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FLORIDA | Board of Clinical Laboratory Personnel

DRAFT MEETING MINUTES

March 4, 2016

Buena Vista Suites

8203 World Center Drive

Orlando, Florida 32821

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

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

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

1 **I. CALL TO ORDER:** The meeting was called to order by Ms. Van Siclen at xxx and the following were
2 present:

3 **MEMBERS PRESENT:**

4 Carleen Van Siclen, MS, MLS, (ASCP), Chair
5 Linda Valdes, MS, MT (ASCP), Vice-Chair
6 Beatriz E. Montoya, MBA, DMD, BSMT, AMT
7 Steven G. Shelfer, MT (ASCP)

STAFF PRESENT:

Anthony B. Spivey, DBA Executive Director
Savada Knight, Regulatory Supervisor II
Elana Jones, Assistant General Counsel

8 **MEMBERS ABSENT:**

9 Michele Morgan, DBA – Absence Excused

10 **BOARD COUNSEL**

11 Deborah Loucks, Assistant Attorney General
12 Office of the Attorney General

13 **COURT REPORTER**

14 American Court Reporting
15 (407) 896-1813
16

17 **II. APPROVAL OF MINUTES**

18 a. January 15, 2016 – Teleconference Call
19 Ms. Van Siclen asked if there were any corrections to the minutes and none were noted.
20

21 **ACTION TAKEN:** Ms. Montoya motioned to accept the minutes as presented and Ms. Van Siclen
22 seconded the motion. Minutes were approved.
23 Vote: 4 yeas/0 opposed; motion carried
24

25 **III. FINAL ORDER ACTION**

26
27 a. **Settlement Agreement**
28

29 i. **Judith A. Chidlow- Case #2014-10223**

30 Ms. Chidlow was present and not represented by counsel.
31 Ms. Chidlow received a settlement agreement including a fine of \$300.00 and costs of \$2,600.00 to
32 be paid within one year with payment beginning immediately upon acceptance of terms.
33

34 **Discussion:** After discussion of the settlement agreement, the board learned Ms. Chidlow is
35 currently not working in order to pay the amounts required in the agreement. Board counsel
36 instructed the board they can reject the agreement and offer new terms to Ms. Chidlow which
37 would in effect toll the terms of the agreement until she is employed to begin payment of the
38 agreed amounts. Ms. Chidlow accepted the new agreement.
39

40 **Action Taken:** Ms. Van Siclen motion to reject the original agreement and offer a new agreement
41 with terms to begin payment of the amounts when Ms. Chidlow is employed.
42 Vote: 4 yeas/0 opposed; motion carried.
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44

1 **ii. Myrlande Isaac Edmond – Case #2014-00873**

2 Ms. Edmond was present and represented by counsel, Ms. Rena Clemons
3 Ms. Edmond received a settlement agreement which includes a \$1,000.00 fine and costs of
4 \$6,100.00 to be paid within one year of acceptance of the terms. Additionally, the agreement calls
5 for one year of probation and standard provisions.
6

7 **Discussion:** After discussion of the terms, through her counsel, Ms. Edmond accepted the terms of
8 the agreement as presented.
9

10 **Action Taken:** Mr. Shelfer motion to approve the settlement agreement and Ms. Van Siclen
11 seconded the motion.

12 Vote: 4yeas/0 opposed; motion carried.
13

14 **IV. PETITIONS**

15
16 a. Variance/Waiver
17

18 i. Babatunde O. Amole, PhD.

