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A bill to be entitled
 An act relating to genetic counselors; creating pt. XV,
 ch. 468, F.S., the "Genetic Counseling Practice Act";
 providing a part title; 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;
 requiring the board to adopt rules; 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; amending s. 20.43, F.S.; creating the
 Board of Genetic Counselors within the Division of Medical
 Quality Assurance in the Department of Health; amending s.
 456.001, F.S.; redefining the term "health care
 practitioner" to include persons licensed under pt. XV,
 ch. 468, F.S.; 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

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30 468.901 Part title.--This part may be cited as the
 31 "Genetic Counseling Practice Act."

32 468.902 Purpose and intent.--The sole legislative purpose
 33 in enacting this part is to ensure that every genetic counselor
 34 practicing in this state meets minimum requirements for safe
 35 practice. It is the legislative intent that genetic counselors
 36 who fall below minimum competency or who otherwise present a
 37 danger to the public shall be prohibited from practicing in this
 38 state. This part does not require payment from insurers for
 39 genetic counseling services.

40 468.903 Definitions.--As used in this part, the term:

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

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

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

45 (4) "Practice of genetic counseling" means, for
 46 remuneration, the communication process that deals with the
 47 human problems associated with the occurrence, or the risk of
 48 occurrence, of a genetic disorder in a family, including the
 49 provision of services to help an individual or family:

50 (a) Comprehend the medical facts, including the diagnosis,
 51 the probable cause of the disorder, and the available management
 52 of the disorder.

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

55 (c) Understand the alternatives for dealing with the risk
 56 of occurrence.

57 (d) Choose the course of action which seems appropriate to
 58 the individual or family in view of the risks, personal or

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59 family goals, and ethical and religious standards, and to act in
 60 accordance with that decision.

61 (e) Make the best possible psychosocial adjustment to the
 62 disorder in an affected family member or to the risk of
 63 occurrence of that disorder.

64 468.904 License required.--A person may not practice
 65 genetic counseling or hold himself or herself out as a genetic
 66 counselor or as being able to practice genetic counseling or to
 67 render genetic counseling services in the state unless he or she
 68 is licensed in accordance with this part.

69 468.905 Exemptions.--This part does not apply to:

70 (1) An individual licensed as a physician under chapter
 71 458 or chapter 459, acting in the authorized scope of the
 72 physician's practice.

73 (2) Commissioned medical officers of the Armed Forces of
 74 the United States and of the Public Health Service of the United
 75 States while on active duty and while acting within the scope of
 76 their military or public health responsibilities.

77 (3) A health care practitioner defined in s. 456.001 who
 78 is practicing within the scope of the health care practitioner's
 79 license and who is doing work of a nature consistent with his or
 80 her training and licensure.

81 468.906 Board of Genetic Counselors.--

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

85 (2) Five members of the board must be licensed genetic
 86 counselors who are residents of the state. The remaining two
 87 members must be residents of the state who are not, and have

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88 never been, licensed as genetic counselors or members of any
 89 closely related profession.

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

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

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

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

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

100 (4) All provisions of chapter 456 relating to the board
 101 shall apply.

102 468.907 Authority to adopt rules.--The board shall adopt
 103 rules pursuant to ss. 120.536(1) and 120.54 to administer the
 104 provisions of this part conferring duties on it, including rules
 105 relating to standards of practice for genetic counselors.

106 468.908 Licensure requirements; temporary license.--

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

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

111 (a) Has completed the application form and remitted the
 112 required fees.

113 (b) Is of good moral character.

114 (c) Provides satisfactory documentation of having earned:

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

118 2. A doctoral degree from a medical genetics training
 119 program that is accredited by the American Board of Medical
 120 Genetics.

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

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

124 2. A medical or clinical geneticist by the American Board
 125 of Medical Genetics.

126 (3) The department may issue a temporary license to an
 127 applicant who meets all of the requirements for licensure except
 128 the examination requirement in this section and has obtained
 129 active candidate status establishing eligibility to sit for the
 130 next available certification examination administered by the
 131 American Board of Genetic Counseling.

132 468.909 Renewal of license; continuing education.--

133 (1) The department shall renew a license upon receipt of
 134 the renewal application and fee set by the board, not to exceed
 135 \$200.

136 (2) The board may by rule prescribe continuing education
 137 requirements and approve course criteria, not to exceed 30 hours
 138 biennially, as a condition for license renewal. The board shall
 139 establish a procedure for approving continuing education courses
 140 and providers, and may set a fee for continuing education
 141 courses and provider approval.

142 468.911 Fees.--

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143 (1) The board shall by rule establish fees for the
 144 following purposes:

- 145 (a) An application fee, not to exceed \$100.
- 146 (b) An initial licensure fee, not to exceed \$200.
- 147 (c) A biennial renewal fee, not to exceed \$200.
- 148 (d) An inactive fee, not to exceed \$100.
- 149 (e) A delinquent fee, not to exceed \$100.
- 150 (f) A reactivation fee, not to exceed \$100.
- 151 (g) A voluntary inactive fee, not to exceed \$100.

152 (2) The board shall establish fees at a level, not to
 153 exceed the statutory fee cap, which is adequate to ensure the
 154 continued operation of the regulatory program under this part.
 155 The board may not set or maintain the fees at a level that will
 156 substantially exceed this need.

157 468.912 Prohibitions; penalties.--

158 (1) A person may not:

159 (a) Make a false or fraudulent statement in any
 160 application, affidavit, or statement presented to the board or
 161 in any proceeding before the board.

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

164 (c) Use the title "genetic counselor" or any other title
 165 or designation tending to indicate that the person is a genetic
 166 counselor or is otherwise authorized to practice genetic
 167 counseling unless that person has a current license as a genetic
 168 counselor issued under this part or is exempt from licensure
 169 under this part.

