

1                   A bill to be entitled  
2           An act relating to Genetic Counseling Patient  
3           Protection Act; creating part III of ch. 483, F.S.,  
4           titled "Genetic Counseling"; providing a short title,  
5           legislative findings and intent, and definitions;  
6           providing licensure and licensure renewal  
7           requirements; requiring the Department of Health to  
8           adopt by rule continuing education requirements;  
9           prohibiting certain acts; providing penalties and  
10          grounds for disciplinary action; authorizing the  
11          department to enter an order denying licensure or  
12          imposing other penalties; providing exemptions;  
13          amending s. 456.001, F.S.; revising the definition of  
14          the term "health care practitioner" to include  
15          licensed genetic counselors; amending s. 20.43, F.S.;  
16          correcting a cross-reference relating to the  
17          department's responsibilities for health care  
18          practitioners; providing appropriations; 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 III of chapter 483, Florida Statutes,  
24           consisting of sections 483.911, 483.912, 483.913, 483.914,  
25           483.915, 483.916, 483.917, and 483.918, is created to read:

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PART III

GENETIC COUNSELING

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

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

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

- (1) "Department" means the Department of Health.
- (2) "Genetic counselor" means a person licensed under this part to practice genetic counseling.
- (3) "Scope of practice of genetic counseling" means the process of advising an individual or a family affected by or at risk of genetic disorders, including:

51 (a) Obtaining and evaluating individual and family medical  
52 histories to determine risk for genetic or medical conditions  
53 and diseases in an individual, his or her offspring, and other  
54 family members.

55 (b) Discussing the clinical features, family history,  
56 means of diagnosis, genetic and environmental factors, and  
57 management of risk for genetic or medical conditions and  
58 diseases.

59 (c) Identifying, ordering, and coordinating genetic  
60 laboratory tests and other diagnostic studies as appropriate for  
61 the genetic assessment.

62 (d) Integrating genetic laboratory test results and other  
63 diagnostic studies with individual and family medical histories  
64 to assess and communicate risk factors for genetic or medical  
65 conditions and diseases.

66 (e) Explaining the clinical implications of genetic  
67 laboratory tests and other diagnostic studies and the results.

68 (f) Evaluating the individual's or the family's responses  
69 to the condition or risk of recurrence and providing client-  
70 centered counseling and anticipatory guidance.

71 (g) Identifying and using community resources that provide  
72 medical, educational, financial, and psychosocial support and  
73 advocacy.

74 (h) Providing written documentation of medical, genetic,  
75 and counseling information for individuals, families, and health

76 | care professionals.

77 |       (i) Referring individuals to a physician for diagnosis and

78 | treatment.

79 |       483.914 Licensure requirements.-

80 |       (1) A person desiring to be licensed as a genetic

81 | counselor under this part must apply to the department on a form

82 | approved by the department.

83 |       (2) The department shall issue a license, valid for a

84 | period of 2 years after the date of issuance, to each applicant

85 | who:

86 |       (a) Has completed an application.

87 |       (b) Is of good moral character.

88 |       (c) Provides satisfactory documentation of having earned:

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

90 | program or an equivalent program as determined by the

91 | Accreditation Council for Genetic Counseling or its successor or

92 | equivalent; or

93 |           2. A doctoral degree from a medical genetics training

94 | program accredited by the American Board of Medical Genetics and

95 | Genomics or the Canadian College of Medical Geneticists.

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

97 |           1. A genetic counselor by the American Board of Genetic

98 | Counseling, Inc., the American Board of Medical Genetics and

99 | Genomics, or the Canadian Association of Genetic Counsellors; or

100 |           2. A medical or clinical geneticist by the American Board

101 of Medical Genetics and Genomics or the Canadian College of  
102 Medical Geneticists.

103 (3) The department may issue a temporary license for up to  
104 2 years to an applicant who meets all of the requirements for  
105 licensure except for the examination requirement in this section  
106 and is eligible to sit for the next available certification  
107 examination.

108 483.915 Licensure renewal and continuing education  
109 requirements.—

110 (1) The department shall renew a license upon receipt of a  
111 renewal application.

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

115 483.916 Prohibitions; penalties.—

116 (1) A person may not:

117 (a) Make a false or fraudulent statement in any  
118 application, affidavit, or statement presented to the  
119 department.

120 (b) Practice genetic counseling or hold himself or herself  
121 out as a genetic counselor or as being able to practice genetic  
122 counseling or to render genetic counseling services without a  
123 license issued under this part, unless exempt from licensure  
124 under this part.

