

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51

**DEPARTMENT OF HEALTH  
MEDICAL QUALITY ASSURANCE  
BOARD OF CLINICAL LABORATORY PERSONNEL**

**MINUTES  
GENERAL BUSINESS MEETING**

**Florida Hotel and Conference Center  
1500 Sand Lake Road  
Orlando, FL 32809**

**September 7, 2012**

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

**CALL TO ORDER:**

Ms. Brenda Van Der Heyden, Chair, called the meeting to order at 9:30 a.m. Those present for all or part of the meeting included the following:

**MEMBERS PRESENT:**

Brenda Van Der Heyden, Chair  
Judy Norcia, Vice-Chair  
Roger Bertholf, Ph.D.  
Michele Morgan, Ph.D.  
Nilia Madan, Ed.D.

**STAFF PRESENT:**

Bruce Deterding, Executive Director  
Sharon Guilford, Program Operations Administrator

**BOARD COUNSEL:**

Deborah Loucks, Assistant Attorney General  
Office of Attorney General

**PROSECUTING ATTORNEY:**

Manshi Shah, Assistant General Counsel

**COURT REPORTER:**

American Court Reporting  
(407) 896-1813

**APPROVAL OF MINUTES:**

**July 31, 2012 – Telephone Conference Call Meeting**

**Dr. Bertholf moved to approve the above minutes. This motion was seconded and carried 5/0.**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50

**May 11, 2012 – Full Board Meeting**

**Ms. Norcia moved to approve the above minutes. This motion was seconded and carried 5/0.**

**FINAL ORDER ACTIONS:**

**Motions for Determination of Waiver and Entry of Final Order Following Hearing:**

**Samer Hubbi – Case Number 11-20025  
PCP: Donahue/Morgan**

Mr. Hubbi was neither present nor represented by counsel.

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

- Sections 483.825(1)(w) and 456.072(1)(q), F.S.

**Dr. Bertholf moved that the respondent was properly served and had waived his right to a hearing. The motion was seconded and carried 4/0.**

Discussion ensued.

**Dr. Madan moved to accept the material facts, as alleged in the Amended Administrative Complaint, are not in dispute, and to adopt the allegations of fact in the Amended Administrative Complaint as the Board’s conclusions of fact in this proceeding. The motion was seconded and carried 4/0.**

**Dr. Madan moved to adopt the allegations of law in the Amended Administrative Complaint, as the Board’s conclusions of law in this proceeding. The motion was seconded and carried 4/0.**

**Ms. Norica moved to adopt the materials in this case and any addendum materials in the case into evidence in this proceeding. The motion was seconded and carried 4/0.**

Ms. Shah recommended the following penalty:

- reprimand
- administrative fine of \$500.00, payable within 30 days from the filing of the Final Order
- suspension until compliance with the previous order, case number 2011-05324

**Ms. Norcia moved to accept the Motion to Assess Costs in the amount of \$161.33, payable within 30 days from the filing of the Final Order. The motion was seconded and carried 4/0.**

**Franklyn Mendoza – Case Number 11-20043  
PCP: Donahue/Morgan**

Mr. Mendoza was neither present nor represented by counsel.

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

- 2 • Sections 483.825(1)(w) and 456.072(1)(q), F.S.

3  
4 **Ms. Norcia moved that the respondent was properly served and had waived his**  
5 **right to a hearing. The motion was seconded and carried 4/0.**

6  
7 Discussion ensued.

