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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 construction; prohibiting the licensing of a
14 genetic counselor from being contingent on his or her
15 participation in counseling that conflicts with his or
16 her deeply held moral or religious beliefs; providing
17 genetic counselors with immunity from a claim of
18 damages or disciplinary action under certain
19 circumstances; providing exemptions; amending s.
20 456.001, F.S.; revising the definition of the term
21 "health care practitioner" to include licensed genetic
22 counselors; amending s. 20.43, F.S.; correcting a
23 cross-reference; providing an appropriation; providing
24 an effective date.

25
26 Be It Enacted by the Legislature of the State of Florida:
27

28 Section 1. Part III of chapter 483, Florida Statutes,
29 consisting of sections 483.911, 483.912, 483.913, 483.914,

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30 483.915, 483.916, 483.917, 483.918, and 483.919, Florida
31 Statutes, is created to read:

32
33 PART III
34 GENETIC COUNSELING

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36 483.911 Short title.—This part may be cited as the “Genetic
37 Counseling Workforce Act.”

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

51 483.913 Definitions.—As used in this part, the term:

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

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

55 (3) “Scope of practice of genetic counseling” means the
56 process of advising an individual or a family affected by or at
57 risk of genetic disorders, including:

58 (a) Obtaining and evaluating individual, family, and

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59 medical histories to determine genetic risk for genetic or
60 medical conditions and diseases in a patient, his or her
61 offspring, and other family members;

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

65 (c) Identifying, ordering, and coordinating genetic
66 laboratory tests and other diagnostic studies as appropriate for
67 a genetic assessment;

68 (d) Integrating genetic laboratory test results and other
69 diagnostic studies with personal and family medical history to
70 assess and communicate risk factors for genetic or medical
71 conditions and diseases;

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

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

77 (g) Identifying and using community resources that provide
78 medical, educational, financial, and psychosocial support and
79 advocacy;

80 (h) Providing written documentation of medical, genetic,
81 and counseling information for families and health care
82 professionals; and

83 (i) Referring patients to a physician for diagnosis and
84 treatment.

85 483.914 Licensure requirements.-

86 (1) Any person desiring to be licensed as a genetic
87 counselor under this part must apply to the department on a form

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88 approved by department rule.

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

91 (a) Has completed an application.

92 (b) Is of good moral character.

93 (c) Provides satisfactory documentation of having earned:

94 1. A master's degree from a genetic counseling training
95 program or its equivalent as determined by the Accreditation
96 Council of Genetic Counseling or its successor or an equivalent
97 entity; or

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

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

102 1. A genetic counselor by the American Board of Genetic
103 Counseling, Inc., the American Board of Medical Genetics and
104 Genomics, or the Canadian Association of Genetic Counsellors; or

105 2. A medical or clinical geneticist by the American Board
106 of Medical Genetics and Genomics or the Canadian College of
107 Medical Geneticists.

108 (3) The department may issue a temporary license for up to
109 2 years to an applicant who meets all requirements for licensure
110 except for the certification examination requirement imposed
111 under paragraph (2) (d) and is eligible to sit for that
112 certification examination.

113 483.915 Licensure renewal and continuing education
114 requirements.-

115 (1) The department shall renew a license upon receipt of a
116 renewal application.

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

120 483.916 Prohibitions; penalties.-

121 (1) A person may not:

122 (a) Make a false or fraudulent statement in any
123 application, affidavit, or statement presented to the
124 department.

125 (b) Practice genetic counseling or hold himself or herself
126 out as a genetic counselor or as being able to practice genetic
127 counseling or to render genetic counseling services without a
128 license issued under this part unless exempt from licensure
129 under this part.

130 (c) Use the title "genetic counselor" or any other title,
131 designation, words, letters, abbreviations, or device tending to
132 indicate that the person is authorized to practice genetic
133 counseling unless that person holds a current license as a
134 genetic counselor issued under this part or is exempt from
135 licensure under this part.

136 (2) A person who violates this section commits a
137 misdemeanor of the second degree, punishable as provided in s.
138 775.082 or s. 775.083.

