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**FLORIDA** | Board of Clinical Laboratory Personnel

DRAFT MINUTES  
May 22, 2015

Teleconference  
Department of Health  
4042 Bald Cypress Way  
Tallahassee, FL 32399-3257



Carleen P. Van Siclan, MS, MLS (ASCP)  
**Chair**

Linda Valdes, MS, MT (ASCP)  
**Vice-Chair**

Anthony B. Spivey, DBA  
**Executive Director**

1 **General Board Business started: 9:03 a.m.**

- 2  
3 I. The meeting was called to order by Ms. Van Siclen, Chair, at approximately 9:03 a.m. Those present for all or part of the  
4 meeting included the following:  
5

6 **MEMBERS PRESENT:**

7 Carleen Van Siclen, MSHA, MLS (ASCP), Chair  
8 Linda Valdes, MS, MT (ASCP), Vice Chair  
9 Beatriz Montoya, MBA, DMD, BSMT, AMT  
10 Steven Shelfer, MT (ASCP)  
11 Michele Morgan, DBA

6 **STAFF PRESENT:**

7 Anthony B. Spivey, DBA, Executive Director  
8 Joseph Lesho, Program Operations Administrator  
9 Savada Knight, Regulatory Supervisor  
10 Kelly Woodard, Regulatory Specialist II  
11 Julia Gilyard, Regulatory Specialist II

12  
13 **Action Taken:** Motion to excuse the absence of Alvaro A. Hernandez, MBA was made by Ms. Van Siclen and seconded by  
14 Ms. Valdes.

15 Vote: 5 yeas / 0 opposed; motion carried  
16

17 **BOARD COUNSEL:**

18 Deborah Bartholow Loucks, Assistant Attorney General  
19 Office of Attorney General  
20

21 **COURT REPORTER:**

22 For the Record  
23 (850) 222-5491  
24

25 *Please note the minutes reflect the actual order agenda items were discussed and may differ from the agenda outline.*  
26 *AUDIO from this meeting can be found online: <http://floridasclinicallabs.gov/>*  
27

28 **General Board Business started at 9:05 a.m.**

29 **Section II started at 9:05 a.m.**

30  
31 **II. APPROVAL OF PREVIOUS MEETING'S MINUTES OF THE BOARD OF CLINICAL LABORATORY**  
32 **PERSONNEL:**

33  
34 Minutes of the March 6, 2015 General Business Meeting were reviewed.

35  
36 Ms. Loucks noted corrections that needed to be made to the footer on page 1, line 41 on page 3, line 56 on page 4, and line 41  
37 on page 5.  
38

39 **Action taken:** Motion to accept the minutes with the noted corrections was made by Ms. Van Siclen and seconded by Ms.  
40 Valdes.

41 Vote: 5 yeas / 0 opposed; motion carried  
42

43 **Section II ended at 9:08 a.m.**

44 **Section IV started at 9:08 a.m.**

45  
46 **IV. PROSECUTION REPORT:**

47 Mr. Lesho explained that he spoke with the prosecuting attorney, Ms. Elana Jones, Esq., and she informed him that there  
48 are no urgent matters pertaining to this board, but if any issues arise, he will inform the board as soon as possible.  
49

50 **Section IV ended at 9:09 a.m.**

51 **Section V started at 9:09 a.m.**

52  
53 **V. PETITIONS WITH APPLICATIONS:**

54  
55 **a. Julianne Gail Hubert – Technologist Present**

56 Ms. Hubert was present and not represented by counsel. Ms. Donna Lasko, licensed Supervisor, was also present on  
57 her behalf.  
58

1 The board office received Ms. Hubert's application for licensure as a Technologist in the area of Serology on  
2 February 25, 2015; however, Ms. Hubert submitted proof of successful completion of the ASCP certification in  
3 cytometry. Ms. Hubert has submitted a Petition for Waiver/Variance from Rule 64B3-5.003, F.A.C. requesting that  
4 the board accept her cytometry certification and approve her application for licensure.  
5