125 (c) Use the title "genetic counselor" or any other titles,

126 designations, words, letters, abbreviations, or devices tending  
127 to indicate that the person is authorized to practice genetic  
128 counseling, unless that person holds a current license as a  
129 genetic counselor issued under this part or is exempt from  
130 licensure under this part.

131 (2) A person who violates this section commits a  
132 misdemeanor of the second degree, punishable as provided in s.  
133 775.082 or s. 775.083.

134 483.917 Grounds for disciplinary action; penalties.-

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

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

139 (b) Having a license revoked, suspended, or otherwise  
140 acted against, including the denial of licensure in another  
141 jurisdiction.

142 (c) Being convicted or found guilty of, or entered a plea  
143 of nolo contendere to, regardless of adjudication, a crime in  
144 any jurisdiction that directly relates to the practice of  
145 genetic counseling, including a violation of any federal law or  
146 regulation regarding genetic counseling.

147 (d) Making or filing a report or record that the licensee  
148 knows is false, intentionally or negligently failing to file a  
149 report or record required by state or federal law, willfully  
150 impeding or obstructing such filing, or inducing another person

151 to impede or obstruct such filing. Such reports or records  
152 include only reports or records that are signed by a person who  
153 is licensed under this part.

154 (e) Knowingly advertising services related to genetic  
155 counseling in a fraudulent, false, deceptive, or misleading  
156 manner.

157 (f) Violating a previous order of the department entered  
158 in a disciplinary hearing or failing to comply with a subpoena  
159 issued by the department.

160 (g) Practicing with a revoked, suspended, or inactive  
161 license.

162 (h) Gross or repeated malpractice or the failure to  
163 deliver genetic counseling services with that level of care and  
164 skill which is recognized by a reasonably prudent licensed  
165 genetic counselor as being acceptable under similar conditions  
166 and circumstances.

167 (i) Unprofessional conduct, including any departure from  
168 or failure to conform to the minimal prevailing standards of  
169 acceptable practice under this part and department rule such as:

170 1. Practicing or offering to practice beyond the scope  
171 permitted by law or accepting and performing genetic counseling  
172 services the licensee knows, or has reason to know, the licensee  
173 is not competent to perform.

174 2. Failing to refer a patient to a health care  
175 practitioner as defined in s. 456.001 if the licensee is unable

176 or unwilling to provide genetic counseling services to the  
177 patient.

178 3. Failing to maintain the confidentiality of any  
179 information received under this part or failing to maintain the  
180 confidentiality of patient records pursuant to s. 456.057,  
181 unless such information or records are released by the patient  
182 or otherwise authorized or required by law to be released.

183 4. Exercising influence on the patient or family in such a  
184 manner as to exploit the patient or family for financial gain of  
185 the licensee.

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

188 (2) The department may enter an order denying licensure or  
189 imposing penalties against an applicant for licensure or a  
190 licensee who is found guilty of violating subsection (1) or s.  
191 483.916.

192 483.918 Exemptions.—This part does not apply to:

193 (1) A commissioned medical officer of the United States  
194 Armed Forces or the United States Public Health Service while on  
195 active duty or while acting within the scope of his or her  
196 military or public health responsibilities.

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



201 such training, education, and licensure.

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

204 456.001 Definitions.—As used in this chapter, the term:

205 (4) "Health care practitioner" means any person licensed  
206 under chapter 457; chapter 458; chapter 459; chapter 460;  
207 chapter 461; chapter 462; chapter 463; chapter 464; chapter 465;  
208 chapter 466; chapter 467; part I, part II, part III, part V,  
209 part X, part XIII, or part XIV of chapter 468; chapter 478;  
210 chapter 480; part I, ~~or~~ part II, or part III, of chapter 483;  
211 chapter 484; chapter 486; chapter 490; or chapter 491.

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

214 20.43 Department of Health.—There is created a Department  
215 of Health.

216 (8) The department may hold copyrights, trademarks, and  
217 service marks and enforce its rights with respect thereto,  
218 except such authority does not extend to any public records  
219 relating to the department's responsibilities for health care  
220 practitioners regulated under ~~part II of~~ chapter 456 455.

221 Section 4. For the 2021-2022 fiscal year, the sums of  
222 \$41,535 in recurring funds and \$4,429 in nonrecurring funds from  
223 the Medical Quality Assurance Trust Fund are appropriated to the  
224 Department of Health for the purpose of implementing this act.

225 Section 5. This act shall take effect July 1, 2021.