FLORIDA | Board of Clinical Laboratory Personnel

DRAFT MINUTES
October 2, 2015

Hyatt Regency Jacksonville
225 E. Coastline Drive
Jacksonville, Florida 32202

Carleen P. Van Siclen, MS, MLS (ASCP)
Chair

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

Anthony B. Spivey, DBA
Executive Director

General Board Business started: 9:00 a.m.

I. The meeting was called to order by Ms. Van Siclen. Those present for all or part of the meeting included the following:

MEMBERS PRESENT:
Carleen Van Siclen, MSHA, MLS (ASCP), Chair
Linda Valdes, MS, MT (ASCP), Vice Chair
Steven Shelfer, MT (ASCP)
Beatriz E. Montoya, MBA, DMD, BSMT, AMT

STAFF PRESENT:
Anthony B. Spivey, DBA, Executive Director
Joseph Lesho, Program Operations Administrator

MEMBERS NOT PRESENT:
Michele Morgan, D.B.A. (Excused)

Dr. Spivey informed the board that Alvaro Hernandez submitted a letter of resignation from the board, which was accepted by the governor.

BOARD COUNSEL:
Deborah Bartholow Loucks, Assistant Attorney General
Office of Attorney General

COURT REPORTER:
Precision Reporting
(904) 629-5310
Lalonda Hall

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

General Board Business started at 9:01 a.m.
Section II started at 9:01 a.m.

II. APPROVAL OF PREVIOUS MEETING'S MINUTES OF THE BOARD OF CLINICAL LABORATORY PERSONNEL:

The corrected minutes of the August 7, 2015 General Business Meeting found in the addendum were reviewed.

Action taken: Motion to accept the corrected minutes was made by Ms. Van Siclen. Seconded by Ms. Valdes. Vote: 4 yeas / 0 opposed; motion carried

Section II ended at 9:02 a.m.
Section III ended at 9:02 a.m.

III. DISCIPLINE:

a. Settlement Agreement –

i. Kearin Gibson Sharaf, Case Number 2014-08777
Respondent was present and was represented by counsel, Ritisha Chhaganlal, Esq.

A one-count Administrative Complaint was filed on February 17, 2015 alleging violation of s. 483.825(1)(c), F.S., due to demonstrating incompetence or making consistent errors in the performance of clinical laboratory examinations or procedures or erroneous reporting. No previous complaints or disciplinary actions have been levied against the respondent; therefore, the department recommended that the board accept the Settlement Agreement.

Ms. Sharaf appeared before the board at the August 7, 2015 meeting in Orlando, FL. Due to board member absences and recusals, the board lacked a quorum to vote on a final action. Prosecution was not present for the October 2, 2015 meeting; however, both prosecution and the respondent were allowed to make their presentations to the board at the August 7, 2015 meeting, and at the board's request a transcript of the presentation was included in the meeting materials.

At the August 7, 2015 meeting, Elana Jones, Esq. advised the board that the settlement agreement contained the following provisions:

- Fine: $1000—to be paid within one year of the final order
- Reimbursement of Costs: Not to exceed $4500—to be paid within one year of the final order
- Probation: One year, with terms determined by the board

Discussion:
Ms. Chhaganlal explained the documentation that was presented to the board in addition to what was presented at the previous meeting.

Ms. Van Siclen asked the board if they had any questions for the respondent. They had none.

Action taken: Motion to accept the Settlement Agreement was made by Mr. Shelfer. Seconded by Dr. Montoya.
Vote: 4 yeas / 0 opposed; motion carried

Ms. Loucks stated that she will contact prosecution to obtain the exact amount of the costs, and the costs will noted in the Final Order.

In order to determine the terms of the probation, the board asked Ms. Sharaf to describe her role and duties at her place of employment.

After discussion, the board set the terms of probation to require a copy of Ms. Sharaf's annual appraisal to be presented before the board.

Action taken: Motion to require a copy of Ms. Sharaf's annual appraisal sent to the board for the purpose of probation pursuant to the approved Settlement Agreement was made by Ms. Van Siclen. Seconded by Ms. Valdes.
Vote: 4 yeas / 0 opposed; motion carried

Section III ended 9:12 a.m.
Section IV started 9:12 a.m.

IV. APPLICANTS PRESENTED FOR BOARD REVIEW

a. Dr. William Edward Roudebush – Director

Dr. Roudebush was not present and was not represented by counsel.

Dr. Roudebush submitted an application for licensure as a Director in the specialty areas of Andrology and Embryology, which the board office received on July 28, 2015. Board staff was unable to determine if Dr. Roudebush's Doctor of Philosophy in Animal Science meets the requirements pursuant to Rule 64B3-5.007, F.A.C. After review by the Credentials Committee, the application and supporting documentation were referred to the full board for review and final action.

Discussion:
Ms. Valdes stated that she had additional questions for the applicant that she would like to ask him directly.

Action taken: Motion to require Dr. Roudebush to appear before the board at one of its next two meetings, including a telephone conference call meeting, was made by Ms. Valdes. Seconded by Ms. Van Siclen.

