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FLORIDA | Board of Clinical Laboratory Personnel

MEETING MINUTES

January 23, 2015

Teleconference

Department of Health

4042 Bald Cypress Way

Tallahassee, FL 32399-3257



Michele Morgan, DBA

Chair

Carleen Van Siclen, MSHA, MLS

Vice-Chair

Adrienne Rodgers, BSN, JD

Executive Director

1 **General Board Business started: 9:08 a.m.**

2
3 I. The meeting was called to order by Dr. Morgan, Chair, at approximately 9:08 a.m. Those present for all or part of the
4 meeting included the following:
5

MEMBERS PRESENT:

Michele Morgan., DBA Chair
Carleen Van Siclen, MSHA, MLS (ASCP), Vice Chair
Beatriz Montoya, MBA, DMD, BSMT, AMT
Steven Shelfer, MT (ASCP)
Linda Valdes, MS, MT (ASCP)
Alvaro A. Hernandez, MBA

STAFF PRESENT:

Adrienne Rodgers, Executive Director
Jose Montalvan, Regulatory Supervisor/Consultant
Savada Knight, Regulatory Specialist II
Kelly Woodard, Regulatory Specialist II

BOARD COUNSEL:

Deborah Bartholow Loucks, Assistant Attorney General
Office of Attorney General

Casie Barnet, Assistant General Counsel
Office of the General Counsel, Department of Health

No court reporter was present

6
7 *Please note the minutes reflect the actual order agenda items were discussed and may differ from the agenda outline. AUDIO from*
8 *this meeting can be found online: <http://floridasclinicalabs.gov/>*
9

10 **General Board Business started at 9:09 a.m.**

11 **Section II started at 9:09 a.m.**

12
13 **II. APPROVAL OF PREVIOUS MEETING'S MINUTES OF THE BOARD OF CLINICAL LABORATORY**
14 **PERSONNEL**

15
16 Minutes of the December 5, 2014 General Business Meeting were reviewed.

17
18 Motion to accept the minutes was made by Mr. Hernandez and seconded by Ms. Valdes.

19 Vote: 7 yeas / 0 opposed; motion carried
20

21 **Section II ended at 9:10 a.m.**

22 **Section IV started at 9:10 a.m.**

23
24 **IV. APPLICANTS PRESENTED FOR BOARD REVIEW**

25 **a. Sueheilly Mercado – Supervisor**

26 Ms. Valdes was recused.

27 Applicant was present and was not represented by counsel.
28

29 Ms. Loucks stated Ms. Mercado applied for licensure as a Supervisor but answered in the affirmative to applicant
30 history question 2 on page 9 of the application. Ms. Mercado had submitted a letter from her physician regarding
31 this matter.
32

33 Ms. Van Siclen – hematology experience is limited and does not qualify her as a supervisor in hematology, but all
34 others may be approved.
35

36 **Action taken:** Motion to approve license made by Mr. Shelfer for blood banking-donor processing and
37 immunoematology but deny for hematology for lack of experience, seconded by Ms. Van Siclen.

38 Vote: 6 yeas / 0 opposed; motion carried
39

40 **9:14 a.m.**

41 **b. Treva L. Tsosie – Technologist**

42 Applicant was present and was not represented by counsel.

1
2 Ms. Tsosie applied for licensure as a Clinical Laboratory Technologist in Serology but had not taken the national
3 examination in Serology. ASCP no longer offers a separate serology examination, instead combining it into the
4 microbiology/chemistry examinations. Ms. Tsosie had taken the national certification examination in microbiology.
5 It appeared from her application that Ms. Tsosie could apply for the March or June 2015 national certification
6 examination which included serology.
7

8 **Discussion:** Ms. Valdes stated the examination has been bundled into other examinations.

9 Ms. Tsosie called ASCP. It was done away with in 2004, but would not provide confirmation for her to present to
10 this board. She is only pursuing serology and has been working in microbiology for 13 years. She asked how she
11 could know what is acceptable as a serology test in Florida. She has not been signing off on tests although she
12 conducts the tests. Ms. Valdes stated Florida uses the definition as found in the federal definition. Boca Raton is not
13 an approved training program. Ms. Van Siclan stated she would like to have a temporary license issued and have
14 the Petitioner sit for the national certification examination.
15

16 **Action taken:** Motion to deny license made by Ms. Van Siclan until she has met examination requirements,
17 seconded by Ms. Valdes.

