

HB 911

2020

1                   A bill to be entitled  
2           An act relating to genetic counseling; creating part  
3           IV of ch. 483, F.S., titled "Genetic Counseling";  
4           providing a short title, legislative findings and  
5           intent, and definitions; providing licensure,  
6           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; providing exemptions;  
13          providing an exception; 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          relating to the department's responsibilities for  
18          health care practitioners; providing an effective  
19          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 IV 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 IV

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) "Practice of genetic counseling" means the process of advising an individual or family affected by or at risk of genetic disorders, including services to help an individual or

51 family:

52 (a) Understand a diagnosis, the probable cause, and

53 available management.

54 (b) Understand how heredity contributes and the risk of

55 occurrence.

56 (c) Consider alternatives to genetic counseling for

57 addressing the risk of occurrence.

58 (d) Choose a course of action appropriate to the

59 individual or family taking into consideration their risks,

60 their family goals, and their ethical and religious standards,

61 and to act in accordance with that decision.

62 (e) Adjust to a diagnosis and the risk of occurrence.

63 483.914 Licensure requirements.-

64 (1) Any person desiring to be licensed as a genetic

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

66 approved by the department.

67 (2) The department shall issue a license to each applicant

68 who:

69 (a) Has completed an application.

70 (b) Is of good moral character.

71 (c) Provides satisfactory documentation of having earned:

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

73 program or an equivalent program as determined by the American

74 Board of Genetic Counseling, Inc., or the Canadian Association

75 of Genetic Counsellors; or

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

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

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

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

86           (3) The department may issue a temporary license for up to  
 87 2 years to an applicant who meets all requirements for licensure  
 88 except for the examination requirement in this section and is  
 89 eligible to sit for the next available certification examination  
 90 administered by the American Board of Genetic 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 title,  
109 designation, words, letters, abbreviations, or device tending to  
110 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 federal laws or  
129 regulations 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 in a person's  
136 capacity as a licensee 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, but not limited to,

151 any departure from or failure to conform to the minimal  
152 prevailing standards of acceptable practice under this part and  
153 department rule, including:

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

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

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

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

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

172 (2) The department may enter an order denying licensure or  
173 imposing penalties against any applicant for licensure or any  
174 licensee who is found guilty of violating subsection (1) or s.  
175 483.916.

176           483.918 Exemptions.—This part does not apply to:  
 177           (1) Commissioned medical officers of the United States  
 178 Armed Forces or the United States Public Health Service while on  
 179 active duty or while acting within the scope of their military  
 180 or public health responsibilities.  
 181           (2) A health care practitioner as defined in s. 456.001,  
 182 other than a genetic counselor licensed under this part, who is  
 183 practicing within the scope of his or her training, education,  
 184 and licensure and who is doing work of a nature consistent with  
 185 such training, education, and licensure.  
 186           Section 2. Subsection (4) of section 456.001, Florida  
 187 Statutes, is amended to read:  
 188           456.001 Definitions.—As used in this chapter, the term:  
 189           (4) "Health care practitioner" means any person licensed  
 190 under chapter 457; chapter 458; chapter 459; chapter 460;  
 191 chapter 461; chapter 462; chapter 463; chapter 464; chapter 465;  
 192 chapter 466; chapter 467; part I, part II, part III, part V,  
 193 part X, part XIII, or part XIV of chapter 468; chapter 478;  
 194 chapter 480; part II, ~~or~~ part III, or part IV of chapter 483;  
 195 chapter 484; chapter 486; chapter 490; or chapter 491.  
 196           Section 3. Subsection (8) of section 20.43, Florida  
 197 Statutes, is amended to read:  
 198           20.43 Department of Health.—There is created a Department  
 199 of Health.  
 200           (8) The department may hold copyrights, trademarks, and



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201 service marks and enforce its rights with respect thereto,  
202 except such authority does not extend to any public records  
203 relating to the department's responsibilities for health care  
204 practitioners regulated under ~~part II~~ of chapter 456 455.

205 Section 4. This act shall take effect July 1, 2020.