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

173 468.913 Grounds for disciplinary action.--

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

176 (a) Attempting to procure a license to practice genetic
 177 counseling by fraudulent misrepresentation.

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

181 (c) Being convicted or found guilty of or pleading nolo
 182 contendere to, regardless of adjudication, in any jurisdiction,
 183 a crime that directly relates to the practice of genetic
 184 counseling, including a violation of federal laws or regulations
 185 regarding genetic counseling.

186 (d) Filing a report or record that the licensee knows is
 187 false, intentionally or negligently failing to file a report or
 188 record required by state or federal law, willfully impeding or
 189 obstructing such filing, or inducing another person to impede or
 190 obstruct such filing. Such reports or records include only
 191 reports or records that are signed in a person's capacity as a
 192 licensee under this part.

193 (e) Advertising goods or services related to genetic
 194 counseling in a fraudulent, false, deceptive, or misleading
 195 manner.

196 (f) Violating an order of the board or department
 197 previously entered in a disciplinary hearing or failing to
 198 comply with a subpoena issued by the board or the department.

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199 (g) Practicing with a revoked, suspended, or inactive
200 license.

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

206 (i) Unprofessional conduct, which includes, but is not
207 limited to, any departure from, or the failure to conform to,
208 the minimum standards of acceptable and prevailing genetic
209 counseling practice as set forth by the board in rules adopted
210 pursuant to this part, including:

211 1. Engaging in any act or practice in a professional
212 capacity which the licensee is not competent to perform through
213 training or experience.

214 2. Failing to refer a client to other competent
215 professionals when the licensee is unable or unwilling to
216 adequately support or serve the client.

217 3. Failing to maintain the confidentiality of any
218 information received from a client, unless released by the
219 client or otherwise authorized or required by law.

220 4. Exploiting a client for personal advantage, profit, or
221 interest.

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

224 (2) The board may enter an order denying licensure or
225 imposing any of the penalties in s. 456.072(2) against any
226 applicant for licensure or licensee who is found guilty of

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227 violating any provision of subsection (1) or who is found guilty
 228 of violating any provision of s. 456.072(1).

229 Section 2. Paragraph (g) of subsection (3) of section
 230 20.43, Florida Statutes, is amended to read:

231 20.43 Department of Health.--There is created a Department
 232 of Health.

233 (3) The following divisions of the Department of Health
 234 are established:

235 (g) Division of Medical Quality Assurance, which is
 236 responsible for the following boards and professions established
 237 within the division:

238 1. The Board of Acupuncture, created under chapter 457.

239 2. The Board of Medicine, created under chapter 458.

240 3. The Board of Osteopathic Medicine, created under
 241 chapter 459.

242 4. The Board of Chiropractic Medicine, created under
 243 chapter 460.

244 5. The Board of Podiatric Medicine, created under chapter
 245 461.

246 6. Naturopathy, as provided under chapter 462.

247 7. The Board of Optometry, created under chapter 463.

248 8. The Board of Nursing, created under part I of chapter
 249 464.

250 9. Nursing assistants, as provided under part II of
 251 chapter 464.

252 10. The Board of Pharmacy, created under chapter 465.

253 11. The Board of Dentistry, created under chapter 466.

254 12. Midwifery, as provided under chapter 467.

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255 13. The Board of Speech-Language Pathology and Audiology,
256 created under part I of chapter 468.

257 14. The Board of Nursing Home Administrators, created
258 under part II of chapter 468.

259 15. The Board of Occupational Therapy, created under part
260 III of chapter 468.

261 16. Respiratory therapy, as provided under part V of
262 chapter 468.

263 17. Dietetics and nutrition practice, as provided under
264 part X of chapter 468.

265 18. The Board of Athletic Training, created under part
266 XIII of chapter 468.

267 19. The Board of Orthotists and Prosthetists, created
268 under part XIV of chapter 468.

269 20. The Board of Genetic Counselors, created under part XV
270 of chapter 468.

271 ~~21.20.~~ Electrolysis, as provided under chapter 478.

272 ~~22.21.~~ The Board of Massage Therapy, created under chapter
273 480.

274 ~~23.22.~~ The Board of Clinical Laboratory Personnel, created
275 under part III of chapter 483.

276 ~~24.23.~~ Medical physicists, as provided under part IV of
277 chapter 483.

278 ~~25.24.~~ The Board of Opticianry, created under part I of
279 chapter 484.

280 ~~26.25.~~ The Board of Hearing Aid Specialists, created under
281 part II of chapter 484.

282 ~~27.26.~~ The Board of Physical Therapy Practice, created
283 under chapter 486.

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284 ~~28.27.~~ The Board of Psychology, created under chapter 490.

285 ~~29.28.~~ School psychologists, as provided under chapter
286 490.

287 ~~30.29.~~ The Board of Clinical Social Work, Marriage and
288 Family Therapy, and Mental Health Counseling, created under
289 chapter 491.

290 Section 3. Subsection (4) of section 456.001, Florida
291 Statutes, is amended to read:

292 456.001 Definitions.--As used in this chapter, the term:

293 (4) "Health care practitioner" means any person licensed
294 under chapter 457; chapter 458; chapter 459; chapter 460;
295 chapter 461; chapter 462; chapter 463; chapter 464; chapter 465;
296 chapter 466; chapter 467; part I, part II, part III, part V,
297 part X, part XIII, ~~or~~ part XIV, or part XV of chapter 468;
298 chapter 478; chapter 480; part III or part IV of chapter 483;
299 chapter 484; chapter 486; chapter 490; or chapter 491.

300 Section 4. This act shall take effect July 1, 2004.