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A bill to be entitled
 An act relating to genetic counselors; creating part XV of
 ch. 468, F.S., the "Genetic Counseling Practice Act";
 providing a popular name; providing legislative purpose
 and intent; providing definitions; requiring licensure to
 practice genetic counseling; providing exemptions;
 creating the Board of Genetic Counselors and providing for
 appointment and staggering of terms of its members;
 providing rulemaking authority; providing licensure
 requirements; providing for biennial renewal of licensure;
 providing for continuing education; providing fees;
 prohibiting certain acts; providing penalties; providing
 grounds for disciplinary action; providing for denial of
 licensure or imposition of other disciplinary actions
 authorized by law; providing an effective date.

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

Section 1. Part XV of chapter 468, Florida Statutes,
 consisting of sections 468.901, 468.902, 468.903, 468.904,
 468.905, 468.906, 468.907, 468.908, 468.909, 468.911, 468.912,
 and 468.913, Florida Statutes is created to read:

PART XV

GENETIC COUNSELORS

468.901 Popular name.--This part may be known by the
 popular name the "Genetic Counseling Practice Act."

468.902 Purpose and intent.--The sole legislative purpose
 in enacting this part is to ensure that every genetic counselor
 practicing in this state meets minimum requirements for safe
 practice. It is the legislative intent that genetic counselors



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31 who fall below minimum competency or who otherwise present a
32 danger to the public shall be prohibited from practicing in this
33 state. Nothing in this part shall be construed to require
34 payment from insurers for genetic counseling services.

35 468.903 Definitions.--As used in this part:

36 (1) "Board" means the Board of Genetic Counselors.

37 (2) "Department" means the Department of Health.

38 (3) "Genetic counselor" means a person licensed under this
39 part to practice genetic counseling.

40 (4) "Practice of genetic counseling" means, for
41 remuneration, the communication process that deals with the
42 human problems associated with the occurrence, or the risk of
43 occurrence, of a genetic disorder in a family, including the
44 provision of services to help an individual or family:

45 (a) Comprehend the medical facts, including the diagnosis,
46 the probable cause of the disorder, and the available management
47 of the disorder.

48 (b) Appreciate the way heredity contributes to the
49 disorder and the risk of occurrence in specified relatives.

50 (c) Understand the alternatives for dealing with the risk
51 of occurrence.

52 (d) Choose the course of action which seems appropriate to
53 them in view of their risk, their family goals, and their
54 ethical and religious standards, and to act in accordance with
55 that decision.

56 (e) Make the best possible psychosocial adjustment to the
57 disorder in an affected family member or to the risk of
58 occurrence of that disorder.

59 468.904 License required.--No person shall practice
60 genetic counseling or hold himself or herself out as a genetic



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61 counselor or as being able to practice genetic counseling or to
62 render genetic counseling services in the state unless he or she
63 is licensed in accordance with the provisions of this part.

64 468.905 Exemptions.--This part does not apply to:

65 (1) An individual licensed as a physician under chapter
66 458 or chapter 459, acting in the authorized scope of the
67 physician's practice.

68 (2) Commissioned medical officers of the Armed Forces of
69 the United States and of the Public Health Service of the United
70 States while on active duty and while acting within the scope of
71 their military or public health responsibilities.

72 468.906 Board of Genetic Counselors.--

73 (1) The Board of Genetic Counselors is created within the
74 department and shall consist of seven members, to be appointed
75 by the Governor and confirmed by the Senate.

76 (2) Five members of the board must be licensed genetic
77 counselors who are residents of the state. The remaining two
78 members must be residents of the state who are not, and have
79 never been, licensed as genetic counselors or members of any
80 closely related profession.

81 (3)(a) For the purpose of staggering terms, the Governor
82 shall appoint the initial members of the board as follows:

83 1. Two licensee members and one consumer member for terms
84 of 2 years each.

85 2. Two licensee members and one consumer member for terms
86 of 3 years each.

87 3. One licensee member for a term of 4 years.

88 (b) As the terms of the members expire, the Governor shall
89 appoint successors for terms of 4 years, and such members shall
90 serve until their successors are appointed.



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91 (4) All provisions of chapter 456 relating to the board
 92 shall apply.

93 468.907 Authority to adopt rules.--The board shall adopt
 94 rules pursuant to ss. 120.536(1) and 120.54 to implement the
 95 provisions of this part conferring duties on it, including rules
 96 relating to standards of practice for genetic counselors.

97 468.908 Licensure requirements; temporary license.--

98 (1) Any person desiring to be licensed as a genetic
 99 counselor under this part must apply to the department on a form
 100 approved by the department.

101 (2) The department shall license each applicant who:

102 (a) Has completed the application form and remitted the
 103 required fees.

104 (b) Is of good moral character.

105 (c) Provides satisfactory documentation of having earned:

106 1. A master's degree from a genetic counseling training
 107 program or an equivalent program as determined by the American
 108 Board of Genetic Counseling; or

109 2. A doctoral degree from a medical genetics training
 110 program that is accredited by the American Board of Medical
 111 Genetics.

