

1                                    **DEPARTMENT OF HEALTH**  
2                                    **MEDICAL QUALITY ASSURANCE**  
3                                    **BOARD OF CLINICAL LABORATORY PERSONNEL**

4  
5                                    **MINUTES**  
6                                    **GENERAL BUSINESS MEETING**

7  
8                                    **Florida Hotel and Conference Center**  
9                                    **1500 Sand Lake Road**  
10                                   **Orlando, FL 32809**  
11                                   **(407) 956-4286**

12  
13                                   **May 11, 2012**

14  
15  
16       Agenda items are subject to being taken up at anytime during the meeting. Participants in this  
17       public meeting should be aware that these proceedings are being recorded and that an audio file  
18       of the meeting will be posted to the board's website.  
19

20  
21       **CALL TO ORDER:**

22       Ms. Brenda Van Der Heyden, Chair, called the meeting to order at 9:00 a.m. Those present for all  
23       or part of the meeting included the following:  
24

25       **MEMBERS PRESENT:**

26       Brenda Van Der Heyden, Chair  
27       Judy Norcia, Vice-Chair  
28       Michele Morgan, Ph.D.  
29       Nilia Madan  
30

31       **MEMBERS NOT PRESENT:**

32       Roger Bertholf, Ph.D. (excused)  
33

34       **STAFF PRESENT:**

35       Bruce Deterding, Executive Director  
36       Sharon Guilford, Program Operations Administrator  
37

38       **BOARD COUNSEL:**

39       Deborah Loucks, Assistant Attorney General  
40       Office of Attorney General  
41

42       **PROSECUTING ATTORNEY:**

43       Manshi Shah, Assistant General Counsel  
44       Cecilie Sykes, Assistant General Counsel  
45

46       **COURT REPORTER:**

47       American Court Reporting  
48       (407) 896-1813  
49

50       **APPROVAL OF MINUTES**  
51

1                   **February 24, 2012 – Full Board Meeting**

2  
3                   **Ms. Madan moved to approve the above minutes with noted corrections. This motion was seconded and**  
4                   **carried 4/0.**

5  
6                   **March 27, 2012 – Telephone Conference Call**

7  
8                   **Ms. Madan moved to approve the above minutes. This motion was seconded and carried 4/0.**

9  
10                  **FINAL ORDER ACTIONS**

11  
12                  **Motions for Final Order After Hearing Not Involving Disputed Issues of Material Facts and**  
13                  **Determination of Respondent's Waiver of Right to Request a Formal Hearing:**

14  
15                         **Roger A. Browne – Case Number 11-15679**  
16                         **PCP: Donahue/Morgan**

17  
18                  Dr. Morgan was recused.

19  
20                  Mr. Browne was neither present nor represented by council.

21  
22                  Ms. Shah informed the board that the respondent had violated:

- 23                         • Section 483.825(1)(e), F.S.  
24                         • Section 456.072(1)(x), F.S.

25  
26                  **Ms. Norcia moved to accept the finding that the Respondent was properly served and has waived his**  
27                  **right to a hearing as to the disputed issues of fact. The motion was seconded and carried 3/0.**

28  
29                  **Ms. Norcia moved to accept that the material facts, as alleged in the Administrative Complaint, are not**  
30                  **in dispute, and to adopt the allegations of fact in the Administrative Complaint as the Board's**  
31                  **conclusions of fact. The motion was seconded and carried 3/0.**

32  
33                  **Ms. Norcia moved to adopt the allegations of law in the Administrative Complaint as the Board's**  
34                  **conclusions of law. The motion was seconded and carried 3/0.**

35  
36                  **Ms. Norcia moved to adopt the materials provided to the board in this matter into evidence. The**  
37                  **motion was seconded and carried 3/0.**

38  
39                  Ms. Shah recommended the following penalty:

- 40                         • Reprimand  
41                         • Revocation

42  
43                  Discussion ensued.

44  
45                  **Ms. Norcia moved to accept the department's recommendation. The motion was seconded and carried**  
46                  **3/0.**

47  
48                  Ms. Shah stated that the department recommends dismissing the administrative costs due to the board's  
49                  having revoked the respondent's license.

1 **Ms. Norcia moved to deny the motion for administrative costs. The motion was seconded and carried**  
2 **3/0.**

3  
4 **Altagracia A. Pimentel – Case Number 11-09887**

5 **PCP: Donahue/Morgan**

6  
7 Dr. Morgan was recused.

8  
9 Ms. Pimentel was present, sworn but was not represented by council.

