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

**MINUTES
GENERAL BUSINESS MEETING**

By

TELEPHONE CONFERENCE

September 13, 2013

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

16
17 **CALL TO ORDER:**

18
19 **General Board Business started: 9:04 a.m.**

20
21 Ms. Norcia, Chair, called the meeting to order at 9:04 a.m. Those present for all or part of the
22 meeting included the following:

23
24 **MEMBERS PRESENT:**

25 Judy Norcia, MT(ASCP), SBB, CQA(ASQ), Chair
26 Nilia Madan, Ed.D.
27 Linda Valdes, MS, MT(ASCP)
28 Carleen Van Siclen, MSHA, MLS(ASCP)
29

30 **MEMBER NOT PRESENT:**

31 Michele Morgan, DBA, Vice-Chair
32 Alvaro Hernandez, MBA
33

34 **STAFF PRESENT:**

35 Bill Miller, Board Executive Director
36 Sharon Guilford, Program Operations Administrator
37 Savada Knight, Professional Regulation Specialist II
38 Kenneth Smith, Professional Regulation Specialist II
39 Samantha Thompson, Professional Regulation Specialist II
40

41 **BOARD COUNSEL:**

42 Deborah Loucks, Assistant Attorney General
43 Office of Attorney General
44

45 **COURT REPORTER:**

46 For the Record Reporting (850) 222-5491
47

48 **APPROVAL OF MINUTES:**

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50 **July 2, 2013 – Telephone Conference Call**
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1 Ms. Valdes moved to approve the above minutes. This motion was seconded and carried 4/0.

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May 10, 2013 – Full Board Meeting

Dr. Madan moved to approve the above minutes. This motion was seconded and carried 4/0.

General Board Business ended: 9:06 a.m.

Applications started: 9:06 a.m.

INFORMAL HEARING:

Miguel Castellanos, MT

Mr. Castellanos was present and addressed the board.

Ms. Norcia stated that the board had reviewed and denied Mr. Castellanos' application at the meeting held on July 2, 2013. He had applied as a technologist in the specialty areas of clinical chemistry and hematology. He provided a list of tests that he performed and the period of time during which he performed the tests.

The members questioned Mr. Castellanos regarding his additional documentation of the type of tests performed and time period in Cuba.

Discussion ensued.

Dr. Madan moved to deny the Notice of Intent to Deny Mr. Castellanos' application for licensure as a technologist in the specialty areas of clinical chemistry and hematology for failure to demonstrate the required experience in Rule 64B3-5.003, F.A.C. The motion was seconded and carried 4/0.

APPLICANT'S PRESENTED FOR BOARD REVIEW:

Christine M. Rettich – Technician

Ms. Rettich was present and addressed the board.

Ms. Norcia provided an overview of the application. Ms. Rettich had submitted a Technician application in the area of a Generalist. The applicant had answered "yes" to history question 5, and provided the supporting documentation for consideration.

Discussion ensued.

Ms. Van Siclen moved to conditionally approve Ms. Rettich's application for licensure as a Technician in the area of a Generalist, upon the board receiving a discharge report indicating the completion of the recovery program. The motion was seconded and carried 4/0.

Jessica V. Pinkston – Technologist

Ms. Pinkston was present and addressed the board.

1 Ms. Norcia provided an overview of the application. Ms. Pinkston had submitted a Technologist
2 application in the area of a Generalist. The committee was unable to determine if the examination
3 submitted meets the requirements in Rule 64B3-5.003, F.A.C.

4
5 Discussion ensued.

6
7 Due to the lack of meeting the requirements in Rule 64B3-5.003, F.A.C., Ms. Pinkston requested
8 to withdraw the application and to refund any fees as appropriate.

9
10 **Ms. Van Sieten moved to accept the withdrawal of Ms. Pinkston's application. The motion**
11 **was seconded and carried 4/0.**

12
13 **Maria T. Rodriguez-Pena – Technologist**

14
15 Ms. Rodriguez-Pena was present and addressed the board. She also had a translator to assist in
16 translating.

17
18 Ms. Norcia provided an overview of the application. Ms. Rodriguez-Pena had submitted a
19 Technologist application in the area of Microbiology. The committee was unable to determine if
20 she meets the educational/training requirements in Rule 64B3-5.003, F.A.C.

21
22 Discussion ensued.

23
24 Due to the lack of meeting the requirements in Rule 64B3-5.003, F.A.C., Ms. Rodriguez-Pena
25 requested to withdraw the application and to refund any fees as appropriate.

26
27 **Ms. Van Sieten moved to accept the withdrawal of Ms. Rodriguez-Pena application. The**
28 **motion was seconded and carried 4/0.**

29
30 **Donna G. White – Technologist**

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32 Ms. Guilford indicated that Ms. White's application had been tabled.

