



Genetic Counseling Program

OREGON REVISED STATUTES
(UNOFFICIAL COPY)
CHAPTER 676.730 – 748
& 676.992
2023 EDITION



HEALTH LICENSING OFFICE

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GENETIC COUNSELING

676.730 Definitions for ORS 676.730 to 676.748. As used in ORS 676.730 to 676.748:

(1) “Genetic counseling” means the practice of assisting patients in understanding and adapting to the medical, psychological and familial implications of genetic conditions, including:

(a) Obtaining and evaluating individual and family medical histories to determine risk for genetic and medical conditions and diseases of a patient and the patient’s family members;

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

(c) Identifying and coordinating genetic laboratory tests and other diagnostic studies appropriate for genetic assessment;

(d) Integrating test and study results with the patient’s personal and family history to assess and communicate risk factors for genetic and medical conditions and diseases;

(e) Explaining the clinical implications of tests and studies and their results and evaluating the patient’s, and patient’s family’s responses, to the results and the risk of any recurrence of conditions and diseases, and providing patient-centered counseling and anticipatory guidance;

(f) Identifying and using any community resources to provide educational, financial, medical and psychosocial support and advocacy; and

(g) Providing written documentation of medical, genetic and counseling information for families and health care providers.

(2) “Licensed genetic counselor” means a person licensed to practice genetic counseling. [2021 c.231 §1]

676.733 Genetic counseling license; fees; rules. (1) The Health Licensing Office may issue a license to practice genetic counseling to an applicant who:

(a) Is at least 18 years of age;

(b) Is certified by a national certification organization for genetic counselors approved by the office by rule;

(c) Pays a licensure fee; and

(d) Meets other requirements established by the office by rule.

(2) The office may adopt rules establishing a process for issuing a temporary license to practice genetic counseling, including but not limited to rules establishing qualifications and fees for temporary licensure. [2021 c.231 §2]

676.736 Prohibition on unauthorized practice, use of title; exemptions. (1) A person may not practice genetic counseling or assume any title, words or abbreviations, including but not limited to the title or designation “licensed genetic counselor,” that indicate that the person is authorized to practice genetic counseling, unless the person is licensed under ORS 676.733.

(2) Subsection (1) of this section does not prohibit:

(a) A person authorized by a health regulatory board to provide a health care service other than genetic counseling from practicing genetic counseling as part of the person’s provision of the health care service; or

(b) A student from practicing genetic counseling while the student is participating in an educational program for genetic counseling and under the direct supervision of a licensed genetic counselor who is assigned to oversee the student, on duty and available to assist the student. [2021 c.231 §3]

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676.739 Requirement to refer for diagnosis, certain treatment. (1) If, in the course of practicing genetic counseling, a licensed genetic counselor becomes aware of an indication of a genetic or medical condition or disease that requires a diagnosis or treatment outside the scope of practice of genetic counseling, the licensed genetic counselor shall refer the patient to a physician licensed under ORS chapter 677 or other appropriate licensed health care practitioner.

(2) Nothing in this section shall be construed to authorize a licensed genetic counselor to diagnose, test for or treat a genetic or medical condition or disease. [2021 c.231 §4]

676.742 Requirement to practice, provide services in culturally, linguistically appropriate manner. A licensed genetic counselor shall practice genetic counseling and provide the services described in ORS 676.730 in a manner that is culturally and linguistically appropriate for the patient or the patient's family. The licensed genetic counselor may use as guidance under this section any standards established by a national certification organization for genetic counselors. [2021 c.231 §5]

676.745 Discipline. In the manner described in ORS chapter 183 for contested cases, the Health Licensing Office may impose a form of discipline listed in ORS 676.612 against a person for any violation of ORS 676.736 and for any violation of a rule adopted under ORS 676.730 to 676.748. [2021 c.231 §6]

676.748 Rules. (1) The Health Licensing Office shall adopt rules to establish:

- (a) A process for issuing licenses to practice genetic counseling;
- (b) A process for renewing licenses to practice genetic counseling;
- (c) Fees for issuing and renewing licenses to practice genetic counseling;
- (d) Qualifications for applicants for initial licensure and licensure renewal; and
- (e) Guidelines by which a licensed genetic counselor shall provide to a patient, or a patient's family, when and in the manner consistent with the practice of patient- and family-centered care, contact information for support programs and services related to the patient's genetic or medical condition or disease, including information for hotlines, resource centers, local and national organizations and other educational programs.