18 Vote: 7 yeas / 0 opposed; motion carried
19

20 Ms. Loucks stated that an application must be open in order for a temporary license to be issued. Ms. Loucks
21 suggested a call for reconsideration and a motion to keep the matter open for 90 days.
22

23 **Action taken:** Motion to vacate the previous decision to deny the license by Ms. Van Siclan, seconded Mr. Shelfer

24 Vote: 7 yeas / 0 opposed; motion carried
25

26 **Action taken:** Motion to approve the application contingent on meeting the examination requirements by Ms. Van
27 Siclan, seconded by Ms. Valdes.

28 Vote: 7 yeas / 0 opposed; motion carried
29

30 Ms. Tsosie asked how the board will approach future questions of a similar nature. Ms. Loucks stated all issues of
31 examination would be under review through rule making. Ms. Loucks advised that the temporary license would be
32 valid only until Ms. Tsosie takes the national certification examination.
33

34 **Section IV ended at 9:34 a.m.**

35 **Section III started at 9:35 a.m.**
36

37 III. BOARD ACTIONS

38 b. PETITION FOR VARIANCE/WAIVER:

39 i. Aleida M. Geada Garcia

40 Petitioner was present was not represented by counsel. Ms. Geada Garcia stated that she had a translator present
41 with her.
42

43
44 Petitioner submitted an application for licensure as technologist in the specialty areas of microbiology,
45 serology/immunology, hematology, immunochemistry, clinical chemistry and molecular pathology (generalist) and
46 was issued a Notice of Intent to Approve in the specialty areas of chemistry, microbiology, and immunochemistry.
47 Ms. Geada Garcia subsequently filed a Petition asking the Board to approve her for licensure in the areas of
48 serology/immunology, hematology and molecular pathology by means of a variance or waiver from Rule 64B3-
49 5.003(3)(a), F.A.C., pursuant to the exception found in section 456.022(1)(d), Fla. Stat. Ms. Geada Garcia produced
50 a letter from Cuba in support of her petition.
51

52 **Discussion:** Ms. Loucks and Mr. Hernandez confirmed that there has been difficulty in the past getting verification of
53 experience from Cuba and the Board had accepted letters attesting the experience in lieu.
54

55 Mr. Montalvan stated that the information from Cuba, which was submitted and translated, demonstrates Petitioner's eligibility
56 for licensure. Ms. Loucks asked if Petitioner would withdraw her petition.
57

58 **Action Taken:** Petitioner withdrew her application. No Board action required.

1
2 **9:44 a.m.**

3 **ii. Robert–Cash M. Laidman**

4 Petitioner was present and was not represented by counsel.

5
6 Petitioner requested a variance or waiver from Rule 64B3-5.003(3)(g), F.A.C., option 2b, F.A.C. Petitioner graduated
7 from Knox College in Galesberg, IL with a BA in neuroscience, completed 2 years in a research laboratory setting,
8 and passed the HT ASCP exam for histotechnician. Rule 64B3-5.003(3)(g), F.A.C., requires 60 semester hours, of
9 which 12 hours must be in chemical/biological science, and completion of a Board approved training program.
10 Petitioner had not completed an approved training program. Petitioner intends to accept employment at University
11 of Florida, UF Health's Shands Hospital, Rock Point Main Histology laboratory. Petitioner stated he demonstrated
12 that the purpose of the underlying statute was met and he met the hardship criteria as he is the sole wage earner for
13 his family.

14
15 **Discussion:** Ms. Loucks asked if Petitioner had applied for any other examinations. Petitioner replied that he had not.
16 Discussion of whether a temporary license could be issued if Petitioner amended his application to option 2a. Dr. Morgan asked
17 whether an exception to the training program was ever made. Ms. Loucks stated that both the research and training programs
18 were the issue in this application. Ms. Van Siclen asked if the Petitioner qualified at the technician level, to which the response
19 was that he did. Petitioner stated that his employer requires a technologist license.

20
21 **Action Taken:** Dr. Morgan made a motion to deny the Petition for Variance/Waiver of Rule 64B3-5.003(3)(g),
22 F.A.C., based upon other options being available, and finds that Petitioner has not demonstrated that the purpose of
23 the underlying statute has been achieved by other means, or that application of the rule would create a substantial
24 hardship or would violate principles of fairness. Ms. Valdes seconded.

25 Vote: 7 years / 0 opposed; motion carries

26
27 **Section III suspended at 10:04 a.m.**

28 Dr. Morgan asked Ms. Loucks for direction regarding whether a hearing on an application or licensure should follow a hearing for the
29 same individual on his or her Petition for Variance/Waiver.

