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A bill to be entitled  
 An act relating to Genetic Counseling Patient  
 Protection Act; creating part III of ch. 483, F.S.,  
 titled "Genetic Counseling"; providing a short title,  
 legislative findings and intent, and definitions;  
 providing licensure and licensure renewal  
 requirements; requiring the Department of Health to  
 adopt by rule continuing education requirements;  
 prohibiting certain acts; providing penalties and  
 grounds for disciplinary action; authorizing the  
 department to enter an order denying licensure or  
 imposing other penalties; providing exemptions;  
 amending s. 456.001, F.S.; revising the definition of  
 the term "health care practitioner" to include  
 licensed genetic counselors; amending s. 20.43, F.S.;  
 correcting a cross-reference relating to the  
 department's responsibilities for health care  
 practitioners; providing an effective date.

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

Section 1. Part III of chapter 483, Florida Statutes,  
 consisting of sections 483.911, 483.912, 483.913, 483.914,  
 483.915, 483.916, 483.917, and 483.918, is created to read:

PART III

GENETIC COUNSELING

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27  
28 483.911 Short title.—This part may be cited as the  
29 "Genetic Counseling Patient Protection Act."

30 483.912 Legislative findings and intent.—The sole  
31 legislative purpose for enacting this part is to ensure that  
32 every genetic counselor practicing in this state meets minimum  
33 requirements for safe practice. The Legislature finds that the  
34 delivery of genetic counseling services by unskilled and  
35 incompetent persons presents a danger to public health and  
36 safety. Because it is difficult for the public to make informed  
37 choices related to genetic counseling services and since the  
38 consequences of uninformed choices can seriously endanger public  
39 health and safety, it is the intent of the Legislature to  
40 prohibit the delivery of genetic counseling services by persons  
41 who are determined to possess less than minimum competencies or  
42 who otherwise present a danger to the public.

43 483.913 Definitions.—As used in this part, the term:

44 (1) "Department" means the Department of Health.

45 (2) "Genetic counselor" means a person licensed under this  
46 part to practice genetic counseling.

47 (3) "Practice of genetic counseling" means the process of  
48 advising an individual or family affected by or at risk of  
49 genetic disorders, including services to help an individual or  
50 family:

- 51        (a) Understand a diagnosis, the probable cause, and  
 52 available management.
- 53        (b) Understand how heredity contributes and the risk of  
 54 occurrence.
- 55        (c) Consider alternatives to genetic counseling for  
 56 addressing the risk of occurrence.
- 57        (d) Choose a course of action appropriate to the  
 58 individual or family, taking into consideration their risks,  
 59 family goals, and ethical and religious standards, and to act in  
 60 accordance with that decision.
- 61        (e) Adjust to a diagnosis and the risk of occurrence.  
 62 483.914 Licensure requirements.—
- 63        (1) A person desiring to be licensed as a genetic  
 64 counselor under this part must apply to the department on a form  
 65 approved by the department.
- 66        (2) The department shall issue a license to each applicant  
 67 who:
- 68            (a) Has completed an application.
- 69            (b) Is of good moral character.
- 70            (c) Provides satisfactory documentation of having earned:
- 71                1. A master's degree from a genetic counseling training  
 72 program or an equivalent program as determined by the American  
 73 Board of Genetic Counseling, Inc., or the Canadian Association  
 74 of Genetic Counsellors; or
- 75                2. A doctoral degree from a medical genetics training

76 | program accredited by the American Board of Medical Genetics and  
 77 | Genomics or the Canadian College of Medical Geneticists.

78 | (d) Has passed the examination for certification as:

79 | 1. A genetic counselor by the American Board of Genetic  
 80 | Counseling, Inc., the American Board of Medical Genetics and  
 81 | Genomics, or the Canadian Association of Genetic Counsellors; or

82 | 2. A medical or clinical geneticist by the American Board  
 83 | of Medical Genetics and Genomics or the Canadian College of  
 84 | Medical Geneticists.

85 | (3) The department may issue a temporary license for up to  
 86 | 2 years to an applicant who meets all of the requirements for  
 87 | licensure except for the examination requirement in this section  
 88 | and is eligible to sit for the next available certification  
 89 | examination administered by the American Board of Genetic  
 90 | Counseling, Inc.