19 Dr. Babatunde was present and not represented by counsel.

20 Dr. Babatunde presented his request for waiver of Rule 64B3-5.007 (H) and be issued a license
21 for Clinical Laboratory Director in clinical chemistry.
22

23 **Discussion:** The board reviewed Dr. Babatunde’s request and after review the board noted there
24 is an examination for certification in the category of licensure Dr. Babatunde seeks. However,
25 based on the board’s comments Dr. Babatunde noted his current credentials should weigh
26 favorably on his request.
27

28 **Action Taken:** After additional discussion, the board denied the request but did offer Dr.
29 Babatunde a temporary license in the category for 1 year to allow him to take the certification
30 examination. Dr. Babatunde accepted the terms of the board. Ms. Van Siclen motioned to
31 grant the temporary license in the category of Clinical Laboratory Director in clinical chemistry.
32 Ms. Valdes seconded the motion

33 Vote: 4yeas/0 opposed; motion carried.
34

35 **ii. Christopher J. Skillington**

36 Mr. Skillington was not present at the meeting.

37 Mr. Skillington presented a request for waiver of Rule 64B3-11.001, 11.002, 11.003, and 11.004
38 to fulfill the continuing education requirement of Radioessay to lead to his licensure in the
39 category.
40

41 **Discussion:** The board reviewed Mr. Skillington’s request and noted the documentation of the
42 continuing education he has completed in radiation laboratory benchwork.
43

44 **Action Taken:** Mr. Shelfer moved to accept the request of Mr. Skillington and grant licensure.
45 Ms. Valdes seconded the motion.

46 Vote: 4 yeas, 0 opposed; motion carried.
47
48

1 **V. PETITIONS WITH APPLICATIONS**
2

3 a. Yesenia Coto (Ms. Coto was not present at the meeting).

4 Ms. Coto presented a petition and application with a request for waiver of Rule 64B3-5.003(3)(a)
5 option 1, which requires training and experience in the category of licensure as a Generalist.
6

7 **Discussion:** After review of Ms. Coto’s application, Mr. Shelfer noted Ms. Coto does not have the
8 training experience to grant licensure.
9

10 **Action Taken:** Ms. Van Siclen moved to deny the request based on no training or experience
11 shown in the application. Mr. Shelfer seconded the motion. Dr. Montoya also motioned to deny
12 the application with the option of withdrawing it. Mr. Shelfer seconded the motion.

13 Vote: 4 yeas/0 opposed; motion carried.
14

15 b. Alla Kazy (Ms. Kazy was not present at the meeting).

16 Ms. Kazy, currently licensed as a technologist, presented a petition and application with a request
17 for waiver of Rule 64B3-5.004 and add the categories of immunohematology and microbiology
18 technician category to her current license as a technologist. Ms. Kazy is also required to attend a
19 future meeting with her application.
20

21 **Discussion:** The board approved the petition for waiver and variance with issuance of a license in the
22 category sought for one year. The application was tolled to allow the applicant appear before the
23 board to review her application and applicable experience as her current application appears to show
24 working in microbiology.

25 Action: Ms. Valdes motion to deny the petition because she does not have a training program
26 documented in her application. Dr. Montoya seconded the motion.

27 Vote: 4 yeas/ 0 opposed.
28

29 c. Corey Williams, PhD. – Application for licensure as a technologist
30

31 **Discussion:** The board review Dr. Williams’ petition for waiver and variance to obtain licensure as a
32 technologist. After review of the application the board noted that Dr. Williams’ credential were
33 acceptable for licensure.
34

35 **Action Taken:** Ms. Van Siclen motion to approve the waiver and Ms. Valdes seconded it. Ms. Valdes
36 motioned to approve the application and Mr. Shelfer seconded the motion.

37 **Vote:** 4 yeas/ 0 opposed; motions passed.
38

39 **VI. APPLICANTS PRESENTED FOR BOARD REVIEW:**
40

41 a. Yaru Song – Application for Technologist.
42

43 **Discussion:** The board was notified by board counsel that Ms. Song’s application is being withdrawn
44 by the applicant.
45

46 **Action Taken:** Dr. Montoya moved to accept the application withdrawal request and Ms. Valdes
47 seconded the motion.