(2) The office may adopt:

(a) Rules to approve certification issued by a national certification organization for genetic counselors; and

(b) Other rules necessary to carry out ORS 676.730 to 676.748. [2021 c.231 §7]

PENALTIES

676.992 Civil penalties. (1) Except as provided in subsection (3) of this section, and in addition to any other penalty or remedy provided by law, the Health Licensing Office may impose a civil penalty not to exceed \$5,000 for each violation of the following statutes and any rule adopted under the following statutes:

- (a) ORS 688.701 to 688.734 (athletic training);
- (b) ORS 690.005 to 690.225 (cosmetology);
- (c) ORS 680.500 to 680.565 (denture technology);
- (d) Subject to ORS 676.616 and 687.445, ORS 687.405 to 687.495 (direct entry midwifery);
- (e) ORS 690.350 to 690.410 (tattooing, electrolysis, body piercing, earlobe piercing, dermal implanting and scarification);
- (f) ORS 694.015 to 694.170 (dealing in hearing aids);
- (g) ORS 688.800 to 688.840 (respiratory therapy and polysomnography);

For an official copy of the Oregon Revised Statutes, please go to the Oregon State Legislature website: https://www.oregonlegislature.gov/bills_laws or call 1-800-332-2313.

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- (h) ORS chapter 700 (environmental sanitation);
 - (i) ORS 675.365 to 675.410 (sexual abuse specific treatment);
 - (j) ORS 678.710 to 678.820 (nursing home administrators and residential care facility administrators);
 - (k) ORS 691.405 to 691.485 (dietitians);
 - (L) ORS 676.612 (prohibited acts);
 - (m) ORS 676.802 to 676.830 (applied behavior analysis);
 - (n) ORS 681.700 to 681.730 (music therapy);
 - (o) ORS 676.630 to 676.660 (advanced nonablative esthetics procedure);
 - (p) ORS 681.740 to 681.758 (art therapy);
 - (q) ORS 676.665 to 676.689 (lactation consultation);
 - (r) ORS 676.730 to 676.748 (genetic counseling); and
 - (s) ORS 676.750 to 676.789 (signed language interpretation).
- (2) The office may take any other disciplinary action that it finds proper, including but not limited to assessment of costs of disciplinary proceedings, not to exceed \$5,000, for violation of any statute listed in subsection (1) of this section or any rule adopted under any statute listed in subsection (1) of this section.
- (3) Subsection (1) of this section does not limit the amount of the civil penalty resulting from a violation of ORS 694.042.
- (4) In imposing a civil penalty under this section, the office shall consider the following factors:
- (a) The immediacy and extent to which the violation threatens the public health or safety;
 - (b) Any prior violations of statutes, rules or orders;
 - (c) The history of the person incurring a penalty in taking all feasible steps to correct any violation;
- and
- (d) Any other aggravating or mitigating factors.
- (5) Civil penalties under this section shall be imposed as provided in ORS 183.745.
- (6) The moneys received by the office from civil penalties under this section shall be deposited in the Health Licensing Office Account and are continuously appropriated to the office for the administration and enforcement of the laws the office is charged with administering and enforcing that govern the person against whom the penalty was imposed. [2003 c.547 §4; 2005 c.648 §14; 2007 c.841 §17; 2009 c.701 §17; 2009 c.768 §31; 2011 c.346 §31; 2011 c.630 §20; 2011 c.715 §21; 2013 c.82 §5; 2013 c.314 §17; 2013 c.568 §33; 2013 c.657 §10; 2013 c.771 §17; 2015 c.632 §6; 2015 c.674 §16; 2015 c.722 §11; 2017 c.155 §13; 2017 c.421 §9; 2017 c.499 §20; 2018 c.61 §25; 2021 c.231 §14; 2023 c.414 §26; 2023 c.500 §5]