6 **Discussion:**

7 Ms. Hubert addressed the board and explained the reason for her petition.  
8

9 Ms. Valdes asked Ms. Hubert why she had applied for serology, as she believed that the documents presented  
10 suggested that she should have applied for hematology.  
11

12 Ms. Hubert and Ms. Lasko explained to the board that the state of Florida does not recognize cytometry as a sub-  
13 specialty, but that the sub-specialty originally fell under immunology/serology. Ms. Lasko explained that she herself  
14 is certified in cytometry, but holds a license as a Supervisor in serology.  
15

16 After additional discussion, Mr. Shelfer stated that he believed her education and work experience was satisfactory,  
17 and made a motion to grant the petition.  
18

19 **Action taken:** Motion to grant the Petition for Waiver/Variance was made by Mr. Shelfer and seconded by Ms.  
20 Montoya.

21 Vote: 5 yeas / 0 opposed; motion carried  
22

23 **Action taken:** Motion to approve the application for licensure was made by Ms. Van Siclen and seconded by Mr.  
24 Shelfer.

25 Vote: 5 yeas / 0 opposed  
26  
27

28 **b. Serra Kazancioglu – Technologist Present**

29 Mr. Lesho noted that this application did not include a petition, and therefore should have been placed under Section  
30 IV of the agenda. The board decided to table the case until that portion of the agenda was reached.  
31

32 **c. Joseph Essex Wagstaff – Supervisor Not present**

33 Mr. Wagstaff was not present and not represented by counsel.  
34

35 The board office received Mr. Wagstaff's application for licensure as a Supervisor in the Generalist specialty area  
36 on February 11, 2015. Mr. Wagstaff has submitted proof of 3 years of clinical laboratory experience; however, he  
37 chose option 3a, which requires "5 years of pertinent clinical laboratory experience." Mr. Wagstaff has submitted a  
38 Petition for Waiver/Variance from Rule 64B3-5.002, F.A.C. requesting that the board accept his experience and  
39 approve his application for licensure.  
40

41 **Action taken:** Motion to deny the Petition for Waiver/Variance and deny the application for licensure because the  
42 petition did not meet the purpose of underlying statute was made by Ms. Van Siclen and seconded by Ms. Valdes.  
43 Vote: 5 yeas / 0 opposed; motion carried  
44

45 | **Section V ended 9:23 a.m.**

46 **Section VI started 9:23 a.m.**  
47

48 **VI. APPLICANTS PRESENTED FOR BOARD REVIEW:**  
49

50 **Serra Kazancioglu – Technologist Present (Continued from Section V)**

51 Ms. Kazancioglu was present and not represented by counsel.  
52

53 The board office received Ms. Kazancioglu's application for licensure to add the specialty area of Clinical  
54 Chemistry on March 12, 2015. Ms. Kazancioglu submitted employment verification documentation indicating that  
55 she has experience working in the state of Florida in the area of Clinical Chemistry, but has never held a license to  
56 practice in the specialty area of Clinical Chemistry. The board office was unable to determine whether or not  
57 unlicensed activity had occurred, and referred the application to the Credentials Committee. Ms. Valdes expressed  
58 that she does not believe unlicensed activity has occurred, but stated that because the employer in question is not

1 part of an approved training program, her experience requirements have not been met. The application and  
2 supporting documentation are being presented to the Full Board for review and final action.  
3

4 Ms. Kazancioglu has an existing Technologist license in the area of Histology.  
5

6 **Discussion:**

7 Ms. Kazancioglu explained to the board that she had difficulty finding an approved training program in the  
8 appropriate field.  
9

10 Additional discussion ensued, and a motion was made.  
11

12 **Action taken:** Motion to approve the application for licensure was made by Mr. Shelfer and seconded by Ms.  
13 Montoya.