30
31 **Section IV started at 10:05 a.m.**

32
33 **IV. APPLICANTS PRESENTED FOR BOARD REVIEW**

34
35 **c. Robert-Cash M. Laidman -Technologist**

36 Petitioner was present and was not represented by counsel.

37
38 Mr. Laidman applied for licensure as a Technologist in histology under rule 64B3-5.003(3)(g), option 2b, F.A.C.
39 Mr. Laidman graduated from Knox College in Galesberg, IL with a BA in neuroscience, completed 2 years in a
40 research laboratory setting, and passed the HT ASCP exam for histotechnician. Mr. Laidman was not granted a
41 variance/waiver of the training program requirement of 64B3-5.003, F.A.C., which requires 60 semester hours, of
42 which 12 hours must be in chemical/biological science, and completion of a Board approved training program.

43
44 **Discussion:**

45 Petitioner agreed that he would amend his application and apply for a temporary license.

46
47 **Action taken:** Motion to approve for licensure as a technologist upon meeting the requirements for licensure by
48 examination made by Dr. Morgan, seconded by Ms. Valdes.

49 Vote: 7 years / 0 opposed; motion carried

50
51 **Section IV ended at 10:08 a.m.**

52 **Section III resumed at 10:08 a.m.**

53
54 **III. BOARD ACTIONS**

55
56 **a. MOTION FOR FINAL ORDER ACCEPTING VOLUNTARY RELINQUISHMENT OF LICENSE**
57 **Meghan Bice Boczar – case number 2014-08271**

58 No board member was recused due to participation on the probable cause panel.

1 Respondent was not present and was not represented by counsel.

2
3 **Action taken:** Motion to accept Voluntary Relinquishment of License made by Dr. Morgan, seconded by Mr.
4 Shelfer.

5 Vote: 7 yeas / 0 opposed; motion carried
6

7 **Section III ended at 10:10 a.m.**

8 **Section V began at 10:10 a.m.**
9

10 **V. RATIFICATION OF LICENSURE**

11 **a. Clinical Laboratory Personnel**

12 Motion to ratify issuance of Clinical Laboratory Personnel license numbers 46628 through 46732 made by Dr.
13 Morgan, seconded by Mr. Shelfer.

14 Vote: 7 yeas / 0 opposed; motion carried
15

16 **b. Clinical Laboratory Personnel Trainees**

17 Motion to ratify issuance of Clinical Laboratory Personnel Trainees license numbers 10427 through 10458 made by
18 Dr. Morgan, seconded by Mr. Shelfer.

19 Vote: 7 yeas / 0 opposed; motion carried
20

21 **Section V ended at 10:11 a.m.**

22 **The Board took at break at 10:12 a.m.**

23 **General Business resumed at 10:25**
24

25 Ms. Rodgers stated that a member of the audience requested that the rules report and discussion be heard next as he shortly would
26 have to leave the meeting. Dr. Morgan concurred.
27

28 **Section VIII started at 10:26 a.m.**
29

30 **VIII. BOARD COUNSEL REPORT**

31 **Rules status report**

32 **64B3-5.003 – Technologist**

33 Ms. Loucks reported there was a JAPC letter to which she had responded.

34 Rule development needs to be restarted. Rule change was intended to remove “molecular pathology” from subpart (3)(a),
35 generalist license; and amending subpart (3)(g) option 2c to provide for education as required by the certifying body, 3
36 years of pertinent experience as Florida licensed histology technician or equivalent, and certification through the
37 HT(ASCP)QIHC examination. Discussion of this rule was held to the Committee Report on Rules portion of the
38 meeting.
39

40 Motion to open rule 64B3-5.003, F.A.C., for development and accept changes recommended by board counsel made by
41 Ms. Van Siclen, seconded by Mr. Shelfer. There ensued a discussion of economic impact and impact on regulatory cost,
42 concluding that there is no economic impact on small business or impact on regulatory cost.
43

44 **64B3-10.005 Scope of Practice Relative to Specialty Licensure**

45 Ms. Loucks reported there were JAPC letters to which she had responded:

46 64B3-10.005 Scope of Practice Relative to Specialty of Licensure JAPC LTR 12/09/2014 RULE TOLLED 12/09/2014

47 Concerns about adding federal website reference as JAPC believes this is an improper delegation to the federal
48 government. Adding reference to 42 CFR would be appropriate for then placing a link on the board’s website.
49

50 Direct board counsel to remove the link from 10.005 by Ms. Valdes, seconded by Dr. Morgan

51 Vote: 7 yeas / 0 opposed; motion carried
52

53 Ms. Loucks led the discussion on the following rules stating that board staff suggested the changes to eliminate the
54 notary requirement, but the statute stated that the information in the application must be attested to as the truth. The
55 language suggested by board staff and board counsel show possible revisions. In addition, board staff asked to clean up
56 the request for the generalist license.