10  
11 Ms. Shah informed the board that the respondent had violated:

- 12 • Section 483.825(1)(w), F.S.
- 13 • Section 483.825(1)(a), F.S.

14  
15 **Ms. Norcia moved that the respondent was not properly served. The motion was seconded and carried**  
16 **3/0.**

17  
18 Ms. Loucks stated the board did not need to take any further action at this time.

19  
20 **Motion for Final Order Based Upon a Voluntary Relinquishment of License:**

21  
22 **Myra E. Clancy – Case Number 12-00480**

23 **PCP: Waived**

24  
25 Dr. Morgan was recused.

26  
27 Ms. Clancy was neither present nor represented by counsel.

28  
29 Ms. Shah informed the board that the respondent had violated:

- 30 • Section 460.413(1)(v), F.S.

31  
32 Ms. Shah stated that the respondent requested the board to accept the voluntary relinquishment of  
33 her license.

34  
35 **Ms. Norcia moved to accept the voluntary relinquishment of license by discipline. The**  
36 **motion was seconded and carried 3/0.**

37  
38 **Motion for Hearing Not Involving Disputed Issues of Material Fact and Final Order:**

39  
40 **Lynda I. Rodriguez – Case Number 11-09201**

41 **PCP: Donahue/Morgan**

42  
43 Dr. Morgan was recused.

44  
45 Ms. Rodriguez was neither present nor represented by counsel.

46  
47 Ms. Shah informed the board that the respondent had violated:

- 48 • Section 460.413(1)(v), F.S.

49  
50 Ms. Shah stated a correction had been made in the number of continuing education hours by  
51 submission of the respondent.

1  
2 **Ms. Madan moved to accept the finding that the Respondent was properly served and**  
3 **requested an informal hearing. The motion was seconded and carried 3/0.**  
4

5 **Ms. Madan moved to accept that the material facts, as alleged in the Administrative**  
6 **Complaint, are not in dispute, and to adopt the allegations of fact in the Administrative**  
7 **Complaint as the Board's conclusions of fact and to accept the modifications in the**  
8 **continuing education hours as provided by Ms. Rodriguez. The motion was seconded and**  
9 **carried 3/0.**

10  
11 **Ms. Madan moved to adopt the allegations of law in the Administrative Complaint as the**  
12 **Board's conclusions of law. The motion was seconded and carried 3/0.**  
13

14 **Ms. Madan moved to adopt the materials provided to the board in this matter into evidence.**  
15 **The motion was seconded and carried 3/0.**  
16

17 Ms. Shah recommended the following penalty:

- 18 • Reprimand
- 19 • Indefinite suspension, stayed for 60 days to allow the completion of 14 continuing
- 20 education hours in the area of general hours

21  
22 Discussion ensued.  
23

24 **Ms. Norcia moved to accept the department's recommendation. The motion was seconded**  
25 **and carried 3/0.**  
26

27 **Ms. Madan moved to require the respondent's continuing education hours to be audited for**  
28 **the 2010-2012 biennium. The motion was seconded and carried 3/0.**  
29

30 **Ms. Norcia moved to issue a Motion to Assess Costs of \$448.23 (without attorney fees),**  
31 **payable within 90 days from the date of the Final Order. The motion was seconded and**  
32 **carried 3/0.**  
33

34 **Motion for Final Order Based Upon Settlement Agreement:**  
35

36 **Laurin Hollander – Case Number 11-06875**

37 **PCP: Donahue/Morgan**  
38

39 Dr. Morgan was recused.  
40

41 Ms. Hollander was neither present nor represented by counsel.  
42

43 Ms. Shah informed the board that the respondent had violated:

- 44 • Section 460.413(1)(m), F.S.
- 45 • Section 460.413(1)(n), F.S.

46  
47 Ms. Shah stated that the respondent had completed the required continuing education hours, but  
48 that several hours were completed after the renewal expiration date. The department requested  
49 the board to dismiss the administrative complaint.  
50

51 Discussion ensued.

1  
2 **Ms. Norcia moved to reject the settlement agreement. The motion was seconded and**  
3 **carried 3/0.**

4  
5 **Ms. Norcia moved to dismiss the administrative complaint. The motion was seconded and**  
6 **carried 3/0.**

7  
8 The board requested Ms. Shah to contact the respondent advising her that the continuing  
9 education hours must be completed prior to the expiration date.

10  
11 Ms. Shah agreed to do so.

12  
13 **Prosecution Report**

14  
15 Ms. Shah provided an overview of the prosecution report.