14 Vote: 5 yeas / 0 opposed; motion carried  
15  
16

17 **a. William Earl Cleveland – Technologist**

18 Mr. Cleveland was present and not represented by counsel.  
19

20 The board office received Mr. Cleveland’s application for licensure as a Technologist in the area of Clinical  
21 Chemistry on January 29, 2015. Mr. Cleveland submitted employment verification documentation indicating that he  
22 has experience working in the state of Florida in the area of Clinical Chemistry, but has never held a license to  
23 practice. The board office was unable to determine whether or not unlicensed activity had occurred, and referred the  
24 application to the Credentials Committee. The Credentials Committee has referred the application and supporting  
25 documentation to the Full Board for review and final action.  
26

27 **Discussion:**

28 Mr. Cleveland explained his work history and experience, including a period of time during which he was employed  
29 in the state of Michigan.  
30

31 Ms. Van Siclen asked why he had not noted the Michigan experience on his application, to which he replied that it  
32 was omitted in error. He then referenced an e-mail from his supervisor which detailed the experience in Michigan,  
33 and was included in the board agenda materials.  
34

35 After additional discussion, a motion was made.  
36

37 **Action taken:** Motion to approve the application for licensure was made by Ms. Van Siclen and seconded by Mr.  
38 Shelfer.

39 Vote: 5 yeas / 0 opposed; motion carried  
40

41 **b. David Christopher Otero – Trainee**

42 Mr. Otero was present and not represented by counsel.  
43

44 The board office received Mr. Otero’s application for licensure as a Trainee in the area of Histology on March 9,  
45 2015. Mr. Otero responded “yes” to an applicant history question, and submitted additional documentation regarding  
46 the circumstances of the affirmative response. The application and supporting documentation are being presented to  
47 the Full Board for review and final action.  
48

49 **Discussion:**

50 After a brief discussion regarding the applicant history, a motion was made.  
51  
52

53 **Action taken:** Motion to approve the application for licensure was made by Ms. Van Siclen and seconded by Ms.  
54 Valdes.

55 Vote: 5 yeas / 0 opposed; motion carried  
56

57 **c. Julianne Mercedes Kaiser – Technician**

58 Ms. Kaiser was present and not represented by counsel.

1  
2 The board office received Ms. Kaiser’s application for licensure as a Technician in the Generalist specialty area on  
3 March 31, 2015. Ms. Kaiser responded “yes” to certain applicant history questions. Ms. Kaiser included additional  
4 documentation with her application regarding the circumstances of the affirmative response. The application and  
5 supporting documentation are being presented to the Full Board for review and final action.  
6  
7

8 **Discussion:**

9 Dr. Morgan noted that cases like this typically include a recommendation from the applicant’s treating physician,  
10 and asked why that was not included in this case.  
11

12 After additional discussion, the board asked Ms. Kaiser to obtain a recommendation from her treating physician  
13 indicating whether or not she is safe to practice. Ms. Loucks asked Ms. Kaiser if she was willing to waive her 90  
14 days in order to obtain this letter and appear before the board at the next meeting. Ms. Kaiser agreed to do so.  
15

16 **Action taken:** Motion to ask that Ms. Kaiser submit additional documentation from her treating physician and bring  
17 the application back to the next board meeting was made by Dr. Morgan and seconded by Ms. Van Siclen.  
18

19 Vote: 5 yeas / 0 opposed; motion carried  
20

21 **Section VI ended 10:01 a.m.**

22 **The board took a 15-minute break**

23 **Section III started at 10:17 a.m.**

24 **III. BOARD COUNSEL REPORT:**

25 **a. Rules Status**

26 Ms. Loucks presented the rules status report that was included in the board agenda materials.  
27

28 Ms. Van Siclen questioned the effective date of 4/5/2015 for Rule 64B3-5.003, F.A.C. Ms. Loucks explained that  
29 two different versions of that rule were put in process at the same time, and that one was still pending.  
30