33
34 **Elizabeth C. Young – Technologist**

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36 Ms. Young was present and addressed the board.

37
38 Ms. Norcia provided an overview of the application. Ms. Young had submitted a Technologist
39 application in the area of a Clinical Chemistry. The office stated that the applicant does not have
40 any experience in any other state or have completed the necessary training program as required in
41 Rule 64B3-5.003, F.A.C.

42
43 Discussion ensued.

44
45 Due to the lack of meeting the requirements in Rule 64B3-5.003, F.A.C., Ms. Young requested to
46 withdraw the application and to refund any fees as appropriate.

47
48 **Dr. Madan moved to accept the withdrawal of Ms. Young application. The motion was**
49 **seconded and carried 4/0.**

50
51 **Ruben D. Layug, Jr. – Supervisor**

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2 Mr. Layug was present and addressed the board.

3
4 Ms. Norcia provided an overview of the application. Mr. Layug had submitted a Supervisor
5 application in the areas of a Generalist. The office was unable to determine if the applicant meets
6 the educational requirements in Rule 64B3-5.002, F.A.C.

7
8 Discussion ensued.

9
10 Mr. Layug requested the process to request changes to the current rule that would be similar to
11 CLIA's requirements.

12
13 Ms. Loucks provided the overview of the petitioning process to Mr. Layug.

14
15 Further discussion ensued.

16
17 Due to the lack of meeting the requirements in Rule 64B3-5.002, F.A.C., Mr. Layug requested to
18 withdraw the application and to refund any fees as appropriate.

19
20 **Dr. Madan moved to accept the withdrawal of Mr. Layug application. The motion was**
21 **seconded and carried 4/0.**

22
23 **RATIFICATION OF LICENSURE:**

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25 **Clinical Laboratory Personnel and Upgrades**

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27 **Dr. Madan moved to approve the ratification lists as presented. The motion was seconded**
28 **and carried 4/0.**

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30 **Trainee's**

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32 **Dr. Madan moved to approve the ratification lists as presented. The motion was seconded**
33 **and carried 4/0.**

34
35 **Training Programs**

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37 **Dr. Madan moved to approve the ratification lists as presented. The motion was seconded**
38 **and carried 4/0.**

39
40 **Applications ended: 10:27 a.m.**

41 **General Board Business started: 10:27 a.m.**

42
43 **DISCUSSION OF:**

44
45 **Molecular Pathology Requirements – Adam Coovadia, MBA, MB, CG(ASCP)**

46
47 Dr. Coovadia, MBA, MB, CG(ASCP), the Molecular Genetics Supervisor with All Children's
48 Hospital was present and addressed the board.

49
50 Dr. Coovadia provided an overview of his correspondence. He was concerned with the Florida
51 Board of Clinical Laboratory Personnel granting licensure to Technologist in the generalist area

1 that included molecular pathology. He believed that the individuals should be nationally certified
2 in the molecular pathology area.

3
4 Dr. Madan provided an overview of the reasons why the board added molecular pathology to the
5 generalist license for a Technologist.

6
7 Due to recent concerns, the members requested this item to be added on the next agenda.

8
9 **Histology Qualifications – Kim Donadio, HTL**

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11 Ms. Donadio was present and addressed the board.

12
13 Ms. Donadio had concerns with regards to the qualifications to perform high complexity testing
14 for Histology personnel. Individuals receiving a one year online certificate can sit for ASCP and
15 then apply for licensure in Florida. Next, upon completing five years the individual can apply for
16 a technologist, which then allows them to apply for a supervisor. Many of these individuals do
17 not qualify to do High complexity testing per CLIA regulation, which requires an AS degree or
18 the equivalent biology and chemistry courses.

19
20 Due to recent concerns, the members requested this item to be added on the next agenda.

21
22 **CHAIR/VICE-CHAIR REPORT:**

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24 **NRCC – Chemistry**

25
26 No action.

27
28 **ASCP – International**

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30 Ms. Norcia requested to have the initial and continuing education ASCP – International and rule
31 on the next agenda.

32
33 **Medical Errors and HIV/AIDS**

34
35 Ms. Norcia requested to have the initial and continuing education rule on next agenda

36
37 **Future Agenda Items**

38
39 **EXECUTIVE DIRECTOR’S REPORT:**

40
41 No report.

42
43 **BOARD COUNSEL’S REPORT:**

44
45 **District Court of Appeal Opinion – Exemption Statute**

46
47 Ms. Loucks provided an overview of the above statute.