139 483.917 Grounds for disciplinary action; penalties.-

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

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

144 (b) Having a license revoked, suspended, or otherwise acted
145 against, including the denial of licensure in another

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146 jurisdiction.

147 (c) Being convicted or found guilty of, or entering a plea
148 of nolo contendere to, regardless of adjudication, a crime in
149 any jurisdiction which directly relates to the practice of
150 genetic counseling, including a violation of federal laws or
151 regulations regarding genetic counseling.

152 (d) Making or filing a report or record that the licensee
153 knows is false, intentionally or negligently failing to file a
154 report or record required by state or federal law, willfully
155 impeding or obstructing such filing, or inducing another person
156 to impede or obstruct such filing. Such reports or records
157 include only reports or records that are signed in a person's
158 capacity as a licensee under this part.

159 (e) Knowingly advertising services related to genetic
160 counseling in a fraudulent, false, deceptive, or misleading
161 manner.

162 (f) Violating a previous order of the department entered in
163 a disciplinary hearing or failing to comply with a subpoena
164 issued by the department.

165 (g) Practicing with a revoked, suspended, or inactive
166 license.

167 (h) Gross or repeated malpractice or the failure to deliver
168 genetic counseling services with that level of care and skill
169 which is recognized by a reasonably prudent licensed genetic
170 counselor as being acceptable under similar conditions and
171 circumstances.

172 (i) Unprofessional conduct, including, but not limited to,
173 any departure from or failure to conform to the minimal
174 prevailing standards of acceptable practice under this part and

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175 department rule, including, but not limited to, any of the
176 following:

177 1. Practicing or offering to practice beyond the scope
178 permitted by law or accepting and performing genetic counseling
179 services the licensee knows, or has reason to know, he or she is
180 not competent to perform.

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

184 3. Failing to maintain the confidentiality of any
185 information received under this part or failing to maintain the
186 confidentiality of patient records pursuant to s. 456.057,
187 unless such information or records are released by the patient
188 or otherwise authorized or required by law to be released.

189 4. Exercising influence on the patient or family in such a
190 manner as to exploit the patient or family for financial gain of
191 the licensee.

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

194 (2) The department may enter an order denying licensure to
195 or imposing penalties against any applicant for licensure or any
196 licensee who is found guilty of violating subsection (1) or s.
197 483.916.

198 483.918 Conscience clause.—This part may not be construed
199 to require any genetic counselor to participate in counseling
200 that conflicts with his or her deeply held moral or religious
201 beliefs. The licensing of a genetic counselor may not be
202 contingent upon participation in such counseling. A counselor's
203 refusal to participate in counseling that conflicts with his or

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204 her deeply held moral or religious beliefs may not form the
205 basis for any claim of damages or for any disciplinary action
206 against the genetic counselor, provided the genetic counselor
207 informs the patient that he or she will not participate in such
208 counseling and offers to direct the patient to the online health
209 care practitioner license verification database maintained by
210 the department.

211 483.919 Exemptions.—This part does not apply to:

212 (1) Commissioned medical officers of the United States
213 Armed Forces or the United States Public Health Service while on
214 active duty or while acting within the scope of their military
215 or public health responsibilities.

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

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

223 456.001 Definitions.—As used in this chapter, the term:

224 (4) "Health care practitioner" means any person licensed
225 under chapter 457; chapter 458; chapter 459; chapter 460;
226 chapter 461; chapter 462; chapter 463; chapter 464; chapter 465;
227 chapter 466; chapter 467; part I, part II, part III, part V,
228 part X, part XIII, or part XIV of chapter 468; chapter 478;
229 chapter 480; part I, ~~or~~ part II, or part III of chapter 483;
230 chapter 484; chapter 486; chapter 490; or chapter 491.

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

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233 20.43 Department of Health.—There is created a Department
234 of Health.

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

240 Section 4. For the 2021-2022 fiscal year, the sums of
241 \$41,535 in recurring funds and \$4,429 in nonrecurring funds from
242 the Medical Quality Assurance Trust Fund are appropriated to the
243 Department of Health for the purpose of implementing this act.

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