Vote: 4 yeas / 0 opposed; motion carried

f. Anthonia Ifeoma Mgbii – Technologist

Ms. Mgbii was present and was not represented by counsel.

Ms. Mgbii submitted an application for licensure as a Technologist in the Generalist specialty areas, which the board office received on June 8, 2015. Board staff was unable to determine if Ms. Mgbii's employment history meets the requirements pursuant to Rule 64B3-5.003, F.A.C. The application and supporting documentation were referred to the full board for review and final action.

Discussion:

Ms. Van Siclen asked Ms. Mgbii to explain the tests that she performed while with her previous employer. Ms. Mgbii described her education and training program experience, and provided an overview of her testing experience.

After additional discussion of the testing experience, Ms. Valdes stated that she felt comfortable with Ms. Mgbii's training and work experience. Mr. Shelfer agreed.

Action taken: Motion to approve the application for licensure was made by Ms. Valdes. Seconded by Mr. Shelfer.

Vote: 4 yeas / 0 opposed; motion carried

b. Lyudmila Freyman – Supervisor

Ms. Freyman was not present and was not represented by counsel.

Ms. Freyman and submitted an application to add the specialty of Immunohematology to her Supervisor license, which the board office received on July 9, 2015. Board staff was unable to determine if Ms. Freyman's clinical laboratory experience meets the requirements pursuant to Rule 64B3-5.002, F.A.C. After review by the Credentials Committee, the application and supporting documentation were referred to the full board for review and final action.

Discussion:

After discussion, Ms. Van Siclen stated that she feels Ms. Freyman meets the qualifications according to the licensure matrix.

Action taken: Motion to approve the application to add the specialty of Immunohematology was made by Ms. Van Siclen. Seconded by Ms. Valdes.

Vote: 4 yeas / 0 opposed; motion carried

c. Dr. Preetpal Singh Sidhu – Supervisor

Dr. Sidhu was present and was not represented by counsel.

Dr. Sidhu submitted an application for licensure as a Supervisor in the specialty area of Clinical Chemistry, which the board office received on August 26, 2015. Board staff was unable to determine if Dr. Sidhu's Doctor of Philosophy in Pharmaceutical Sciences meets the requirements pursuant to Rule 64B3-5.007, F.A.C. After review by the Credentials Committee, the application and supporting documentation were referred to the full board for review and final action.

Discussion:

Ms. Valdes explained that she referred the application to the board because a degree in Pharmaceutical Sciences does not qualify according to the rule.

Ms. Van Siclen pointed out that Dr. Sidhu has not provided proof of completion of any type of certification examination.

Action taken: Motion to deny the application for licensure based on insufficient educational background and allow Dr. Sidhu the option to withdraw the application within 30 days was made by Ms. Van Siclen. Seconded by Ms. Valdes.
Vote: 4 yeas / 0 opposed; motion carried

d. Dr. Heliana Margarita Valdes – Supervisor

Dr. Valdes was not present and was not represented by counsel.

Dr. Valdes submitted an application for licensure as a Supervisor in the specialty areas of Microbiology, Serology, Hematology, Immunohematology, and Cytogenics; which the board office received on July 15, 2015. A review by the Credentials Committee determined that Dr. Valdes may have been practicing Cytogenics in Florida without a license. The application and supporting documentation were referred to the full board for review and final action.

Discussion:
Ms. Van Siclen stated that she would like to speak directly to the applicant about the possible unlicensed activity.

Ms. Valdes agreed, stating that if the applicant only performed lab assistant duties, and was not responsible for interpreting patient results, then it may not have been unlicensed activity.

Ms. Van Siclen suggested that the applicant be required to appear at one of the next two board meetings.

Action taken: Motion to require Dr. Valdes to appear before the board at one of its next two meetings, including a telephone conference call meeting, was made by Ms. Van Siclen. Seconded by Dr. Montoya.
Vote: 4 yeas / 0 opposed; motion carried

e. Yaru Song – Technologist

Ms. Song was not present and was not represented by counsel.

Ms. Song submitted an application for licensure as a Technologist in the specialty area of Clinical Chemistry, which the board office received on April 28, 2015. A review by the Credentials Committee determined that Ms. Song may have been practicing Clinical Chemistry in Florida without a license. The application and supporting documentation were referred to the full board for review and final action.

Discussion:
Ms. Van Siclen said that she felt it would be difficult to make a determination without speaking directly to the applicant. Ms. Valdes agreed.

Ms. Van Siclen suggested that the applicant be required to appear at one of the next two board meetings.

Action taken: Motion to require Ms. Song to appear before the board at one of its next two meetings, including a telephone conference call meeting, was made by Ms. Van Siclen. Seconded by Mr. Shelfer.
Vote: 4 yeas / 0 opposed; motion carried

g. Julianne Mercedes Kaiser – Technician (Application Withdrawn)

On September 8, 2015, the board office received correspondence from Ms. Kaiser requesting to withdraw her application for licensure.

Action taken: Motion to accept the withdrawal of application for licensure was made by Ms. Van Siclen. Seconded by Dr. Montoya.
Vote: 4 yeas / 0 opposed; motion carried

Section IV ended 9:50 a.m.
Section V started at 9:50 a.m.

