

By Senator Jones

35-01349-21

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1 A bill to be entitled
2 An act relating to genetic counseling; creating part
3 III of ch. 483, F.S., titled "Genetic Counseling";
4 providing a short title; providing legislative
5 findings and intent; defining terms; providing
6 licensure, licensure renewal, and continuing education
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 for certain violations;
13 providing exemptions; amending s. 456.001, F.S.;
14 revising the definition of the term "health care
15 practitioner" to include licensed genetic counselors;
16 amending s. 20.43, F.S.; correcting a cross-reference;
17 providing an effective date.

18
19 Be It Enacted by the Legislature of the State of Florida:

20
21 Section 1. Part III of chapter 483, Florida Statutes,
22 consisting of sections 483.911, 483.912, 483.913, 483.914,
23 483.915, 483.916, 483.917, and 483.918, Florida Statutes, is
24 created to read:

25
26 PART III
27 GENETIC COUNSELING
28

29 483.911 Short title.—This part may be cited as the "Genetic

35-01349-21

20211770__

30 Counseling Workforce Act.”

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

44 483.913 Definitions.—As used in this part, the term:

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

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

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

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

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

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

35-01349-21

20211770__

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

63 (e) Adjust to a diagnosis and the risk of occurrence of a
64 genetic disorder.

65 483.914 Licensure requirements.-

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

69 (2) The department shall issue a license to each applicant
70 who:

71 (a) Has completed an application.

72 (b) Is of good moral character.

73 (c) Provides satisfactory documentation of having earned:

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

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

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

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

85 2. A medical or clinical geneticist by the American Board
86 of Medical Genetics and Genomics or the Canadian College of
87 Medical Geneticists.

35-01349-21

20211770__

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

93 483.915 Licensure renewal and continuing education
94 requirements.-

95 (1) The department shall renew a license upon receipt of a
96 renewal application.

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

100 483.916 Prohibitions; penalties.-

101 (1) A person may not:

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

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

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

116 (2) A person who violates this section commits a

35-01349-21

20211770__

117 misdemeanor of the second degree, punishable as provided in s.
118 775.082 or s. 775.083.

119 483.917 Grounds for disciplinary action; penalties.—

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

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

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

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

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

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

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

145 (g) Practicing with a revoked, suspended, or inactive

35-01349-21

20211770__

146 license.

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

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

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

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

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

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

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

174 (2) The department may enter an order denying licensure to

35-01349-21

20211770__

175 or imposing penalties against any applicant for licensure or any
176 licensee who is found guilty of violating subsection (1) or s.
177 483.916.

178 483.918 Exemptions.—This part does not apply to:

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

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

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

190 456.001 Definitions.—As used in this chapter, the term:

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

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

200 20.43 Department of Health.—There is created a Department
201 of Health.

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

35-01349-21

20211770__

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

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