8  
9 **Dr. Madan moved to accept the material facts, as alleged in the Amended**  
10 **Administrative Complaint, are not in dispute, and to adopt the allegations of fact**  
11 **in the Amended Administrative Complaint, as the Board's conclusions of fact in**  
12 **this proceeding. The motion was seconded and carried 4/0.**

13  
14 **Ms. Norcia moved to adopt the allegations of law in the Amended Administrative**  
15 **Complaint, as the Board's conclusions of law in this proceeding. The motion was**  
16 **seconded and carried 4/0.**

17  
18 **Dr. Madan moved to adopt the materials in this case and any addendum materials**  
19 **in the case into evidence in this proceeding. The motion was seconded and**  
20 **carried 4/0.**

21  
22 Ms. Shah recommended the following penalty:

- 23 • reprimand
- 24 • administrative fine of \$500.00, payable within 30 days from the filing of the Final
- 25 Order
- 26 • suspension until compliance with previous Final Order, case number 2011-07823

27  
28 **Dr. Madan moved to accept the department's recommendation. The motion was**  
29 **seconded and carried 4/0.**

30  
31 **Ms. Norcia moved to accept the Motion to Assess Costs in the amount of \$167.10,**  
32 **payable within 30 days from the filing of the Final Order. The motion was**  
33 **seconded and carried 4/0.**

34  
35 **Motions for Final Order by Voluntary Relinquishment of License:**

36  
37 **Altagracia A. Pimentel – Case Number 11-09887**  
38 **PCP: Donahue/Morgan**

39  
40 Ms. Pimentel was neither present nor represented by counsel.

41  
42 Ms. Shah informed the board that the respondent had violated:

- 43 • Section 483.825(1)(w), F.S.
- 44 • Section 483.825(1)(a), F.S.

45  
46 Ms. Shah stated that the respondent had asked the board to accept the voluntary  
47 relinquishment of her license.

48  
49 **Dr. Bertholf moved to accept the voluntary relinquishment of license by discipline.**  
50 **The motion was seconded and carried 4/0.**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51

**Marilyn R. Westhoff – Case Number 11-20058**  
**PCP: Donahue/Morgan**

Ms. Westhoff was neither present nor represented by counsel.

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

- Sections 483.825(1)(w) and 456.072(1)(q), F.S.

Ms. Shah stated that the respondent had asked the board to accept the voluntary relinquishment of her license.

**Dr. Bertholf moved to accept the voluntary relinquishment of license by discipline. The motion was seconded and carried 4/0.**

**Prosecution Report**

Ms. Shah provided an overview of the prosecution report.

**Dr. Madan moved to continue prosecuting the older cases (over one year old). The motion was seconded and carried 5/0.**

**APPLICANTS PRESENTED FOR BOARD REVIEW:**

**Heberto Bencomo**

Mr. Bencomo was present, sworn but was not represented by counsel.

Ms. Van Der Heyden provided an overview of Mr. Bencomo's application. Mr. Bencomo had submitted a Technologist application in Microbiology, answering "Yes" to question 12. He also had several verifications of employment that raised questions pertaining to his experience. The requirements for appropriate experience are stated in Rule 64B3-5.003, F.A.C.

Mr. Bencomo addressed the board.

Discussion ensued.

**Dr. Bertholf moved to approve Mr. Bencomo's application for licensure as a Technologist in Microbiology. The motion was seconded and carried 5/0.**

**Andreja Nicolatos**

Ms. Nicolatos was present, sworn but was not represented by counsel.

Ms. Van Der Heyden provided an overview of Ms. Nicolatos' application. Ms. Nicolatos submitted a Technologist application in Cytogenetics. She previously applied for licensure and the board informed her that she needed to complete an approved training program. She provided updated employment verifications from Ameripath that appeared to reflect full time experience from June 2003 to present, including a list of tests performed. However, the board office records did not indicate that she was licensed to

1 practice in Florida at that time. Also, the board office was unable to locate any records  
2 of the board approving training for Ms. Nicolatos in the area of cytogenetics. Her  
3 application may not meet the experience requirements contained in Rule 64B3-5.003,  
4 F.A.C.

5  
6 Ms. Nicolatos addressed the board.

7  
8 Discussion ensued.

9  
10 **Dr. Bertholf moved to approve Ms. Nicolatos' application for licensure as a**  
11 **Technologist in Cytogenetics. The motion was seconded and carried 5/0.**

12  
13 The board asked staff to research the current licensed training programs in Cytogenetics  
14 to determine if other programs are available and if the board lists are current in all  
15 respects.

