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30
31 483.911 Short title.—This part may be cited as the “Genetic
32 Counseling Patient Protection Act.”

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

46 483.913 Definitions.—As used in this part, the term:

47 (1) “Department” means the Department of Health.

48 (2) “Genetic counselor” means a person licensed under this
49 part to practice genetic counseling.

50 (3) “Practice of genetic counseling” means the process of
51 advising an individual or family affected by or at risk of
52 genetic disorders, including services to help an individual or
53 family:

54 (a) Understand a diagnosis, the probable cause, and
55 available options for treatment and management of a genetic
56 disorder.

57 (b) Understand how heredity contributes to a genetic
58 disorder and the risk of its occurrence.

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59 (c) Consider alternatives to genetic counseling for
60 addressing the risk of occurrence of a genetic disorder.

61 (d) Choose a course of action appropriate to the individual
62 or family, taking into consideration their risks, their family
63 goals, and their ethical and religious standards, and to act in
64 accordance with that decision.

65 (e) Adjust to a diagnosis and the risk of occurrence of a
66 genetic disorder.

67 483.914 Licensure requirements.-

68 (1) Any person desiring to be licensed as a genetic
69 counselor under this part must apply to the department on a form
70 approved by the department by rule.

71 (2) The department shall issue a license to each applicant
72 who:

73 (a) Has completed an application.

74 (b) Is of good moral character.

75 (c) Provides satisfactory documentation of having earned:

76 1. A master's degree from a genetic counseling training
77 program or an equivalent program as determined by the American
78 Board of Genetic Counseling, Inc., or the Canadian Association
79 of Genetic Counsellors; or

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

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

84 1. A genetic counselor by the American Board of Genetic
85 Counseling, Inc., the American Board of Medical Genetics and
86 Genomics, or the Canadian Association of Genetic Counsellors; or

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

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88 of Medical Genetics and Genomics or the Canadian College of
89 Medical Geneticists.

90 (3) The department may issue a temporary license for up to
91 2 years to an applicant who meets all requirements for licensure
92 except for the examination requirement in this section and is
93 eligible to sit for the next available certification examination
94 administered by the American Board of Genetic Counseling, Inc.

95 483.915 Licensure renewal and continuing education
96 requirements.-

97 (1) The department shall renew a license upon receipt of a
98 renewal application.

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

102 483.916 Prohibitions; penalties.-

103 (1) A person may not:

104 (a) Make a false or fraudulent statement in any
105 application, affidavit, or statement presented to the
106 department.

107 (b) Practice genetic counseling or hold himself or herself
108 out as a genetic counselor or as being able to practice genetic
109 counseling or to render genetic counseling services without a
110 license issued under this part unless exempt from licensure
111 under this part.

112 (c) Use the title "genetic counselor" or any other title,
113 designation, words, letters, abbreviations, or device tending to
114 indicate that the person is authorized to practice genetic
115 counseling unless that person holds a current license as a
116 genetic counselor issued under this part or is exempt from

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117 licensure under this part.

118 (2) A person who violates this section commits a
119 misdemeanor of the second degree, punishable as provided in s.
120 775.082 or s. 775.083.

121 483.917 Grounds for disciplinary action; penalties.—

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

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

126 (b) Having a license revoked, suspended, or otherwise acted
127 against, including the denial of licensure in another
128 jurisdiction.

129 (c) Being convicted or found guilty of, or entering a plea
130 of nolo contendere to, regardless of adjudication, a crime in
131 any jurisdiction which directly relates to the practice of
132 genetic counseling, including a violation of federal laws or
133 regulations regarding genetic counseling.

134 (d) Making or filing a report or record that the licensee
135 knows is false, intentionally or negligently failing to file a
136 report or record required by state or federal law, willfully
137 impeding or obstructing such filing, or inducing another person
138 to impede or obstruct such filing. Such reports or records
139 include only reports or records that are signed in a person's
140 capacity as a licensee under this part.

141 (e) Knowingly advertising services related to genetic
142 counseling in a fraudulent, false, deceptive, or misleading
143 manner.

144 (f) Violating a previous order of the department entered in
145 a disciplinary hearing or failing to comply with a subpoena

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146 issued by the department.

147 (g) Practicing with a revoked, suspended, or inactive
148 license.

149 (h) Gross or repeated malpractice or the failure to deliver
150 genetic counseling services with that level of care and skill
151 which is recognized by a reasonably prudent licensed genetic
152 counselor as being acceptable under similar conditions and
153 circumstances.

154 (i) Unprofessional conduct, including, but not limited to,
155 any departure from or failure to conform to the minimal
156 prevailing standards of acceptable practice under this part and
157 department rule, including:

158 1. Practicing or offering to practice beyond the scope
159 permitted by law or accepting and performing genetic counseling
160 services the licensee knows, or has reason to know, he or she is
161 not competent to perform.

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

165 3. Failing to maintain the confidentiality of any
166 information received under this part or failing to maintain the
167 confidentiality of patient records pursuant to s. 456.057,
168 unless such information or records are released by the patient
169 or otherwise authorized or required by law to be released.

170 4. Exercising influence on the patient or family in such a
171 manner as to exploit the patient or family for financial gain of
172 the licensee.

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

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175 (2) The department may enter an order denying licensure to
 176 or imposing penalties against any applicant for licensure or any
 177 licensee who is found guilty of violating subsection (1) or s.
 178 483.916.

179 483.918 Exemptions.—This part does not apply to:

180 (1) Commissioned medical officers of the United States
 181 Armed Forces or the United States Public Health Service while on
 182 active duty or while acting within the scope of their military
 183 or public health responsibilities.

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

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

191 456.001 Definitions.—As used in this chapter, the term:

192 (4) "Health care practitioner" means any person licensed
 193 under chapter 457; chapter 458; chapter 459; chapter 460;
 194 chapter 461; chapter 462; chapter 463; chapter 464; chapter 465;
 195 chapter 466; chapter 467; part I, part II, part III, part V,
 196 part X, part XIII, or part XIV of chapter 468; chapter 478;
 197 chapter 480; part II, ~~or~~ part III, or part IV of chapter 483;
 198 chapter 484; chapter 486; chapter 490; or chapter 491.

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

201 20.43 Department of Health.—There is created a Department
 202 of Health.

203 (8) The department may hold copyrights, trademarks, and

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204 service marks and enforce its rights with respect thereto,
205 except such authority does not extend to any public records
206 relating to the department's responsibilities for health care
207 practitioners regulated under ~~part II~~ of chapter 456 ~~455~~.

208 Section 4. This act shall take effect July 1, 2020.