

By Senator Cowin

20-1204-03

See HB

1 A bill to be entitled
 2 An act relating to genetic counselors; creating
 3 part XV of ch. 468, F.S., the "Genetic
 4 Counseling Practice Act"; providing a popular
 5 name; providing legislative purpose and intent;
 6 providing definitions; requiring licensure to
 7 practice genetic counseling; providing
 8 exemptions; creating the Board of Genetic
 9 Counselors and providing for appointment and
 10 staggering of terms of its members; providing
 11 rulemaking authority; providing licensure
 12 requirements; providing for biennial renewal of
 13 licensure; providing for continuing education;
 14 providing fees; prohibiting certain acts;
 15 providing penalties; providing grounds for
 16 disciplinary action; providing for denial of
 17 licensure or imposition of other disciplinary
 18 actions authorized by law; providing an
 19 effective date.

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

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 23 Section 1. Part XV of chapter 468, Florida Statutes,
 24 consisting of sections 468.901, 468.902, 468.903, 468.904,
 25 468.905, 468.906, 468.907, 468.908, 468.909, 468.911, 468.912,
 26 and 468.913, Florida Statutes, is created to read:

27 PART XV

28 GENETIC COUNSELORS

29 468.901 Popular name.--This part may be known by the
 30 popular name the "Genetic Counseling Practice Act."

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1 468.902 Purpose and intent.--The sole legislative
2 purpose in enacting this part is to ensure that every genetic
3 counselor practicing in this state meets minimum requirements
4 for safe practice. It is the legislative intent that genetic
5 counselors who fall below minimum competency or who otherwise
6 present a danger to the public shall be prohibited from
7 practicing in this state. Nothing in this part shall be
8 construed to require payment from insurers for genetic
9 counseling services.

10 468.903 Definitions.--As used in this part, the term:

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

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

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

15 (4) "Practice of genetic counseling" means, for
16 remuneration, the communication process that deals with the
17 human problems associated with the occurrence, or the risk of
18 occurrence, of a genetic disorder in a family, including the
19 provision of services to help an individual or family:

20 (a) Comprehend the medical facts, including the
21 diagnosis, the probable cause of the disorder, and the
22 available management of the disorder.

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

25 (c) Understand the alternatives for dealing with the
26 risk of occurrence.

27 (d) Choose the course of action which seems
28 appropriate to them in view of their risk, their family goals,
29 and their ethical and religious standards, and to act in
30 accordance with that decision.

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1 (e) Make the best possible psychosocial adjustment to
2 the disorder in an affected family member or to the risk of
3 occurrence of that disorder.

4 468.904 License required.--No person shall practice
5 genetic counseling or hold himself or herself out as a genetic
6 counselor or as being able to practice genetic counseling or
7 to render genetic counseling services in the state unless he
8 or she is licensed in accordance with the provisions of this
9 part.

10 468.905 Exemptions.--This part does not apply to:

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

14 (2) Commissioned medical officers of the Armed Forces
15 of the United States and of the Public Health Service of the
16 United States while on active duty and while acting within the
17 scope of their military or public health responsibilities.

18 468.906 Board of Genetic Counselors.--

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

22 (2) Five members of the board must be licensed genetic
23 counselors who are residents of the state. The remaining two
24 members must be residents of the state who are not, and have
25 never been, licensed as genetic counselors or members of any
26 closely related profession.

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

30 1. Two licensee members and one consumer member for
31 terms of 2 years each.

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

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

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

7 (4) All provisions of chapter 456 relating to the
8 board shall apply.

9 468.907 Authority to adopt rules.--The board shall
10 adopt rules pursuant to ss. 120.536(1) and 120.54 to implement
11 the provisions of this part conferring duties on it, including
12 rules relating to standards of practice for genetic
13 counselors.

14 468.908 Licensure requirements; temporary license.--

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

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

19 (a) Has completed the application form and remitted
20 the required fees.

21 (b) Is of good moral character.

22 (c) Provides satisfactory documentation of having
23 earned:

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

27 2. A doctoral degree from a medical genetics training
28 program that is accredited by the American Board of Medical
29 Genetics.

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

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

4 2. A medical or clinical geneticist by the American
5 Board of Medical Genetics.

6 (3) The department may issue a temporary license to an
7 applicant who meets all of the requirements for licensure
8 except the examination requirement in this section and has
9 obtained active candidate status establishing eligibility to
10 sit for the next available certification exam administered by
11 the American Board of Genetic Counseling.