16  
17 **RATIFICATION OF LICENSURE:**

18  
19 (refer to Attachment A)

- 20  
21
  - **Clinical Laboratory Personnel**

22  
23 **Ms. Norcia moved to approve the ratification lists as presented. The motion was**  
24 **seconded and carried 5/0.**

- 25  
26
  - **Clinical Laboratory Personnel Trainees**

27  
28 **Ms. Norcia moved to approve the ratification lists as presented. The motion was**  
29 **seconded and carried 5/0.**

- 30  
31
  - **Clinical Laboratory Personnel Training Programs**

32  
33 **Ms. Norcia moved to approve the ratification lists as presented. The motion was**  
34 **seconded and carried 5/0.**

35  
36 The board dismissed the court reporter at 10:07 a.m.

37  
38 **DISCUSSION OF – Public Health Technician licensure**

39  
40 Ms. Van Der Heyden provided an overview of the Public Health Technician.

41  
42 Mr. Deterding explained that Dr. Dean Willis, a former board member and former director  
43 of the DOH public health laboratory in Jacksonville, was unable to attend the meeting to  
44 address the board.

45  
46 The board asked Mr. Deterding to arrange for someone with the Tampa Public Health  
47 Laboratory, or a suitable representative knowledgeable about the public health field, to  
48 attend the next board meeting at the December 7<sup>th</sup> meeting in Orlando.

49  
50 **CHAIR/VICE-CHAIR REPORT:**

1                   **Future Agenda Items**

2  
3 No items were provided.

4  
5 **EXECUTIVE DIRECTOR’S REPORT**

6  
7 No report.

8  
9 **BOARD COUNSEL’S REPORT:**

10  
11                   **Rules Status Report**

12  
13 Ms. Loucks provided a brief status report.

14  
15 **COMMITTEE REPORTS:**

16  
17 **Budget – Dr. Morgan**

- 18  
19                   • **Disbursements by Category Report**  
20                   • **Revenue Report**  
21                   • **Expenditures by Function for Period Ending 3/31/2012**  
22                   • **Cash Balance Report for 9 Months Ending 3/31/2012**  
23                   • **Total Expenditures (Direct and Allocated) by Board for 9 Months Ending**  
24                   **3/31/2012**  
25                   • **Allocations to Boards by Source Organization and Category for 9 Months**  
26                   **Ending 3/31/2012**

27  
28 Dr. Morgan provided a brief report.

29  
30 **Continuing Education – Ms. Norcia**

31  
32 No report.

33  
34 **Credentials – Ms. Van Der Heyden/Dr. Bertholf**

35  
36 Dr. Bertholf and the other members commended the board staff for their commitment  
37 and outstanding service to their job and profession.

38  
39 The board discussed the difficulty the board staff was having in reviewing transcripts to  
40 determine if specific courses met the educational requirements as defined by board  
41 rules.

42  
43 Ms. Van Der Heyden provided board staff a list of courses from the Florida Department  
44 of Education that may assist staff in reviewing transcripts.

45  
46 The board requested a copy of the list of courses as well.

47  
48 Mr. Deterding stated that once he received an electronic version of the document from  
49 Ms. Van Der Heyden then he would email it to the rest of the members.

50

1 **Disciplinary Compliance – Ms. Norcia**

2  
3 No report.

4  
5 **Examination – Dr. Bertholf**

6  
7 No report.

8  
9 **Probable Cause – Dr. Morgan**

10  
11 **Stats**

12  
13 Information only.

14  
15 **Professional Association – Dr. Madan**

16  
17 No report.

18  
19 **Rules – Dr. Norcia/Ms. Van Der Heyden/Dr. Bertholf**

20  
21 **Discussion of Rule 64B3-5.002 and .003, F.A.C.**

22  
23 In discussing 64B3-5.002, the board indicated their intention that the educational  
24 requirements for licensure as a supervisor should include a bachelors degree. This  
25 particular requirement had been omitted only because it was already a requirement for  
26 the technologist; although, an applicant could conceivably be licensed as a  
27 Technician/Technologist with less education than a bachelors.

