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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;
 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 part XV of
 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, is created to read:

PART XV

GENETIC COUNSELORS

29
30 468.901 Popular name.--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. This act does not apply to
40 counselors who do not identify or advertise themselves as
41 genetic counselors and who do not provide genetic risk
42 assessment, diagnosis and interpretation of family history, and
43 genetic test results.

44 468.903 Definitions.--As used in this part, the term:

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

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

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

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

54 (a) Comprehend the medical facts, including the diagnosis,
55 the probable cause of the disorder, and the available management
56 of the disorder.

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

59 (c) Understand the alternatives for dealing with the risk
60 of occurrence.

61 (d) Choose the course of action which seems appropriate to
62 them in view of their risk, their family goals, and their
63 ethical and religious standards, and to act in accordance with
64 that decision.

65 (e) Make the best possible psychosocial adjustment to the
66 disorder in an affected family member or to the risk of
67 occurrence of that disorder.

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

73 468.905 Exemptions.--This part does not apply to:

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

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

82 468.906 Board of Genetic Counselors.--

83 (1) The Board of Genetic Counselors is created within the
84 department and shall consist of five members, to be appointed by

85 the Governor and confirmed by the Senate.

86 (2) Three members of the board must be licensed genetic
 87 counselors who are residents of the state. The remaining two
 88 members must be residents of the state who are not, and have
 89 never been, licensed as genetic counselors or members of any
 90 closely related profession.

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

93 1. One licensee member and one consumer member for terms
 94 of 2 years each.

95 2. One licensee member and one consumer member for terms
 96 of 3 years each.

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

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

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

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

107 468.908 Licensure requirements; temporary license.--

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

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

112 (a) Has completed the application form and remitted the

113 required fees.

114 (b) Is of good moral character.

115 (c) Provides satisfactory documentation of having earned:

116 1. A master's degree from a genetic counseling training

117 program or an equivalent program as determined by the American

118 Board of Genetic Counseling; or

119 2. A doctoral degree from a medical genetics training

120 program that is accredited by the American Board of Medical

121 Genetics.

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

123 1. A genetic counselor by the American Board of Genetic

124 Counseling or the American Board of Medical Genetics; or

125 2. A medical or clinical geneticist by the American Board

126 of Medical Genetics.

127 (3) The department may issue a temporary license to an

128 applicant who meets all of the requirements for licensure except

129 the examination requirement in this section and has obtained

130 active candidate status establishing eligibility to sit for the

131 next available certification exam administered by the American

132 Board of Genetic Counseling.

133 468.909 Renewal of license; continuing education.--

134 (1) The department shall renew a license upon receipt of

135 the renewal application and fee set by the board, not to exceed

136 \$600.

137 (2) The board may by rule prescribe continuing education

138 requirements and approve course criteria, not to exceed 30 hours

139 biennially, as a condition for license renewal. The board shall

140 establish a procedure for approving continuing education courses

141 and providers, and may set a fee for continuing education
 142 courses and provider approval.

143 468.911 Fees.--

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

- 146 (a) An application fee, not to exceed \$100.
- 147 (b) An initial licensure fee, not to exceed \$600.
- 148 (c) A biennial renewal fee, not to exceed \$600.
- 149 (d) An inactive fee, not to exceed \$100.
- 150 (e) A delinquent fee, not to exceed \$100.
- 151 (f) A reactivation fee, not to exceed \$100.
- 152 (g) A voluntary inactive fee, not to exceed \$100.

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

158 468.912 Prohibitions; penalties.--

159 (1) A person may not:

- 160 (a) Make a false or fraudulent statement in any
 161 application, affidavit, or statement presented to the board or
 162 in any proceeding before the board.
- 163 (b) Practice genetic counseling without a license issued
 164 under this part unless exempt from licensure under this part.
- 165 (c) Use the title "genetic counselor" or any other title
 166 or designation tending to indicate that the person is a genetic
 167 counselor or is otherwise authorized to practice genetic
 168 counseling unless that person has a current license as a genetic

169 counselor issued under this part or is exempt from licensure
 170 under this part.

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

174 468.913 Grounds for disciplinary action.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

225 (2) The board may enter an order denying licensure or
 226 imposing any of the penalties in s. 456.072(2) against any
 227 applicant for licensure or licensee who is found guilty of
 228 violating any provision of subsection (1) or who is found guilty
 229 of violating any provision of s. 456.072(1).

230 Section 2. Paragraph (g) of subsection (3) of section
 231 20.43, Florida Statutes, is amended to read:

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

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

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

- 239 1. The Board of Acupuncture, created under chapter 457.
- 240 2. The Board of Medicine, created under chapter 458.
- 241 3. The Board of Osteopathic Medicine, created under
 242 chapter 459.
- 243 4. The Board of Chiropractic Medicine, created under
 244 chapter 460.
- 245 5. The Board of Podiatric Medicine, created under chapter
 246 461.
- 247 6. Naturopathy, as provided under chapter 462.
- 248 7. The Board of Optometry, created under chapter 463.
- 249 8. The Board of Nursing, created under part I of chapter
 250 464.
- 251 9. Nursing assistants, as provided under part II of
 252 chapter 464.

- 253 | 10. The Board of Pharmacy, created under chapter 465.
- 254 | 11. The Board of Dentistry, created under chapter 466.
- 255 | 12. Midwifery, as provided under chapter 467.
- 256 | 13. The Board of Speech-Language Pathology and Audiology,
- 257 | created under part I of chapter 468.
- 258 | 14. The Board of Nursing Home Administrators, created
- 259 | under part II of chapter 468.
- 260 | 15. The Board of Occupational Therapy, created under part
- 261 | III of chapter 468.
- 262 | 16. Respiratory therapy, as provided under part V of
- 263 | chapter 468.
- 264 | 17. Dietetics and nutrition practice, as provided under
- 265 | part X of chapter 468.
- 266 | 18. The Board of Athletic Training, created under part
- 267 | XIII of chapter 468.
- 268 | 19. The Board of Orthotists and Prosthetists, created
- 269 | under part XIV of chapter 468.
- 270 | 20. The Board of Genetic Counselors, created under part XV
- 271 | of chapter 468.
- 272 | ~~21.20.~~ Electrolysis, as provided under chapter 478.
- 273 | ~~22.21.~~ The Board of Massage Therapy, created under chapter
- 274 | 480.
- 275 | ~~23.22.~~ The Board of Clinical Laboratory Personnel, created
- 276 | under part III of chapter 483.
- 277 | ~~24.23.~~ Medical physicists, as provided under part IV of
- 278 | chapter 483.
- 279 | ~~25.24.~~ The Board of Opticianry, created under part I of
- 280 | chapter 484.

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

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

285 ~~28.27.~~ The Board of Psychology, created under chapter 490.

286 ~~29.28.~~ School psychologists, as provided under chapter
 287 490.

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

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

293 456.001 Definitions.--As used in this chapter, the term:

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

301 Section 4. This act shall take effect October 1, 2005.