12 468.909 Renewal of license; continuing education.--

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

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

18 (3) The board may by rule prescribe continuing
19 education requirements and approve course criteria, not to
20 exceed 30 hours biennially, as a condition for license
21 renewal. The board shall establish a procedure for approving
22 continuing education courses, and providers and may set a fee
23 for continuing education courses and provider approval.

24 468.911 Fees.--

25 (1) The board shall by rule establish fees for the
26 following purposes:

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

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

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

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

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

1 (f) A reactivation fee, not to exceed \$100.
2 (g) A voluntary inactive fee, not to exceed \$100.
3 (2) The board shall establish fees at a level, not to
4 exceed the statutory fee cap, which is adequate to ensure the
5 continued operation of the regulatory program under this
6 part. The board shall neither set nor maintain the fees at a
7 level that will substantially exceed this need.
8 468.912 Prohibitions; penalties.--
9 (1) A person may not:
10 (a) Make a false or fraudulent statement in any
11 application, affidavit, or statement presented to the board or
12 in any proceeding before the board.
13 (b) Practice genetic counseling without a license
14 issued under this part unless exempt from licensure under this
15 part.
16 (c) Use the title "genetic counselor" or any other
17 title or designation tending to indicate that the person is a
18 genetic counselor or is otherwise authorized to practice
19 genetic counseling unless that person has a current license as
20 a genetic counselor issued under this part or is exempt from
21 licensure under this part.
22 (2) A person who violates any provision of this
23 section commits a misdemeanor of the second degree, punishable
24 as provided in s. 775.082 or s. 775.083.
25 468.913 Grounds for disciplinary action.--
26 (1) The following acts constitute grounds for denial
27 of a license or disciplinary action, as specified in s.
28 456.072(2):
29 (a) Attempting to procure a license by fraudulent
30 misrepresentation.
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1 **(b) Having a license to practice genetic counseling**
2 **revoked, suspended, or otherwise acted against, including the**
3 **denial of licensure in another jurisdiction.**

4 **(c) Being convicted or found guilty of or pleading**
5 **nolo contendere to, regardless of adjudication, in any**
6 **jurisdiction, a crime that directly relates to the practice of**
7 **genetic counseling, including violations of federal laws or**
8 **regulations regarding genetic counseling.**

9 **(d) Filing a report or record that the licensee knows**
10 **is false, intentionally or negligently failing to file a**
11 **report or record required by state or federal law, willfully**
12 **impeding or obstructing such filing, or inducing another**
13 **person to impede or obstruct such filing. Such reports or**
14 **records include only reports or records that are signed in a**
15 **person's capacity as a licensee under this act.**

16 **(e) Advertising goods or services in a fraudulent,**
17 **false, deceptive, or misleading manner.**

18 **(f) Violation of an order of the board or department**
19 **previously entered in a disciplinary hearing or failure to**
20 **comply with a subpoena issued by the board or the department.**

21 **(g) Practicing with a revoked, suspended, or inactive**
22 **license.**

23 **(h) Gross or repeated malpractice or the failure to**
24 **deliver genetic counseling services with that level of care**
25 **and skill which is recognized by a reasonably prudent licensed**
26 **practitioner with similar professional training as being**
27 **acceptable under similar conditions and circumstances.**

28 **(i) Unprofessional conduct, which shall include, but**
29 **not be limited to, any departure from, or the failure to**
30 **conform to, the minimum standards of acceptable and prevailing**
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1 genetic counseling practice as set forth by the board in rules
2 adopted pursuant to this part, including:

3 1. Engaging in any act or practice in a professional
4 capacity which the licensee is not competent to perform
5 through training or experience.

6 2. Failing to refer a client to other competent
7 professionals when the licensee is unable or unwilling to
8 adequately support or serve the client.

9 3. Failing to maintain the confidentiality of any
10 information received from a client, unless released by the
11 client or otherwise authorized or required by law.

12 4. Exploiting a client for personal advantage, profit,
13 or interest.

14 (j) Violating any provision of this part or chapter
15 456, or any rules adopted pursuant thereto.

16 (2) The board may enter an order denying licensure or
17 imposing any of the penalties in s. 456.072(2) against any
18 applicant for licensure or licensee who is found guilty of
19 violating any provision of subsection (1) or who is found
20 guilty of violating any provision of s. 456.072(1).

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