91 | 483.915 Licensure renewal and continuing education  
 92 | requirements.—

93 | (1) The department shall renew a license upon receipt of a  
 94 | renewal application.

95 | (2) The department shall adopt by rule continuing  
 96 | education requirements consistent with nationally accepted  
 97 | standards of the American Board of Genetic Counseling, Inc.

98 | 483.916 Prohibitions; penalties.—

99 | (1) A person may not:

100 | (a) Make a false or fraudulent statement in any

101 application, affidavit, or statement presented to the  
102 department.

103 (b) Practice genetic counseling or hold himself or herself  
104 out as a genetic counselor or as being able to practice genetic  
105 counseling or to render genetic counseling services without a  
106 license issued under this part, unless exempt from licensure  
107 under this part.

108 (c) Use the title "genetic counselor" or any other titles,  
109 designations, words, letters, abbreviations, or devices tending  
110 to indicate that the person is authorized to practice genetic  
111 counseling, unless that person holds a current license as a  
112 genetic counselor issued under this part or is exempt from  
113 licensure under this part.

114 (2) A person who violates this section commits a  
115 misdemeanor of the second degree, punishable as provided in s.  
116 775.082 or s. 775.083.

117 483.917 Grounds for disciplinary action; penalties.—

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

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

122 (b) Having a license revoked, suspended, or otherwise  
123 acted against, including the denial of licensure in another  
124 jurisdiction.

125 (c) Being convicted or found guilty of, or entered a plea

126 of nolo contendere to, regardless of adjudication, a crime in  
127 any jurisdiction that directly relates to the practice of  
128 genetic counseling, including a violation of any federal law or  
129 regulation regarding genetic counseling.

130 (d) Making or filing a report or record that the licensee  
131 knows is false, intentionally or negligently failing to file a  
132 report or record required by state or federal law, willfully  
133 impeding or obstructing such filing, or inducing another person  
134 to impede or obstruct such filing. Such reports or records  
135 include only reports or records that are signed by a person who  
136 is licensed under this part.

137 (e) Knowingly advertising services related to genetic  
138 counseling in a fraudulent, false, deceptive, or misleading  
139 manner.

140 (f) Violating a previous order of the department entered  
141 in a disciplinary hearing or failing to comply with a subpoena  
142 issued by the department.

143 (g) Practicing with a revoked, suspended, or inactive  
144 license.

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

150 (i) Unprofessional conduct, including any departure from

151 or failure to conform to the minimal prevailing standards of  
152 acceptable practice under this part and department rule such as:

153 1. Practicing or offering to practice beyond the scope  
154 permitted by law or accepting and performing genetic counseling  
155 services the licensee knows, or has reason to know, the licensee  
156 is not competent to perform.

157 2. Failing to refer a patient to a health care  
158 practitioner as defined in s. 456.001 if the licensee is unable  
159 or unwilling to provide genetic counseling services to the  
160 patient.

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

166 4. Exercising influence on the patient or family in such a  
167 manner as to exploit the patient or family for financial gain of  
168 the licensee.

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

171 (2) The department may enter an order denying licensure or  
172 imposing penalties against an applicant for licensure or a  
173 licensee who is found guilty of violating subsection (1) or s.  
174 483.916.

175 483.918 Exemptions.—This part does not apply to:

176           (1) A commissioned medical officer of the United States  
 177 Armed Forces or the United States Public Health Service while on  
 178 active duty or while acting within the scope of his or her  
 179 military or public health responsibilities.

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

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

187           456.001 Definitions.—As used in this chapter, the term:

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

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

197           20.43 Department of Health.—There is created a Department  
 198 of Health.

199           (8) The department may hold copyrights, trademarks, and  
 200 service marks and enforce its rights with respect thereto,



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201 | except such authority does not extend to any public records  
202 | relating to the department's responsibilities for health care  
203 | practitioners regulated under ~~part II~~ of chapter 456 455.

204 |       Section 4. This act shall take effect July 1, 2021.