16  
17 **Ms. Madan moved to continue the prosecution of the year old cases. The motion was seconded and**  
18 **carried 4/0.**

19  
20 **PETITION FOR VARIANCE/WAIVER and APPLICANT PRESENTED FOR BOARD**  
21 **REVIEW – Julie Ann Reemelin – Rule 64B3-5.003, F.A.C. – Technologist**

22  
23 Ms. Reemelin was present, sworn and addressed the board.

24  
25 Ms. Van Der Heyden provided an overview of Ms. Reemelin's Petition for Variance/Waiver of  
26 Rule 64B3-5.003, F.A.C.

27  
28 Discussion ensued.

29  
30 **Dr. Morgan moved to deny the Petition for Variance/Waiver of Rule 64B3-5.003, F.A.C., for**  
31 **failure to meet the underlying statutory requirements. The motion was seconded and carried**  
32 **4/0.**

33  
34 **Ms. Norcia moved to accept Ms. Reemelin's request to withdraw her application. The**  
35 **motion was seconded and carried 4/0.**

36  
37 **APPLICANTS PRESENTED FOR BOARD REVIEW:**

38  
39 **Elizabeth Muentes – Technologist**

40  
41 Ms. Muentes was neither present nor represented by counsel.

42  
43 Ms. Van Der Heyden provided an overview of Ms. Muentes' application. The education received  
44 from Erwin Technical Center as the clinical laboratory training program.

45  
46 Discussion ensued

47  
48 **Ms. Norcia moved to conditionally approve Ms. Muentes' application for licensure as a**  
49 **Technologist (Generalist) upon board staff verifying the completion of the national**  
50 **certification from AAB (MT). The motion was seconded and carried 4/0.**

1                   **Darlene Price – Technologist**

2  
3 Ms. Van Der Heyden stated that Ms. Price was pulled from the agenda as she had submitted  
4 additional information needed to approve her application for licensure.

5  
6                   **Tamara Whaley – Supervisor**

7  
8 Ms. Whaley were present, sworn but was not represented by counsel.

9  
10 Ms. Van Der Heyden provided an overview of Ms. Whaley's application. It appeared that Ms.  
11 Whaley does not qualify due to the educational requirements in Rule 64B3-5.003, F.A.C., due to  
12 lacking eight (8) hours in the area of (4) biology and (4) .

13  
14 Discussion ensued.

15  
16 Ms. Whaley requested the board to waive the 90 day statutory requirement to act on her  
17 application.

18  
19 Ms. Loucks stated that the application will expire March 6, 2013.

20  
21 **RATIFICATION OF LICENSURE:**

22  
23                   **Clinical Laboratory Personnel**

24  
25 **Ms. Madan moved to approve the ratification list as presented. The motion was seconded**  
26 **and carried 4/0.**

27  
28                   **Trainees**

29  
30 **Dr. Morgan moved to approve the ratification list as presented. The motion was seconded**  
31 **and carried 4/0.**

32  
33                   **Training Programs**

34  
35 **Ms. Norcia moved to approve the ratification list as presented. The motion was seconded**  
36 **and carried 4/0.**

37  
38 **ORDER TO SHOW CAUSE – Community Technical & Adult Education (CTAE) Response**

39  
40 Ms. Gail McPadden, Allied Health Coordinator for CTAE, and Ms. Deborah Jenkins, Director of  
41 CTAE, were present, sworn but was not represented by counsel.

42  
43 Ms. Loucks and Ms. Van Der Heyden provided an overview of the previous board action taken at  
44 the Telephone Conference Call held on March 27, 2012.

45  
46 Ms. McPadden stated that seven (7) applicants were on the agenda and six (6) have received their  
47 training license.

48  
49 The board requested clarification on the errors and omissions of the program. The following  
50 responses were provided:

- 83 students have been contacted regarding the reimbursement of fees and approximately 20 of the students have received their license.
- Training program has been renewing every biennium
- Students enroll every January and July
- Explained the accounting procedures, staff responsibility, training laboratories and Accreditation status
- Training program length – 15 months

The board requested staff to require CTAE to submit documentation of the renewal application at the next renewal period and have the documents reviewed by the CLP Training Program Committee Chair.

**Ms. Norcia moved to allow CTAE to continue as a CLP Training Program as a condition that the renewal application be reviewed by the board staff and CLP Training Program Committee Chair. The motion was seconded and carried 4/0.**

## **CHAIR/VICE-CHAIR REPORT**

### **Future Agenda Items**

Ms. Van Der Heyden requested the board to review Rule 64B3-5.003, F.A.C., Technologist – adding MLS (ASCP) under certification examination.

The board concurred.

The board requested a Rules Committee discussion at the beginning of the full board.