V. RATIFICATIONS:

a. Licensure –

i. Clinical Laboratory Personnel

Action taken: Motion to ratify the issuance of Clinical Laboratory Personnel licenses listed on pages 238 through 241 of the agenda was made by Ms. Van Siclen. Seconded by Ms. Valdes.
Vote: 4 yeas / 0 opposed; motion carried

ii. Clinical Laboratory Personnel Trainees

Action taken: Motion to ratify the issuance of Clinical Laboratory Personnel Trainee licenses listed on pages 242 through 243 of the agenda was made by Ms. Van Siclen. Seconded by Ms. Montoya.
Vote: 4 yeas / 0 opposed; motion carried

b. Continuing Education –

Action taken: Motion to ratify CE Providers and Courses Approved by CE Committee Chair was made by Ms. Van Siclen. Seconded by Mr. Shelfer.
Vote: 4 yeas / 0 opposed; motion carried

Section V ended at 9:53 a.m.
Section VI started at 9:53 a.m.

VI. PROSECUTION REPORT:

The board discussed the prosecution report included in the agenda materials, including the outcome of the September 29, 2015 Probable Cause Panel meeting, and the cases older than one year.

Section VI ended 9:54 a.m.
Section VII started 9:54 a.m.

VII. BOARD COUNSEL REPORT:

a. Rules Status

Ms. Loucks presented the rules status report, including the effective dates of rules that the board recently voted to repeal. She also stated that she will submit a draft of all changes discussed by the board during the previous days' rules discussion.

b. Anti-Trust Presentation

Ms. Loucks reviewed the outcome of the FTC v North Carolina Board of Dental Examiners and gave an overview of an Anti-Trust presentation that was originally given at the Department's Chair/Vice-Chair meeting held on September 24, 2015.

Section VII ended 10:05 a.m.
Section VIII started 10:05 a.m.

VIII. CHAIR/VICE CHAIR REPORT:

a. Future Agenda Items:

In light of Mr. Hernandez's resignation from the board, Ms. Van Siclen appointed Dr. Montoya as chair to the Disciplinary Compliance and Legislation committees. She appointed Ms. Valdes as chair to the Healthiest Weight committee. Mr. Lesho asked how she would like to handle Probable Cause, and she stated that she would prefer to leave only Dr. Morgan until a new consumer member is appointed.

Ms. Van Siclen then asked questions about the board member appointment process. Dr. Spivey requested that if the board members had any recommendations for appointments, they be referred to him.

Section VIII ended 10:10 a.m.
Section IX started 10:10 a.m.

IX. EXECUTIVE DIRECTOR'S REPORT:

Dr. Spivey discussed changes to the travel reimbursement process.

Section IX ended at 10:11 a.m.
Section X began at 10:11 a.m.

X. NEW BUSINESS:

a. Discussion – Application for James Sheldon Harper (Supervisor)

This item was discussed during the previous day's rules discussion.

The board discussed 2016 Chair/Vice-Chair elections, and decided to hold the election at the next meeting.

Section X ended at 10:13 a.m.
Section XI began at 10:13 a.m.

XI. OLD BUSINESS:

Section XI ended at 10:13 a.m.
Section XII began at 10:13 a.m.

XII. COMMITTEE REPORTS:

a. Budget – Dr. Morgan: Dr. Spivey presented the budget report that was included in addendum.

b. Continuing Education – Ms. Valdes: Nothing to report.

c. Credentials – Ms. Van Siclen/ Ms. Valdes: Ms. Van Siclen requested that the board office include the entire application package when referring an applicant to the Credentials Committee.

d. Disciplinary Compliance – Dr. Montoya: Nothing to report.

e. Examinations – Dr. Montoya: Nothing to report.

f. Healthiest Weight – Ms. Valdes:
Ms. Valdes stated that she's not sure that the public is aware of the Healthiest Weight program, and the board discussed ways to increase awareness. She informed the board that Florida was named the 8th healthiest state in the nation.

g. Legislation – Dr. Montoya:
Ms. Valdes discussed changes to HIV testing protocols. She explained that HIV tests no longer require a separate consent form, as they now fall under the standard medical content. She also explained that the consent can be given orally, but it must be documented. Finally, she stated that the change does not impact cases of exposure or non-health care entities.

h. Probable Cause - Dr. Morgan:

i. Stats: Discussed during the Prosecution Report.

i. **Professional Associations – Mr. Shelfer:** Nothing

j. **Rules – Ms. Van Siclen:** Reviewed CLIA standards;

After a review and discussion of CLIA standards related to supervisor education requirements, the board decided to leave their supervisor rule as written for the time being.

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

l. **Unlicensed Activity – Ms. Valdes:** Nothing to report.

Section XII ended at 10:51 a.m.
Section XIII began at 10:51 a.m.

XIII. NEXT MEETING DATE: November 6, 2015 – Teleconference Call

Section XIV ended at 10:54 a.m.
Section XV began at 10:54 a.m.

XIV. ADJOURNMENT

The meeting was adjourned at 10:55 a.m.