

1 The Florida Board of Clinical Laboratory Personnel held a meeting on Friday, September
2 22, 2017, commencing at 9:00 a.m. This meeting was held at the Department of Health,
3 4042 Bald Cypress Way, Tallahassee, Florida at meet me number (888) 670-3525,
4 participant code 7342425515, to which all persons were invited to attend. Participants in
5 this public meeting were made aware that these proceedings were being recorded and that
6 an audio file of the meeting will be posted to the board's website.

7
8 **AGENDA**

9 **Section I began: 9:11 a.m.**

10
11 **I. CALL TO ORDER (Roll Call):**

12
13 **Board Members Present:**

14 Carleen P. Van Siclen, MS, MLS (ASCP), Chair
15 Linda Valdes, MS, MT (ASCP), Vice-Chair
16 Michele Morgan, D.B.A.
17 Beatriz E. Montoya, MBA, DMD, BSMT, AMT
18 Yvette McCarter, Ph.D.

19
20 **Board Staff Present:**

21 Dr. Anthony Spivey, DBA, Executive Director
22 Gail Curry, Program Operations Administrator
23 Kelly Woodard, Regulatory Supervisor
24 Nicole Wiley, Regulatory Specialist II
25 Alisha Mughal, Regulatory Specialist II
26 Ashley Stelly, Regulatory Specialist II

27
28 **Board Counsel:**

29 Lawrence Harris, Assistant Attorney General

30
31 **Court Reporter:**

32 For the Record
33 (850) 222-5491

34
35 **Section I ended: 9:12 a.m.**

36 **Section II began: 9:13 a.m.**

37
38 **II. APPROVAL OF MINUTES:**

39
40 June 2, 2017

41
42 **Corrections:** On Page 6, Linda Valdes' name is misspelled.

43
44 **Action:** Motion to approve corrections made by Ms. Van Siclen. Second by Dr.
45 Morgan
46

47 **Vote:** 5 yeas/ 0 opposed

48

49 **Section II ended: 9:14 a.m.**

50 **Section III began: 9:14 a.m.**

51

52 **Section III delayed from 9:35 a.m. to 9:55 a.m. due to technical difficulties**

53 **Section III began at 9:56 a.m.**

54

55 **III. PETITIONS FOR WAIVER AND VARIANCE:**

56

57 **Pamela Dunay-Volk**

58

59 Present. Not represented by counsel. Ms. Dunay Volk requested a variance/waiver
60 of the national examination requirements. Ms. Dunay Volk explained her
61 experience in chemistry and serology. Discussion ensued regarding a possible
62 temporary license. Ms. Dunay-Volk declined to take the national exam.

63

64 **Action:** Motion to deny petition made by Dr. Morgan. Second by Dr. McCarter.

65 Motion to approve the withdrawal of the application made by Ms. Van Siclen.

66 Second by Ms. Valdes.

67

68 **Vote:** 5 yeas / 0 opposed. Motion carried.

69

70 **Darryl Pronty**

71

72 Present. Not represented by counsel. Mr. Pronty requested a variance/waiver
73 requiring completion of an approved training program or 3 years of experience.
74 Mr. Pronty explained that he is required to obtain a medical technologist license
75 within 2 years of employment. Ms. Van Siclen concluded that Mr. Pronty did not
76 meet the requirements for medical technologist licensure.

77

78 **Action:** Motion to deny petition made by Ms. Van Siclen. Second by Dr.

79 Montoya. Motion to approve the withdrawal of the application made by Ms. Van

80 Siclen. Second by Dr. Morgan.

81

82 **Vote:** 5 yeas / 0 opposed. Motion carried.

83

84 **Hector Soto**

85

86 Not Present. Not represented by counsel. Dr. Soto requested a variance/waiver of
87 the national examination requirements for Cytology.

88

89 **Action:** Motion to deny the petition made by Dr. McCarter. Second by Dr.

90 Montoya.

91

92 **Vote:** 5 yeas / 0 opposed. Motion carried.

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Avisa Asemi, Ph.D

Present. Not represented by counsel. Dr. Asemi requested variance/waiver of the national examination requirements for Andrology/Embryology. Ms. Valdes reviewed Dr. Asemi’s experience and indicated unlicensed activity. Ms. Valdes concluded that Dr. Asemi did not meet the examination requirements for licensure.

Action: Motion to deny petition made by Dr. McCarter. Second by Dr. Montoya

Vote: 5 yeas / 0 opposed. Motion carried.

Section III ended: 10:11 a.m.
Section IV began: 10:12 a.m.

IV. APPLICANTS PRESENTED FOR BOARD REVIEW:

a. TECHNOLOGIST

Tatiana Rios-Cruz

Present. Not represented by counsel. Ms. Rios-Cruz submitted experience from Cuba that appeared to be invalid. Ms. Van Siclen explained that Ms. Rios-Cruz did not have experience in Microbiology or Immunohematology. Dr. Montoya concluded that Ms. Rios-Cruz had experience in the specialty areas of serology, chemistry, and hematology.