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49 **Rule 64B3-2.002(6), F.A.C. – Clinical Laboratory Personnel**

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51 The board requested to table the discussion until the December 2013 meeting.

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Rule 64B3-3.001, F.A.C. – General Requirements of Clinical Laboratory Personnel Training Program and Application for Training Program 00216

The board requested Ms. Guilford and Dr. Madan revise the application and add to the next agenda.

Rule 64B3-5.0011, F.A.C. – Definitions

64B3-5.0011 Definitions.

(1) through (18) No change.

(19) "ASCP" means The American Society for Clinical Pathology International Certification

(19) through (49) shall be renumbered as (20) through (50) No change.

Rulemaking Authority 483.805, 483.823 FS. Law Implemented 483.823 FS. History–New 6-29-06, Amended 12-16-07, 4-28-10, Amended.

Dr. Madan moved to approve the above language and file for Rule Development in Rule 64B3-5.0011, F.A.C. The motion was seconded and carried 4/0.

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

Rule 64B3-5.008, F.A.C. – Public Health Laboratory Personnel and Application for Public Health Laboratory Scientist

64B3-5.008 Public Health Laboratory Personnel.

(1) Applicants for director level licensure in the category of public health must meet the requirements in Rule 64B3-5.007, F.A.C., for licensees at the Director level in chemistry or microbiology.

(2) Applicants for supervisor level licensure in the category of public health must meet the requirements in Rule 64B3-5.002, F.A.C., for licensure at the supervisory level.

(3) Applicants for technologist or technician level licensure in the category of public health shall qualify pursuant to the provisions of Section 483.812, F.S.

(4) All applicants for licensure as a Public Health Laboratory Scientist shall apply to the Department on Form # DH-MQA 3001 (09/1312/12) “Application for Public Health Laboratory Scientist” which is incorporated by reference herein, copies of which can be obtained from <http://www.flrules.org/Gateway/reference.asp?No=Ref-02256> or the Board office at 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257 or from its website at <http://www.doh.state.fl.us/mqa/ClinLab/index.html>.

Rulemaking Authority 483.805(4) FS. Law Implemented 483.812 FS. History–New 5-26-98, Amended 4-20-04, 6-17-09, 5-6-10, 7-20-10, 3-24-13.

Dr. Madan moved to approve the above language and file for Rule Development in Rule 64B3-5.008, F.A.C. The motion was seconded and carried 4/0.

Dr. Madan moved that the proposed rule would not have any adverse impacts on small businesses and the proposed rule would not be likely to directly or indirectly increase

1 regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate
2 in Florida within 1 year after the implementation of the rule. The motion was seconded and
3 carried 4/0.
4

5 **Rule 64B3-6.003, F.A.C. – Personnel Licensure – Temporary License**
6

7 The board requested to table the discussion until the December 2013 meeting.
8

9 **Rule 64B3-9.001, F.A.C. – Application Fees**
10

11 **64B3-9.001 Application Fees.**

12 (1) Trainee – \$20.

13 (2) Licensure application:

14 (a) Director – \$90.

15 (b) Supervisor – \$70.

16 (c) Technologist – \$50.

17 (d) Technician – \$25.

18 (3) Clinical laboratory personnel training program – \$200.

19 (4) Continuing education provider – \$250.

20 (5) Public Health Science ~~Scientist(all levels)Technician~~ – \$25.

21 *Rulemaking Authority 456.025, 483.807(1) FS. Law Implemented 456.025, 483.807, 483.815 FS.*
22 *History–New 12-7-93, Formerly 61F3-9.001, 59O-9.001, Amended 5-26-98, 5-13-99, 6-10-99, 3-*
23 *9-00, 4-29-02, 9-15-05, 4-27-10, 2-2-12.*
24

25 **Dr. Madan moved to approve the above language and file for Rule Development in Rule**
26 **64B3-9.001, F.A.C. The motion was seconded and carried 4/0.**
27

28 **Dr. Madan moved that the proposed rule would not have any adverse impacts on small**
29 **businesses and the proposed rule would not be likely to directly or indirectly increase**
30 **regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate**
31 **in Florida within 1 year after the implementation of the rule. The motion was seconded and**
32 **carried 4/0.**
33

34 **Rule 64B3-9.002, F.A.C. – Initial Licensure Fees**
35

36 **64B3-9.002 Initial Licensure Fees.**

37 (1)(a) Director – \$65.

38 (b) Supervisor – \$55.

39 (c) Technologists – \$45.

40 (d) Technician – \$25.

41 (e) Public Health ~~Scientist (all levels)Technician~~ – \$25.

42 (2) Clinical laboratory personnel training program – \$200.

43 (3) For clinical laboratory personnel trainees – \$20.