48 Vote: 4 yeas/ 0 opposed; motion carried.

1
2 b. Margarita Melendez-Negron, PhD. – Application for Technologist
3 Dr. Negron was present and not represented by counsel.
4

5 **Discussion:** The board reviewed Dr. Melendez-Negron’s application and based on the discussion, she
6 was able to relay to the board the experience she has obtained in earning her PhD. in Chemistry, she
7 is qualified for the licensure category as a Clinical Laboratory Technologist in Clinical Chemistry.
8

9 **Action Taken:** Ms. Van Siclen motioned to approve the application of Dr. Melendez-Negron and Ms.
10 Valdez seconded the motion.

11 Vote: 4 yeas/ 0 opposed; motion carried.
12

13 c. Leidy Astrid Mogollon – Application for Technologist
14 Ms. Mogollon was not present at the meeting.
15

16 **Discussion:** Ms. Mogollon submitted an application for licensure as a Clinical Laboratory Technologist
17 in the specialty area of Generalist. The board reviewed the application of Ms. Mogollon and noted
18 that her experience is comprised of veterinary experience. The board indicated veterinary
19 experience does not count toward the technologist license.
20

21 **Action Taken:** Ms. Van Siclen motioned to deny the application and Ms. Valdez seconded the motion
22 but indicated she would like to discuss veterinary experience during the new business section of the
23 agenda.

24 Vote: 4 yeas/ 0 opposed; motion carried.
25

26 d. Kristy Green Shimp – Application for Technologist
27 Ms. Shimp was not present at the meeting.
28

29 **Discussion:** Ms. Shimp submitted an application for licensure as a Clinical Laboratory Technologist in
30 the category of Generalist. Based on a review of the application the board agreed she has met the
31 qualifications for licensure.
32

33 **Action Taken:** Ms. Van Siclen moved to approve the application for licensure and Mr. Shelfer
34 seconded the motion.

35 Vote: 4 yeas/ 0 opposed; motion carried.
36

37 e. Julianne Mercedes Kaiser – Technician
38 Ms. Kaiser was present at the meeting and not represented by counsel.
39

40 **Discussion:** Ms. Kaiser submitted an application for licensure as a Clinical Laboratory Technician in
41 the category of Generalist. Because Ms. Kaiser indicated a “yes” to one of her questions the board
42 was required to review the application.
43

44 **Action Taken:** Based on the review of the application and testimony of Ms. Kaiser the board was able
45 to ascertain she has met the qualifications for licensure. Ms. Van Siclen motioned to approve the
46 application for licensure and Mr. Shelfer seconded the motion.

47 Vote: 4 yeas/ 0 opposed; motion carried.
48

1 **VII. RATIFICATION:**

2
3 **a. Licensure**

4
5 **i. Clinical Laboratory Personnel**

6 The board ratified license numbers 47682 through 47814

7 Vote: Motioned by Carleen Van Siclen and seconded by Mr. Shelfer. 4 yeas/ 0 opposed; motion
8 carried.

9
10 **ii. Clinical Laboratory Personnel Trainees**

11 The board ratified license numbers 10942 through 10997

12 Vote: Motioned by Carleen Van Siclen and seconded by Mr. Shelfer. 4 yeas/ 0 opposed; motion
13 carried.

14
15 **iii. Clinical Laboratory Personnel Training Program**

16 The board ratified license number 297

17 Vote: Motioned by Carleen Van Siclen and seconded by Dr. Montoya. 4 yeas/ 0 opposed; motion
18 carried.

19
20 **b. Continuing Education**

21 The board reviewed continuing education course JAM Monthly Seminars-January 2016,
22 presented by Florida State College at Jacksonville.

23 Action: Mr. Shelfer motioned to approve the course and Dr. Montoya seconded the motion.

24 Vote: 4 yeas/ 0 opposed; The board approved the course as presented.
25

26 **VIII. PROSECUTION REPORT**

27 Ms. Jones noted that the report is dated March 5, 2016 but should be dated March 4, 2016, which is the
28 meeting date. Ms. Jones also noted there are three cases are under legal review in which one case was
29 sent out for supplemental investigation and three where complaints have been field for a total of six
30 cases. Ms. Jones further noted that two of the cases where probable cause was found, was resolved
31 today at the meeting. Ms. Jones further requested the board's authority to continue investigation of the
32 cases older than one year, which includes one case from 2013 and three from 2014 for a total of four
33 cases.
34

35 **Action Taken:** Ms. Van Siclen motioned to continue investigation of the older cases and Ms. Valdes
36 seconded the motion.