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

113 1. A genetic counselor by the American Board of Genetic
 114 Counseling or the American Board of Medical Genetics; or

115 2. A medical or clinical geneticist by the American Board
 116 of Medical Genetics.

117 (3) The department may issue a temporary license to an
 118 applicant who meets all of the requirements for licensure except
 119 the examination requirement in this section and has obtained
 120 active candidate status establishing eligibility to sit for the



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121 next available certification exam administered by the American
122 Board of Genetic Counseling.

123 468.909 Renewal of license; continuing education.--

124 (1) The department shall renew a license upon receipt of
125 the renewal application and fee.

126 (2) The board shall adopt rules establishing a procedure
127 for the biennial renewal of licenses under this part.

128 (3) The board may by rule prescribe continuing education
129 requirements and approve course criteria, not to exceed 30 hours
130 biennially, as a condition for license renewal. The board shall
131 establish a procedure for approving continuing education
132 courses, and providers and may set a fee for continuing
133 education courses and provider approval.

134 468.911 Fees.--

135 (1) The board shall by rule establish fees for the
136 following purposes:

137 (a) An application fee, not to exceed \$100.

138 (b) An initial licensure fee, not to exceed \$200.

139 (c) A biennial renewal fee, not to exceed \$200.

140 (d) An inactive fee, not to exceed \$100.

141 (e) A delinquent fee, not to exceed \$100.

142 (f) A reactivation fee, not to exceed \$100.

143 (g) A voluntary inactive fee, not to exceed \$100.

144 (2) The board shall establish fees at a level, not to
145 exceed the statutory fee cap, which is adequate to ensure the
146 continued operation of the regulatory program under this part.
147 The board shall neither set nor maintain the fees at a level
148 that will substantially exceed this need.

149 468.912 Prohibitions; penalties.--

150 (1) A person may not:



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151 (a) Make a false or fraudulent statement in any
152 application, affidavit, or statement presented to the board or
153 in any proceeding before the board.

154 (b) Practice genetic counseling without a license issued
155 under this part unless exempt from licensure under this part.

156 (c) Use the title "genetic counselor" or any other title
157 or designation tending to indicate that the person is a genetic
158 counselor or is otherwise authorized to practice genetic
159 counseling unless that person has a current license as a genetic
160 counselor issued under this part or is exempt from licensure
161 under this part.

162 (2) A person who violates any provision of this section
163 commits a misdemeanor of the second degree, punishable as
164 provided in s. 775.082 or s. 775.083.

165 468.913 Grounds for disciplinary action.--

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

168 (a) Attempting to procure a license by fraudulent
169 misrepresentation.

170 (b) Having a license to practice genetic counseling
171 revoked, suspended, or otherwise acted against, including the
172 denial of licensure in another jurisdiction.

173 (c) Being convicted or found guilty of or pleading nolo
174 contendere to, regardless of adjudication, in any jurisdiction,
175 a crime that directly relates to the practice of genetic
176 counseling, including violations of federal laws or regulations
177 regarding genetic counseling.

178 (d) Filing a report or record that the licensee knows is
179 false, intentionally or negligently failing to file a report or
180 record required by state or federal law, willfully impeding or



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181 obstructing such filing, or inducing another person to impede or
182 obstruct such filing. Such reports or records include only
183 reports or records that are signed in a person's capacity as a
184 licensee under this act.

185 (e) Advertising goods or services in a fraudulent, false,
186 deceptive, or misleading manner.

187 (f) Violation of an order of the board or department
188 previously entered in a disciplinary hearing or failure to
189 comply with a subpoena issued by the board or the department.

190 (g) Practicing with a revoked, suspended, or inactive
191 license.

192 (h) Gross or repeated malpractice or the failure to
193 deliver genetic counseling services with that level of care and
194 skill which is recognized by a reasonably prudent licensed
195 practitioner with similar professional training as being
196 acceptable under similar conditions and circumstances.

197 (i) Unprofessional conduct, which shall include, but not
198 be limited to, any departure from, or the failure to conform to,
199 the minimum standards of acceptable and prevailing genetic
200 counseling practice as set forth by the board in rules adopted
201 pursuant to this part, including:

202 1. Engaging in any act or practice in a professional
203 capacity which the licensee is not competent to perform through
204 training or experience.

205 2. Failing to refer a client to other competent
206 professionals when the licensee is unable or unwilling to
207 adequately support or serve the client.

208 3. Failing to maintain the confidentiality of any
209 information received from a client, unless released by the
210 client or otherwise authorized or required by law.



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211 4. Exploiting a client for personal advantage, profit, or
212 interest.

213 (j) Violating any provision of this part or chapter 456,
214 or any rules adopted pursuant thereto.

215 (2) The board may enter an order denying licensure or
216 imposing any of the penalties in s. 456.072(2) against any
217 applicant for licensure or licensee who is found guilty of
218 violating any provision of subsection (1) or who is found guilty
219 of violating any provision of s. 456.072(1).

220 Section 2. This act shall take effect July 1, 2003.