31 **b. Rules Hearing –**

32 **i. Rule 64B3-6.001, F.A.C.**

33 Ms. Loucks explained that the Joint Administrative Procedures Committee (JAPC) submitted a letter  
34 expressing concerns over certain parts of the proposed rule language. She noted corrections to the language  
35 in response to JACP’s concerns, including modifying some of the web addresses listed in the rule which  
36 were outdated.  
37

38 **Action taken:** Motion to accept the changes to the proposed rule language, in addition to updating the  
39 URLs in the rule was made by Ms. Van Siclen and seconded by Ms. Montoya.  
40

41 Vote: 5 yeas / 0 opposed; motion carried  
42

43 **c. Discussion – Rule 64B3-11.001, F.A.C.**

44 During the March 6, 2015 meeting, Ms. Van Siclen asked that the board discuss possible changes to this rule. The  
45 rule states that as part of the minimum 24 contact hours required for continuing education, licensees must take a one  
46 hour laws and rules course, or attend a public meeting of the board at which disciplinary actions are addressed. The  
47 rule specifically states that conference calls do not satisfy this requirement. During the previous meeting, Ms. Van  
48 Siclen expressed her belief that though the conference calls do not typically involved disciplinary cases, she feels  
49 that they can still be educational and beneficial to licensees, so she would like this language to be reviewed.  
50

51 **Discussion:**

52 Ms. Van Siclen began the discussion by suggesting that the phrase “at which disciplinary actions are addressed” be  
53 stricken, while still requiring licensees to attend an in-person meeting (as opposed to a conference call). She then  
54 asked each board member for their thoughts on the issue.  
55  
56  
57  
58

1 After additional discussion, Ms. Van Siclen made a motion.

2  
3 **Action taken:** Motion to strike “at which disciplinary actions are addressed” from Rule 64B3-11.001, F.A.C. made  
4 by Ms. Van Siclen and seconded by Mr. Shelfer.

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

7 Ms. Loucks asked the board if the proposed rule amendment would have an adverse impact on small business, or be  
8 likely to directly or indirectly increase regulatory costs to any entity, including the government, in excess of  
9 \$200,000 in the aggregate in the state of Florida within one year after the implementation of the rule, or be likely to  
10 increase regulatory costs by more than \$2,000,000 within the next five years.

11  
12 **Action taken:** Motion to respond “no” to each of the questions was made by Ms. Van Siclen and seconded by Mr.  
13 Shelfer.

14 Vote: 5 yeas / 0 opposed; motion carried  
15

16 **d. Annual Regulatory Plan**

17 Ms. Loucks presented the 2015-2016 Annual Regulatory Plan. She also explained to the board that the original  
18 deadline for completion of the Annual Regulatory Plan was July 1, 2015, but recent legislation was passed that  
19 would move this deadline to October 1, 2015. In light of that fact, the report presented was just an FYI, and will  
20 need to be revised and presented again at a later meeting.

21  
22 **e. North Carolina State Board of Dental Examiners v. FTC**

23 Ms. Loucks explained the issue and the reason why the FTC took action against the North Carolina State Board of  
24 Dental Examiners. She stated that she does not believe that the Florida health care regulatory boards have an issue  
25 due to the structure and processes of the boards. She also explained that the FTC will create guidelines to define  
26 “active supervision” of a regulatory board, and mentioned pending lawsuits related to this issue in Mississippi and  
27 Texas.  
28

29 **Section III ended at 10:44 a.m.**

30 **Section VII started at 10:44 a.m.**  
31

32 **VII. RATIFICATION OF LICENSURE:**

33 **a. Clinical Laboratory Personnel**

34 **b. Clinical Laboratory Personnel Trainees**

35  
36  
37 **a. Action taken:** Motion to ratify the issuance of Clinical Laboratory Personnel licenses listed on pages 354 through  
38 356 of the agenda was made by CVS and seconded by BM.

39 Vote: 5 yeas / 0 opposed; motion carried  
40

41 **b. Action taken:** Motion to ratify the issuance of Clinical Laboratory Personnel Trainee licenses listed on pages 357  
42 through 358 of the agenda was made by CVS and seconded by LV.