Action: Motion to approve the application in the areas of serology, chemistry, and hematology only made by Dr. Montoya. Second by Ms. Van Siclen.

Vote: 5 yeas / 0 opposed. Motion carried.

Kristin Wegner

Present. Not represented by counsel. Ms. Wegner submitted experience that appeared to be invalid. Ms. Wegner explained her experience in toxicology. Dr. Montoya concluded that Ms. Wegner qualified for licensure in the specialty of chemistry only.

Action: Motion to approve the application made by Dr. Montoya. Second by Dr. McCarter.

Vote: 5 yeas / 0 opposed. Motion carried.

Marlene Duchatellier

139 Present. Not represented by counsel. Ms. Duchatellier was unable to demonstrate
140 that she meets the education and examination requirements. Ms. Duchatellier
141 explained her experience and credentials. Ms. Van Siclen concluded that CLIA
142 requires a minimum of an associate degree and that Ms. Duchatellier did not meet
143 the educational or examination requirements.
144

145 **Action:** Motion to deny the application made by Ms. Van Siclen. Second by Dr.
146 McCarter. Intent to deny was vacated. Motion to allow withdrawal of the
147 application made by Ms. Van Siclen. Second by Dr. McCarter.
148

149 **Vote:** 5 yeas / 0 opposed. Motion carried.
150

151 **Jeffrey Cineus**

152
153 Present. Not represented by counsel. Mr. Cineus provided an affirmative answer
154 to health history.
155

156 **Action:** Motion to approve the application made by Dr. Morgan. Second by Dr.
157 McCarter.
158

159 **Vote:** 5 yeas / 0 opposed. Motion carried.
160

161 **Jennifer Heaps**

162
163 Not Present. Not represented by counsel. Ms. Heaps applied for an upgrade to
164 technologist licensure without meeting the current examination requirements. Ms.
165 Heaps was previously licensed as a technologist but allowed her license to
166 become Null/Void. Dr. McCarter requested that Ms. Heaps be required to attend
167 one of the next two board meetings to explain her examination history.
168

169 **Action:** Motion to require Ms. Heaps to attend a future board meeting made by
170 Ms. Van Siclen. Second by Dr. Montoya
171

172 **Vote:** 5 yeas / 0 opposed. Motion carried.
173

174 **Gorgena R. Mekhael**

175
176 Present. Represented by counsel. Dr. Mekhael earned a foreign doctoral degree in
177 veterinary medicine. Ms. Van Siclen requested clarification of Dr. Mekhael's
178 credentials. Dr. McCarter determined Dr. Mekhael had the required amount of
179 chemistry hours and had sufficient experience.
180

181 **Action:** Motion to approve the application made by Dr. McCarter. Second by Ms.
182 Van Siclen.
183

184 **Vote:** 5 yeas / 0 opposed. Motion carried.

185 **Intermission: 10:58 a.m. to 11:15 a.m.**

186
187 **b. SUPERVISOR**

188
189 **Vanessa Silva**

190
191 Present. Not represented by counsel. Ms. Silva obtained a Bachelor of Arts degree
192 in Psychology which does not meet the educational requirements for licensure.
193 Ms. Silva explained her credentials. Dr. McCarter determined that Ms. Silva did
194 not meet the required amount of academic science credits.

195
196 **Action:** Motion to deny the application made by Dr. McCarter. Second by Dr.
197 Montoya. Intent to deny was vacated. Motion to allow the withdrawal of the
198 application made by Ms. Van Siclen. Second by Dr. Montoya.

199
200 **Vote:** 5 yeas / 0 opposed. Motion carried.

201
202 **Chenbo Dong**

203
204 Present. Not represented by counsel. Dr. Dong submitted additional information
205 for reconsideration of his education and experience. He was previously asked to
206 withdraw his application at the June 2017 meeting. The board reviewed Dr.
207 Dong's semester hours and determined that he had a total of 6.5 biology credits
208 and meets all educational requirements.

209
210 **Action:** Motion to approve the application made by Ms. Van Siclen. Second by
211 Dr. McCarter.

212
213 **Vote:** 5 yeas / 0 opposed. Motion carried.

214
215 **Valerie Braden**

216
217 Present. Not represented by counsel. Ms. Braden did not have the required
218 amount of academic science credits. Ms. Braden submitted additional education
219 documents to demonstrate that she met the educational requirements.

220
221 **Action:** Motion to approve application made by Ms. Van Siclen. Second by Dr.
222 McCarter

223
224 **Vote:** 5 yeas / 0 opposed. Motion carried.