Dr. Morgan requested if the board could create disciplinary guidelines for the training programs.

Ms. Loucks stated that the law only allows approval or denial of a program.

Mr. Deterding stated that the board could request staff to present to the department recommendations for the legislature to modify the language pertaining to the training programs.

The board concurred.

## **EXECUTIVE DIRECTOR'S REPORT**

Mr. Deterding stated on the record that Governor Rick Scott had recognized the profession through the declaration of a Medical Laboratory Professionals Week.

## **BOARD COUNSEL'S REPORT:**

### **Rule Status Report**

## **APPROVAL OF APPLICATIONS:**

**Trainee – Rule 64B3-4.001, F.A.C.**  
**Rule 64B3-6.001, F.A.C.**  
**Technician**  
**Technologist**

1           **Supervisor**  
2           **Director**

3  
4 Ms. Loucks provided an overview of the Rules Status Report. She stated that JAPC has  
5 determined that the applications should be adopted by department rules not by the board. The  
6 changes in 456.0685, F.S. pertaining to the Medicaid fraud questions was still pending and may  
7 be readdressed by the board at a later date.  
8

9  
10 Ms. Loucks addressed a correction to the Director's application checklist.  
11

12 **Ms. Norcia moved to revise the Director's application checklist, page 60 of the addendum**  
13 **agenda, under number 6 to remove (Hematology) from American Board of Bioanalysis.**  
14 **The motion was seconded and carried 4/0.**  
15

16           **Annual Regulatory Plan**

17  
18 Ms. Loucks stated that she request the board to review the rules to determine which rules the  
19 board may discuss for the upcoming year. The board addressed the following:  
20

- 21           • 64B3-5.003, F.A.C.
  - 22           • 64B3-5.004, F.A.C.
  - 23           • 64B3-6.001, F.A.C.
  - 24           • 64B3-3, F.A.C.
- 25

26 **COMMITTEE REPORTS:**

27  
28 **Budget – Dr. Morgan**

- 29
  - 30           • **Expenditures by Function for Period Ending 12/31/2012**
  - 31           • **Cash Balance Report for 3 Months Ending 12/31/2012**
  - 32           • **Total Expenditures (Direct and Allocated) by Board for 3 Months Ending**  
33           **12/31/2012**
  - 34           • **Allocations to Boards by Source Organization and Category for 3 Months Ending**  
35           **12/31/2012**
- 36

37 Dr. Morgan provided an overview of the budget report.  
38

39 **Continuing Education – Ms. Norcia**

40  
41           **Ratification of CE Providers and Courses Approved by CE Chair**  
42

43 **Dr. Morgan moved to approve the ratification list as provided. The motion was seconded**  
44 **and carried 4/0.**  
45

46 **Credentials – Ms. Van Der Heyden/Dr. Bertholf**

47  
48 No report.  
49

50 **Disciplinary Compliance – Ms. Norcia**  
51



1 No report.

2  
3 **Examination – Dr. Bertholf**

4  
5 No report.

6  
7 **Legislative – Dr. Bertholf**

8  
9 Ms. Loucks stated that Dr. Bertholf had provided information indicating licensed CLP Directors  
10 must meet the requirements of the federal government.

11  
12 Discussion ensued.

13  
14 There was no action taken.

15  
16 **Probable Cause – Dr. Morgan**

17  
18 **Stats**

19  
20 A brief report was provided.

21  
22 **Professional Association – Ms. Madan**

23  
24 No report.

25  
26 **Rules – Ms. Norcia/Ms. Van Der Heyden/Dr. Bertholf**

27  
28 **Discussion of 64B3-3.001(3), F.A.C. - General Requirements of**  
29 **Clinical Laboratory Personnel Training Programs**

30  
31 The discussion of Rule 64B3-3.001(3), F.A.C., was tabled until the September 7, 2012, board  
32 meeting and will hold the rules meeting on September 6, 2012, at 3:00 p.m.

33  
34 **Training Programs – Ms. Madan**

35  
36 No report.

37  
38 **Unlicensed Activity – Dr. Bertholf**

39  
40 No report.

41  
42 **2013 MEETING DATES**

43  
44 The following dates were recommended and approved for the 2013 year:

45  
46 March 1, May 10, and September 13, 2013

47  
48 The board requested the possibility of holding a December 2013 if necessary.

49  
50 **NEXT MEETING DATE – July 31<sup>st</sup> – TCC (if Necessary) – September 7<sup>th</sup> – Orlando**

- 1    **ADJOURNMENT:**
- 2
- 3    The meeting adjourned at 12:15 p.m.