

1 A bill to be entitled
2 An act relating to Genetic Counseling Patient
3 Protection Act; creating part III of ch. 483, F.S.,
4 titled "Genetic Counseling"; providing a short title,
5 legislative findings and intent, and definitions;
6 providing licensure and licensure renewal
7 requirements; requiring the Department of Health to
8 adopt by rule continuing education requirements;
9 prohibiting certain acts; providing penalties and
10 grounds for disciplinary action; authorizing the
11 department to enter an order denying licensure or
12 imposing other penalties; providing exemptions;
13 amending s. 456.001, F.S.; revising the definition of
14 the term "health care practitioner" to include
15 licensed genetic counselors; amending s. 20.43, F.S.;
16 correcting a cross-reference relating to the
17 department's responsibilities for health care
18 practitioners; providing an effective date.

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20 Be It Enacted by the Legislature of the State of Florida:

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22 Section 1. Part III of chapter 483, Florida Statutes,
23 consisting of sections 483.911, 483.912, 483.913, 483.914,
24 483.915, 483.916, 483.917, and 483.918, is created to read:
25

PART III

GENETIC COUNSELING

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28 483.911 Short title.—This part may be cited as the
29 "Genetic Counseling Patient Protection Act."

30 483.912 Legislative findings and intent.—The sole
31 legislative purpose for enacting this part is to ensure that
32 every genetic counselor practicing in this state meets minimum
33 requirements for safe practice. The Legislature finds that the
34 delivery of genetic counseling services by unskilled and
35 incompetent persons presents a danger to public health and
36 safety. Because it is difficult for the public to make informed
37 choices related to genetic counseling services and since the
38 consequences of uninformed choices can seriously endanger public
39 health and safety, it is the intent of the Legislature to
40 prohibit the delivery of genetic counseling services by persons
41 who are determined to possess less than minimum competencies or
42 who otherwise present a danger to the public.

43 483.913 Definitions.—As used in this part, the term:

44 (1) "Department" means the Department of Health.

45 (2) "Genetic counselor" means a person licensed under this
46 part to practice genetic counseling.

47 (3) "Scope of practice of genetic counseling" means the
48 process of advising an individual or a family affected by or at
49 risk of genetic disorders, including:

50 (a) Obtaining and evaluating individual and family medical

51 histories to determine risk for genetic or medical conditions
52 and diseases in an individual, his or her offspring, and other
53 family members.

54 (b) Discussing the clinical features, family history,
55 means of diagnosis, genetic and environmental factors, and
56 management of risk for genetic or medical conditions and
57 diseases.

58 (c) Identifying, ordering, and coordinating genetic
59 laboratory tests and other diagnostic studies as appropriate for
60 the genetic assessment.

61 (d) Integrating genetic laboratory test results and other
62 diagnostic studies with individual and family medical histories
63 to assess and communicate risk factors for genetic or medical
64 conditions and diseases.

65 (e) Explaining the clinical implications of genetic
66 laboratory tests and other diagnostic studies and the results.

67 (f) Evaluating the individual's or the family's responses
68 to the condition or risk of recurrence and providing client-
69 centered counseling and anticipatory guidance.

70 (g) Identifying and using community resources that provide
71 medical, educational, financial, and psychosocial support and
72 advocacy.

73 (h) Providing written documentation of medical, genetic,
74 and counseling information for individuals, families, and health
75 care professionals.

76 (i) Referring individuals to a physician for diagnosis and
 77 treatment.

78 483.914 Licensure requirements.-

79 (1) A person desiring to be licensed as a genetic
 80 counselor under this part must apply to the department on a form
 81 approved by the department.

82 (2) The department shall issue a license, valid for a
 83 period of 2 years after the date of issuance, to each applicant
 84 who:

85 (a) Has completed an application.

86 (b) Is of good moral character.

87 (c) Provides satisfactory documentation of having earned:

88 1. A master's degree from a genetic counseling training
 89 program or an equivalent program as determined by the
 90 Accreditation Council for Genetic Counseling or its successor or
 91 equivalent; or

92 2. A doctoral degree from a medical genetics training
 93 program accredited by the American Board of Medical Genetics and
 94 Genomics or the Canadian College of Medical Geneticists.

95 (d) Has passed the examination for certification as:

96 1. A genetic counselor by the American Board of Genetic
 97 Counseling, Inc., the American Board of Medical Genetics and
 98 Genomics, or the Canadian Association of Genetic Counsellors; or

99 2. A medical or clinical geneticist by the American Board
 100 of Medical Genetics and Genomics or the Canadian College of

101 Medical Geneticists.

102 (3) The department may issue a temporary license for up to
 103 2 years to an applicant who meets all of the requirements for
 104 licensure except for the examination requirement in this section
 105 and is eligible to sit for the next available certification
 106 examination.

107 483.915 Licensure renewal and continuing education
 108 requirements.-

109 (1) The department shall renew a license upon receipt of a
 110 renewal application.

111 (2) The department shall adopt by rule continuing
 112 education requirements consistent with nationally accepted
 113 standards of the American Board of Genetic Counseling, Inc.