44 *Rulemaking Authority 456.025, 483.805(4), 483.807(1) FS. Law Implemented 456.025, 483.807*
45 *FS. History–New 12-7-93, Formerly 61F3-9.002, 59O-9.002, Amended 6-10-99, 4-7-02, 4-27-10,*
46 *2-2-12.*
47

48 **Dr. Madan moved to approve the above language and file for Rule Development in Rule**
49 **64B3-9.002, F.A.C. The motion was seconded and carried 4/0.**
50

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

6
7 **Rule 64B3-9.004, F.A.C. – Active Status Renewal Licensure Fee**

8
9 **64B3-9.004 Active Status Renewal Licensure Fee.**

10 (1) Director – \$130.

11 (2) Supervisor – \$110.

12 (3) Technologist – \$90.

13 (4) Technician – \$50.

14 (5) Public Health Scientist (all levels) - \$50.

15 (~~6~~) Clinical laboratory personnel training program – \$300.

16 (~~7~~) Continuing education provider – \$250.

17 *Rulemaking Authority 456.025(7), 456.036, 483.807(1) FS. Law Implemented 456.025(7),*
18 *456.036, 483.807 FS. History–New 12-7-93, Formerly 61F3-9.004, Amended 12-26-94, Formerly*
19 *59O-9.004, Amended 5-26-98, 3-9-00, 5-16-02, 5-25-06, 4-27-10.*

20
21 **Dr. Madan moved to approve the above language and file for Rule Development in Rule**
22 **64B3-9.004, F.A.C. The motion was seconded and carried 4/0.**

23
24 **Dr. Madan moved that the proposed rule would not have any adverse impacts on small**
25 **businesses and the proposed rule would not be likely to directly or indirectly increase**
26 **regulatory costs to any entity (including government) in excess of \$200,000 in the aggregate**
27 **in Florida within 1 year after the implementation of the rule. The motion was seconded and**
28 **carried 4/0.**

29
30 Ms. Loucks requested the board to review the following language:

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32 **64B3- Public Comments.**

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34 **64B3- Public Comments.**

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36 The Board of Clinical Laboratory Personnel invites and encourages all members of the public to
37 provide comment on matters or propositions before the Board or a committee of the Board. The
38 opportunity to provide comment shall be subject to the following:

39 (1) Members of the public will be given an opportunity to provide comment on subject matters
40 before the Board after an agenda item is introduced at a properly noticed board meeting.

41 (2) Members of the public shall be limited to five (5) minutes to provide comment. This time
42 shall not include time spent by the presenter responding to questions posed by Board
43 members, staff or board counsel. The chair of the Board may extend the time to provide
44 comment if time permits.

45 (3) Members of the public shall notify board staff in writing of his or her interest to be heard on a
46 proposition or matter before the Board. The notification shall identify the person or entity,
47 indicate support, opposition, or neutrality, and identify who will speak on behalf of a group or
48 faction of persons consisting of five (5) or more persons. Any person or entity appearing
49 before the Board may use a pseudonym if he or she does not wish to be identified.

1 Discussion ensued.

2
3 **Dr. Madan moved to approve the above language and issue a Notice for Rule Development**
4 **in Rule 64B3, F.A.C. The motion was seconded and carried 4/0.**

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

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12 **COMMITTEE REPORTS:**

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14 **Budget – Ms. Morgan**

15
16 No report.

17
18 **Continuing Education – Ms. Van Siclen**

19
20 **CE Providers & Courses Approved by CE Committee**

21
22 **Ms. Van Siclen moved to approve the ratification list of Continuing Education Providers**
23 **and Courses. The motion was seconded and carried 4/0.**

24
25 **Credentials – Ms. Norcia and Ms. Van Siclen**

26
27 No report.

28
29 **Disciplinary Compliance – Mr. Hernandez**

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31 No report.

32
33 **Examination – Ms. Valdes**

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35 No report.

36
37 **Legislative – Mr. Hernandez**

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39 No report.

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41 **Probable Cause – Ms. Morgan**

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43 No report.

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45 **Professional Association – Ms. Madan**

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47 No report.

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49 **Rules – Ms. Norcia**

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51 Ms. Norcia had no additional report.

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Training Programs – Ms. Madan

No report.

Unlicensed Activity – Ms. Valdes

FY 11-12 and 12-13 Report

Information only.

NEXT MEETING DATE:

December 13th – Telephone Conference Call

Mr. Miller had indicated that the December meeting would be held in Orlando, Florida, with a Rules Committee meeting starting at 9:00 a.m., and full board starting at 1:00 p.m.

ADJOURNMENT:

The meeting was adjourned at 11:51 a.m.

General Board Business ended: 11:51 a.m.