57 i. Director Application

58 ii. Supervisor Application

- iii. Technician Application
- iv. Adding Specialties Application

Motion by Ms. Van Siclen to accept changes as submitted by board staff, Dr. Montoya seconded.
Vote 7 ayes / 0 opposed; motion carried.

There ensued a discussion of economic impact and impact on regulatory cost, concluding that there is no economic impact on small business or impact on regulatory cost.

Section VIII ended at 10:40 a.m.

Section VIII Committee Reports, j. Rules, started at 10:40 a.m.

j. **Rules** – Ms. Van Siclen

vi. Discussion – Rule 64B3-5.003, F.A.C. Qualifications in Cytogenetics
Appear to be disparate qualification, most say 24 hours but cyto is 36 and another is less. Ms. Van Siclen asked for clarification through the history of the Board. Ms. Loucks stated that years ago she and Ms. Guilford had checked the ASCP against the board requirements but if there had been a change by ASCP then the board should also look into changing its requirements. Mr. Shelfer asked if things should be left as is until research is completed. Ms. Van Siclen stated she would research the issue and bring that information to next board meeting.

Section VIII Committee Reports, j. Rules, ended at 10:47 a.m.

Section VI started at 10:47 a.m.

VI. CHAIR/VICE CHAIR REPORT

- a. New business – no new business
- b. Future agenda items – Ms. Van Siclen will report on ASCP Qualifications in Cytogenetics.

Section VI ended at 10:47 a.m.

Section VII started at 10:48 a.m.

VII. EXECUTIVE DIRECTOR'S REPORT

List of approved training programs added to website.

Section VII ended at 10:48 a.m.

Section IX resumed at 10:48 a.m.

IX. COMMITTEE REPORTS

- a. **Budget** – Dr. Morgan had no report
- b. **Continuing Education** – Ms. Valdes thanked Ms. Meany for providing timely information.
 - i. CE Providers and Courses approved by the Committee:
Course numbers 20-469131, 20-470275, 20-469094, 20-469050, 20-469364

Motion to ratify committee approvals made by Dr. Morgan, seconded by Ms. Valdes.
Vote: 7 yeas / 0 opposed; motion carried
- c. **Credentials** – Ms. Van Siclen suggested Ms. Valdes be appointed to the committee.
- d. **Disciplinary Compliance** – Mr. Hernandez had no report
- e. **Examinations** – Dr. Montoya had no report
- f. **Healthiest Weight** – Mr. Hernandez gave a presentation of the program and provided the following handouts. He asked that more healthy weight information be added to the website.
 - i. Talking with Patients about Weight Loss: Tips for Primary Care Providers
 - ii. Choose MyPlate – 10 Tips to a Great Plate
 - iii. Moving Our State to its Healthiest Weight

1 iv. Ms. Rodgers explained the new Healthy Promise campaign: DOH employees started the New Year with Healthy
2 Promise Florida, an interactive, online health campaign that encouraged individuals to make a commitment to their
3 health during the new year. Employees were invited to post a healthy promise.
4

5 g. **Legislation** – Mr. Hernandez had no report.
6

7 h. **Probable Cause** - Dr. Morgan/Mr. Hernandez presented statistics.
8

9 i. **Professional Associations** – Mr. Shelfer waiting for training programs to be placed on the website. Board staff
10 reported that it may be found under Resources/forms. Mr. Montalvan will look into making the information more
11 easily found.
12

13 k. **Training Program** – Mr. Shelfer had no report.
14

15 l. **Unlicensed Activity** – Ms. Valdes had no report.
16

17 **Section IX ended at 10:59 a.m.**

18 **Section I began at 10:59 a.m.**
19

20 **ELECTION OF OFFICERS**

21 Nominations made for Ms. Van Siclen and Dr. Morgan to serve as chair. Dr. Morgan withdrew.

22 Motion to elect Ms. Van Siclen as chair made by Dr. Morgan, seconded by Ms. Valdes.

23 Vote: 7 yeas / 0 opposed; motion carried
24

25 Motion made for Ms. Valdes to serve as vice chair made by Ms. Van Siclen, seconded by Mr. Hernandez.

26 Vote: 7 yeas / 0 opposed; motion carried
27

28 **Section I ended at 10:59 a.m.**
29

30 General discussion on committee appointments ensued.

31 NEXT MEETING – March 6, 2015 in Orlando or by Teleconference depending upon whether there is discipline to be heard.
32
33

34 **General Board Business concluded at 11:04 a.m.**
35

36 The meeting was adjourned at 11:04 a.m.