

By the Committee on Health Policy; and Senator Jones

588-03325-21

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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

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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) “Scope of practice of genetic counseling” means the
49 process of advising an individual or a family affected by or at
50 risk of genetic disorders, including:

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

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

58 (c) Identifying, ordering, and coordinating genetic

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59 laboratory tests and other diagnostic studies as appropriate for
60 a genetic assessment;

61 (d) Integrating genetic laboratory test results and other
62 diagnostic studies with personal and family medical history to
63 assess and communicate risk factors for genetic or medical
64 conditions and diseases;

65 (e) Explaining the clinical implications of genetic
66 laboratory tests and other diagnostic studies and their results;

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

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

73 (h) Providing written documentation of medical, genetic,
74 and counseling information for families and health care
75 professionals; and

76 (i) Referring patients to a physician for diagnosis and
77 treatment.

78 483.914 Licensure requirements.-

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

82 (2) The department shall issue a license, valid for 2
83 years, to each applicant who:

84 (a) Has completed an application.

85 (b) Is of good moral character.

86 (c) Provides satisfactory documentation of having earned:

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

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88 program or its equivalent as determined by the Accreditation
89 Council of Genetic Counseling or its successor or an equivalent
90 entity; or

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

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

95 1. A genetic counselor by the American Board of Genetic
96 Counseling, Inc., the American Board of Medical Genetics and
97 Genomics, or the Canadian Association of Genetic Counsellors; or

98 2. A medical or clinical geneticist by the American Board
99 of Medical Genetics and Genomics or the Canadian College of
100 Medical Geneticists.

101 (3) The department may issue a temporary license for up to
102 2 years to an applicant who meets all requirements for licensure
103 except for the certification examination requirement imposed
104 under paragraph (2) (d) and is eligible to sit for that
105 certification examination.

106 483.915 Licensure renewal and continuing education
107 requirements.-

108 (1) The department shall renew a license upon receipt of a
109 renewal application.

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

113 483.916 Prohibitions; penalties.-

114 (1) A person may not:

115 (a) Make a false or fraudulent statement in any
116 application, affidavit, or statement presented to the

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117 department.

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

123 (c) Use the title "genetic counselor" or any other title,
124 designation, words, letters, abbreviations, or device tending to
125 indicate that the person is authorized to practice genetic
126 counseling unless that person holds a current license as a
127 genetic counselor issued under this part or is exempt from
128 licensure under this part.

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

132 483.917 Grounds for disciplinary action; penalties.-

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

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

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

140 (c) Being convicted or found guilty of, or entering a plea
141 of nolo contendere to, regardless of adjudication, a crime in
142 any jurisdiction which directly relates to the practice of
143 genetic counseling, including a violation of federal laws or
144 regulations regarding genetic counseling.

145 (d) Making or filing a report or record that the licensee

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146 knows is false, intentionally or negligently failing to file a
147 report or record required by state or federal law, willfully
148 impeding or obstructing such filing, or inducing another person
149 to impede or obstruct such filing. Such reports or records
150 include only reports or records that are signed in a person's
151 capacity as a licensee under this part.

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

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

158 (g) Practicing with a revoked, suspended, or inactive
159 license.

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

165 (i) Unprofessional conduct, including, but not limited to,
166 any departure from or failure to conform to the minimal
167 prevailing standards of acceptable practice under this part and
168 department rule, including, but not limited to, any of the
169 following:

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, he or she is
173 not competent to perform.

174 2. Failing to refer a patient to a health care practitioner

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175 as defined in s. 456.001 if the licensee is unable or unwilling
176 to provide genetic counseling services to the patient.

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

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

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

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

191 483.918 Exemptions.—This part does not apply to:

192 (1) Commissioned medical officers of the United States
193 Armed Forces or the United States Public Health Service while on
194 active duty or while acting within the scope of their military
195 or public health responsibilities.

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

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

203 456.001 Definitions.—As used in this chapter, the term:

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

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

213 20.43 Department of Health.—There is created a Department
214 of Health.

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

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