114 483.916 Prohibitions; penalties.-

115 (1) A person may not:

116 (a) Make a false or fraudulent statement in any
 117 application, affidavit, or statement presented to the
 118 department.

119 (b) Practice genetic counseling or hold himself or herself
 120 out as a genetic counselor or as being able to practice genetic
 121 counseling or to render genetic counseling services without a
 122 license issued under this part, unless exempt from licensure
 123 under this part.

124 (c) Use the title "genetic counselor" or any other titles,
 125 designations, words, letters, abbreviations, or devices tending

126 to indicate that the person is authorized to practice genetic
 127 counseling, unless that person holds a current license as a
 128 genetic counselor issued under this part or is exempt from
 129 licensure under this part.

130 (2) A person who violates this section commits a
 131 misdemeanor of the second degree, punishable as provided in s.
 132 775.082 or s. 775.083.

133 483.917 Grounds for disciplinary action; penalties.-

134 (1) The following acts constitute grounds for denial of a
 135 license or disciplinary action, as specified in s. 456.072(2):

136 (a) Attempting to obtain, obtaining, or renewing a license
 137 under this part by fraudulent misrepresentation.

138 (b) Having a license revoked, suspended, or otherwise
 139 acted against, including the denial of licensure in another
 140 jurisdiction.

141 (c) Being convicted or found guilty of, or entered a plea
 142 of nolo contendere to, regardless of adjudication, a crime in
 143 any jurisdiction that directly relates to the practice of
 144 genetic counseling, including a violation of any federal law or
 145 regulation regarding genetic counseling.

146 (d) Making or filing a report or record that the licensee
 147 knows is false, intentionally or negligently failing to file a
 148 report or record required by state or federal law, willfully
 149 impeding or obstructing such filing, or inducing another person
 150 to impede or obstruct such filing. Such reports or records

151 include only reports or records that are signed by a person who
152 is licensed under this part.

153 (e) Knowingly advertising services related to genetic
154 counseling in a fraudulent, false, deceptive, or misleading
155 manner.

156 (f) Violating a previous order of the department entered
157 in a disciplinary hearing or failing to comply with a subpoena
158 issued by the department.

159 (g) Practicing with a revoked, suspended, or inactive
160 license.

161 (h) Gross or repeated malpractice or the failure to
162 deliver genetic counseling services with that level of care and
163 skill which is recognized by a reasonably prudent licensed
164 genetic counselor as being acceptable under similar conditions
165 and circumstances.

166 (i) Unprofessional conduct, including any departure from
167 or failure to conform to the minimal prevailing standards of
168 acceptable practice under this part and department rule such as:

169 1. Practicing or offering to practice beyond the scope
170 permitted by law or accepting and performing genetic counseling
171 services the licensee knows, or has reason to know, the licensee
172 is not competent to perform.

173 2. Failing to refer a patient to a health care
174 practitioner as defined in s. 456.001 if the licensee is unable
175 or unwilling to provide genetic counseling services to the

176 patient.

177 3. Failing to maintain the confidentiality of any
 178 information received under this part or failing to maintain the
 179 confidentiality of patient records pursuant to s. 456.057,
 180 unless such information or records are released by the patient
 181 or otherwise authorized or required by law to be released.

182 4. Exercising influence on the patient or family in such a
 183 manner as to exploit the patient or family for financial gain of
 184 the licensee.

185 (j) Violating this part or chapter 456, or any rules
 186 adopted pursuant thereto.

187 (2) The department may enter an order denying licensure or
 188 imposing penalties against an applicant for licensure or a
 189 licensee who is found guilty of violating subsection (1) or s.
 190 483.916.

191 483.918 Exemptions.—This part does not apply to:

192 (1) A commissioned medical officer of the United States
 193 Armed Forces or the United States Public Health Service while on
 194 active duty or while acting within the scope of his or her
 195 military or public health responsibilities.

196 (2) A health care practitioner as defined in s. 456.001,
 197 other than a genetic counselor licensed under this part, who is
 198 practicing within the scope of his or her training, education,
 199 and licensure, and who is doing work of a nature consistent with
 200 such training, education, and licensure.

201 Section 2. Subsection (4) of section 456.001, Florida
202 Statutes, is amended to read:

203 456.001 Definitions.—As used in this chapter, the term:

204 (4) "Health care practitioner" means any person licensed
205 under chapter 457; chapter 458; chapter 459; chapter 460;
206 chapter 461; chapter 462; chapter 463; chapter 464; chapter 465;
207 chapter 466; chapter 467; part I, part II, part III, part V,
208 part X, part XIII, or part XIV of chapter 468; chapter 478;
209 chapter 480; part I, ~~or part II,~~ or part III, of chapter 483;
210 chapter 484; chapter 486; chapter 490; or chapter 491.

211 Section 3. Subsection (8) of section 20.43, Florida
212 Statutes, is amended to read:

213 20.43 Department of Health.—There is created a Department
214 of Health.

215 (8) The department may hold copyrights, trademarks, and
216 service marks and enforce its rights with respect thereto,
217 except such authority does not extend to any public records
218 relating to the department's responsibilities for health care
219 practitioners regulated under ~~part II of~~ chapter 456 455.

220 Section 4. This act shall take effect July 1, 2021.