genetic counselor license or temporary genetic counselor license that is valid for only 150 days, in accordance with specifications of subsections 17520(e) and (f); or

(e) Appears on a certified list of tax delinquencies provided by the State Board of Equalization or the Franchise Tax Board as specified in Section 7063 or Section 19195 of the Revenue and Taxation Code. If the applicant or licensee is otherwise eligible for an initial license or license renewal, he or she shall be issued a genetic counselor license or temporary genetic counselor license that is valid for only 90 days, in accordance with specifications of Section 494.5 of the Business and Professions Code;

or

(f) Has allegations of unprofessional conduct, including incompetence or gross negligence in performing genetic counseling services, upheld by the Department after implementing the process provided in Health and Safety Code Section 131071, that determines that the applicant or license holder has not adequately demonstrated that he or she has been rehabilitated and will present a threat to the health, safety, or welfare of patients; or

(g) Has been denied a genetic counselor license or temporary genetic counselor license, permission to practice genetic counseling, or permission to take a genetic counselor license examination in any state, territory, country, or U.S. federal jurisdiction;

or

(h) Is a temporary genetic counselor licensee and ~~has failed the ABGC certification examination,~~ or fails to provide the required examination documentation specified in Section 6301.3 of this Subchapter; or

(i) Is a genetic counselor licensee and loses his or her certification granted by the ABGC or the ABMG; or

(j) Has been asked to surrender a license to practice genetic counseling in this or any other state; or

(k) Engages in the continued use of the title 'genetic counselor' or other title implying genetic counselor licensure or temporary genetic counselor licensure without obtaining such license by the Department, after receiving a warning by the Department to cease such use; or

(l) Commits a deliberate breach of confidentiality of patient information, or commits a breach of confidentiality subject to Section 124980 of the Health and Safety Code regarding the misuse of information; or

(m) Violates the terms of the regulations as set forth in this Subchapter; or

(n) Fails to comply with the provisions of the Health and Safety Code, Sections 124980, 124981 and 124982.

NOTE: Authority cited: Sections 124977, 124980, 124981, 124982, 131052 and 131200, Health and Safety Code.

Reference: Sections 124980, 124981, 124982, 124996, and 131071, Health and Safety Code; Section 17520, Family Code; Section 494.5, Business and Professions Code.

Adopt Section 6303.3. to read:

**Section 6303.3. Process Following Notification of Licensure Denial or Revocation.**

(a) An applicant or licensee who is subject to denial or revocation of a genetic counselor license or temporary genetic counselor license pursuant to this Subchapter shall be entitled to an appeal in accordance with Health and Safety Code Section 131071.

(b) Upon receipt of notification of denial or revocation of licensure, the applicant or licensee shall have 15 calendar days from the date of the notice to request an appeal of the denial or revocation, or the Department's action will become final. The Department will make the final decision on the appeal.

(c) When considering the denial or revocation of a license under this Subchapter, or a petition for reinstatement under section 11522 of the Government Code, the Department, in evaluating the rehabilitation of such person and his or her present eligibility for a license, will consider the following criteria:

(1) The nature and severity of the act(s) or crime(s) giving rise to the denial or revocation;

(2) Evidence of any act(s) committed subsequent to the act(s) or crime(s) giving rise to the denial or revocation;

(3) The time that has elapsed since commission of the act(s) or crime(s) giving rise to the denial or revocation;

(4) Whether the licensee has complied with any terms of probation, parole, restitution or any other sanctions lawfully imposed against such person;

(5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code;

(6) Evidence, if any, concerning the degree to which a false statement relative to application for licensure may have been unintentional, inadvertent or immaterial;

(7) Efforts made by the applicant either to correct a false statement once made on an application or to conceal the truth concerning facts required to be disclosed; and

(8) Evidence, if any, of rehabilitation submitted by the licensee.

(d) There shall be a license fee payment of \$100.00 for reinstatement of a revoked license with completed license payment form CDPH 4487 (03/12), incorporated by reference.

NOTE: Authority cited: Sections 124977, 124980, 124981, 124982, 131052 and 131200, Health and Safety Code.

Reference: Sections 124980, 124981, 124982, 124996, and 131071, Health and Safety Code, and Section 11522, Government Code.