37 **Vote:** 4 yeas/ 0 opposed; motion passes.
38

39 **IX. BOARD COUNSEL REPORT**

40 Ms. Loucks presented a Power-Point Anti-Trust presentation to the board for review and questions
41 during the meeting. She also provided a rules status report as of February 2016.
42

43 **X. CHAIR/VICE Chair REPORT:**

44 Discussions deferred to Old and New business section of the agenda.
45

46 **XI. EXECUTIVE DIRECTOR'S REPORT**

47 Dr. Spivey informed the board of the upcoming Go Travel project the department is implementing which
48 will include the board members in the future to allow for electronic processing of travel vouchers. Dr.

1 Spivey informed the board they will be kept up to date as the project progresses. The board was also
2 asked to notify the office with any professional accomplishments so that the information can be relayed
3 to the department's public information page.
4

5 **XII. PUBLIC COMMENTS:**

6 None received
7

8 **XIII. OLD BUSINESS**

9 The board discussed the issues the board processors are having when applicants apply for
10 immunohematology and bloodbanking. The staff has difficulty in deciding which national certifications
11 are acceptable for the category of licensure in these two areas. The board noted that bloodbanking is
12 more closely related to donor processing. After detailed discussion of the subject, the board decided to
13 place the subject on the next agenda for further discussion and possible rule development.
14

15 **XIV. NEW BUSINESS**

16 **Ms. Valdes noted veterinary experience is not acceptable as a discipline for a licensure category but**
17 **the board accepts a degree in veterinary medicine. However, after further discussion, Ms. Valdes**
18 **noted that a person cannot be licensed in Clinical Labs unless they are doing testing on human**
19 **subjects. No further action was necessary on this issue.**
20

21 **Ms. Van Siclen indicated CE Broker implemented a new process without notifying continuing**
22 **education providers. Ms. Valdes noted that the CE Broker web site has information on the new**
23 **process. Ms. Knight gave further information that the board office had received information that**
24 **information is available on the [CE Broker] web site detailing the information. Ms. Valdes then**
25 **informed the board the site does provide contact information to assist customers. Dr. Spivey**
26 **indicated he would provide additional information at the next meeting.**
27

28 **Ms. Van Siclen asked the board if they would like to open up discussion on embryology training**
29 **program since there is no approved training program. After further discussion, the board requested**
30 **Ms. Loucks to open the rule for the rules committee to review the information for the next meeting.**
31

32
33 **XV. COMMITTEE REPORTS**

34 a. Budget

35 The board was provided with an updated budget report ending in December 2015.
36

37 b. Continuing Education

38 Information was covered during the ratification portion of the agenda

39 c. Credentials – No information

40 d. Disciplinary Compliance – No information

41 e. Examination – No information provided

42 f. Healthiest Weight – No information provided

43 h. Probable Cause – No information provided

44 i. Stats – Probable cause case numbers and action provided to the board. Ms. Van Siclen asked
45 that a legend be provided to the report that details the meaning of the abbreviated action
46 items. Dr. Spivey indicated he would send a reminder the prosecution services to produce the
47 legend.
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i. Professional Association

Mr. Shelfer reported that CLMA conference in Coronada Springs Resort in Orlando will meet in March 20- 23 and Lab week is April 24-30.

j. Rules – None

k. Training Program – None

l. Unlicensed Activity – None

XVI. NEXT MEETING DATE

a. June 10, 2016 - Teleconference

XVII. ADJOURNMENT

The meeting adjourned at 1:50PM.