28  
29 In discussing rule 64B3-5.003, the board focused on the “90-hour” pathway for  
30 technologists; which in turn led to a discussion about adding the language in Rule 64B3-  
31 5.001(50), F.A.C. to Rule 64B3-2.003(11), F.A.C., to clarify the requirement.

32  
33 Rule 64B3-2.003(11), F.A.C., to read:

34  
35 “Semester Hour” means one hour of credit in an accredited college or university,  
36 pursuant to subsection 64B3-2.003(11), F.A.C., or foreign education equated, pursuant  
37 to subsection 64B3-6.002(6), F.A.C.

38 ~~Semester hours means one semester hour of academic credit or 1.5 quarter hours of~~  
39 ~~academic credit.~~

40  
41 In its review of the certification requirements for the Technologist in Rule 64B3-5.003,  
42 F.A.C. The board also discussed adding MLS (ASCP) certification to all areas listing MT  
43 (ASCP) certification.

44  
45 The board discussed the MT (ASCP)<sup>1</sup> (international) examination and stated that the  
46 psychometrician with the Division of Medical Quality Assurance would need to review  
47 the examination and provide a recommendation to the board.

48  
49 **Dr. Morgan moved to approve adding the language in Rule 64B3-5.001(50), F.A.C.**  
50 **to Rule 64B3-2.003(11), F.A.C. The motion was seconded and carried 5/0.**

1 **Dr. Morgan moved that the above proposed rules would not have any adverse**  
2 **impacts on small businesses and would not be likely to directly or indirectly**  
3 **increase regulatory costs to any entity (including government) in excess of**  
4 **\$200,000 in the aggregate in Florida within one (1) year after the implementation of**  
5 **the rule. The motion was seconded and carried 5/0.**

6  
7 **Dr. Morgan moved to add MLS (ASCP) certification under the Technologist to all**  
8 **areas listing MT (ASCP) certification. The motion was seconded and carried 5/0.**

9  
10 **Dr. Bertholf moved that the above proposed rules would not have any adverse**  
11 **impacts on small businesses and would not be likely to directly or indirectly**  
12 **increase regulatory costs to any entity (including government) in excess of**  
13 **\$200,000 in the aggregate in Florida within one (1) year after the implementation of**  
14 **the rule. The motion was seconded and carried 5/0.**

15  
16 Ms. Van Der Heyden stated that board staff had asked to incorporate the two Evaluation  
17 Equivalent forms back into the applications.

18  
19 After a lengthy discussion the board did not want to include the two forms in the  
20 application, but to ask schools to provide a detailed evaluation equivalency of the  
21 applicant's transcripts.

22  
23 The board also discussed Rule 64B3-5.003(3)(g), F.A.C., to create another pathway to  
24 technologist licensure, allowing an individual who has completed 60 semester hours with  
25 12 hours in biology and/or chemistry.

26  
27 Further discussion ensued.

28  
29 **Dr. Madan moved to modify Rule 64B3-5.003(3)(g), F.A.C., incorporating another**  
30 **pathway for technologist, adding 60 semester hours with 12 hours in biology**  
31 **and/or chemistry, and to file a Notice for Rule Development. The motion was**  
32 **seconded and carried 5/0.**

33  
34 **Dr. Bertholf moved that the above proposed rules would not have any adverse**  
35 **impacts on small businesses and would not be likely to directly or indirectly**  
36 **increase regulatory costs to any entity (including government) in excess of**  
37 **\$200,000 in the aggregate in Florida within one (1) year after the implementation of**  
38 **the rule. The motion was seconded and carried 5/0.**

39  
40 **Training Program – Dr. Madan**

41  
42 No report.

43  
44 **Unlicensed Activity – Dr. Bertholf**

45  
46 No report.

47  
48 **NEXT MEETING DATE – December 7<sup>th</sup> – Orlando**

49  
50 **ADJOURNMENT:**

1 The meeting was adjourned at 12:06 p.m.