43 Vote: 5 yeas / 0 opposed; motion carried  
44

45 **Section VII ended 10:45 a.m.**

46 **Section VIII started 10:45 a.m.**  
47

48 **VIII. CHAIR/VICE CHAIR REPORT:**

49 **a. New Business**

50  
51 **i. Discussion of CE requirements for Histology (Immunohistochemistry/Advanced Histology)**

52 After discussion, the board agreed that a list of specific CE requirements to complete a license upgrade to  
53 Immunohistochemistry/Advanced Histology should be added to the board rules. Ms. Loucks suggested the list  
54 be added to Rule 64B3-11.002, F.A.C.CVS: Believes board should list specific requirements for this type of  
55 upgrade  
56  
57

1 The board directed staff to contact The Florida Society for Histotechnology and invite them to the next meeting  
2 to assist with the development of this list.  
3

4 **Section VII ended 11:00 a.m.**

5 **Section IX started 11:00 a.m.**  
6

7 **IX. EXECUTIVE DIRECTOR'S REPORT:**  
8

9 **a. Delegation of Authority**

10 Dr. Spivey presented the 2015-2016 Annual Delegation of Authority.  
11

12 **Action taken:** Motion to accept the Delegation of Authority as presented in the board agenda materials was made  
13 by Ms. Van Siclen and seconded by Mr. Shelfer.

14 Vote: 5 yeas / 0 opposed; motion carried  
15

16 **Section IX ended 11:02 a.m.**

17 **Section X started 11:02 a.m.**  
18

19 **X. COMMITTEE REPORTS:**  
20

21 **a. Budget – Dr. Morgan:** Nothing to report  
22

23 **b. Continuing Education – Ms. Valdes**

24 **i. CE Providers and Courses approved by CE Committee:**

25 **Action taken:** Motion to ratify CE providers and courses approved by CE Committee was made by CVS,  
26 seconded by SS.

27 Vote: 5 yeas / 0 opposed; motion carried  
28

29 **c. Credentials – Ms. Van Siclen/ Ms. Valdes:** Nothing to report  
30

31 **d. Disciplinary Compliance – Mr. Hernandez:** Mr. Hernandez was not present, therefore no report was given  
32

33 **e. Examinations – Dr. Montoya:** Nothing to report  
34

35 **f. Healthiest Weight – Mr. Hernandez:**

36 **i. State Level Efforts to Achieve Healthy Weight in Florida**

37 Mr. Hernandez was not present, therefore no report was given  
38

39 **g. Legislation – Mr. Hernandez:** Not present  
40

41 **h. Probable Cause - Dr. Morgan/Mr. Hernandez:**

42 **i. Stats**

43 Nothing to report  
44

45 **i. Professional Associations – Mr. Shelfer:** Nothing to report  
46

47 **j. Rules – Ms. Van Siclen:** Ms. Van Siclen provided a recap of the discussion to specify the CE requirements for a  
48 licensure upgrade to Immunohistochemistry/Advanced Histology.  
49

50 **k. Training Program – Mr. Shelfer:** Nothing to report  
51

52 **l. Unlicensed Activity – Ms. Valdes:** Nothing to report  
53  
54  
55  
56  
57  
58

1 **Section X ended at 11:05 a.m.**

2 **Section XI began at 11:05 a.m.**

3  
4 **XI. NEXT MEETING DATE – August 7, 2015:**

5 Mr. Lesho explained to the board that the next meeting is scheduled to be in person, but if there are no disciplinary cases  
6 on the agenda, then it will most likely have to be changed to a conference call. He told the board that if they would prefer  
7 an in-person meeting, he can try to find a way to justify it even without discipline, but the board agreed that a conference  
8 call would be fine.

9 |  
10 **General Board Business concluded at 11:07 a.m.**

11  
12 **XII. ADJOURNMENT**

13  
14 **The meeting was adjourned at 11:07 a.m.**