225
226 **Sai Chui**

227
228 Present. Not represented by counsel. Mr. Chui applied for licensure upgrade in
229 Blood Banking/Immunohematology. Mr. Chui indicated that he has not been

230 nationally certified and agreed to schedule an exam in the future. Ms. Van Siclen
231 recommended temporary licensure.

232

233 **Action:** Motion to approve application for a temporary licensure contingent upon
234 receiving approval to take the national examination made by Dr. McCarter.
235 Second by Ms. Van Siclen.

236

237 **Vote:** 5 yeas / 0 opposed. Motion carried.

238

239 **Chad Harmon**

240

241 Not Present. Not represented by counsel. Mr. Harmon submitted Florida
242 experience that appeared to be invalid. Mr. Harmon sent an email to staff during
243 the meeting advising that he would like to withdraw his application. Dr. Morgan
244 requested board staff to follow up with Mr. Harmon to determine whether he
245 would in fact like to withdraw or be tabled to the next board meeting.

246

247 **Action:** Motion to approve the withdrawal of the application made by Ms. Van
248 Siclen. Second by Dr. McCarter.

249

250 **Vote:** 5 yeas / 0 opposed. Motion carried.

251

252 **Joseph Kahl**

253

254 Present. Not represented by counsel. Mr. Kahl's degree was not in a clinical
255 laboratory science as required. Mr. Kahl submitted Florida experience that
256 appeared to be invalid. Discussion ensued regarding the NRCC certification being
257 equivalent to 25 hours of CE in supervision. The board concluded that his
258 experience was not unlicensed activity.

259

260 **Action:** Motion to approve the application made by Dr. McCarter. Second by Ms.
261 Valdes.

262

263 **Vote:** 5 yeas / 0 opposed. Motion carried.

264

265 **Kenia M. Hernandez**

266

267 Present. Not represented by counsel. The board asked for clarification of Ms.
268 Hernandez's experience. Ms. Hernandez explained her experience in lab assisting
269 and phlebotomy. Ms. Van Siclen indicated the coursework was that of applied
270 science and not academic science.

271

272 **Action:** Motion to approve the withdrawal of the application made by Ms. Van
273 Siclen. Second by Dr. McCarter

274

275 **Vote:** 5 yeas / 0 opposed. Motion carried.

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c. TRAINEE

Colleen Luchka

Present. Not represented by counsel. Ms. Luchka provided an affirmative answer to health history.

Action: Motion to approve the application made by Dr. Morgan. Second by Ms. Van Siclen.

Vote: 5 yeas / 0 opposed. Motion carried.

Justin Escamilla

Present. Not represented by counsel. Mr. Escamilla provided an affirmative answer to health history.

Action: Motion to approve the application made by Dr. McCarter. Second by Dr. Morgan.

Vote: 5 yeas / 0 opposed. Motion carried.

Jason Malpass

Present. Not represented by counsel. Mr. Malpass provided an affirmative answer to health history. The board determined that Mr. Malpass needs to provide a letter of clearance from his treating physician.

Action: Motion to approve the application contingent upon receiving a letter from the treating physician within 90 days indicating he is safe to practice made by Dr. Morgan. Second by Ms. Van Siclen.

Vote: 5 yeas / 0 opposed. Motion carried.

d. TRAINING PROGRAMS

Orange Grove Labs

Dr. Magdalena Orosz was Present. Not represented by counsel. Discussion ensued regarding the vendors providing coursework. Dr. McCarter requested information about the specific goals and stated more objectives were needed.

Action: Motion to approve the withdrawal of the application made by Ms. Van Siclen. Second by Dr. McCarter.

Vote: 5 yeas / 0 opposed. Motion carried.

322 **e. EXEMPTIONS**

323
324 Board counsel explained the basis of approving an exemption. The licensee
325 demonstrated safe to practice.

326
327 **Action:** Motion to approve the exemption made by Dr. McCarter. Second by Dr.
328 Montoya.

329
330 **Vote:** 4 yeas/ 1 opposed. Motion carried.

331
332 **Section IV ended: 1:03 p.m.**

333 **Section V began: 1:05 p.m.**

334
335 **V. RATIFICATION:**

336
337 Licensure

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339 Clinical Laboratory Personnel

340
341 **Action:** Motion to approve made by Ms. Van Siclen. Second by Dr. Morgan.

342
343 Clinical Laboratory Personnel Trainees

344
345 **Action:** Motion to approve made by Ms. Van Siclen. Second by Dr. McCarter

346
347 Clinical Laboratory Personnel Training Program

348
349 **Action:** Not applicable

350
351 **a. Continuing Education**

352 Continuing Education Providers & Courses approved by CE

353
354 **Action:** Motion to approve made by Dr. McCarter. Second by Dr. Montoya.

355
356 **Vote:** 5 yeas/ 0 opposed. Motion carried.

357
358 **Section V ended: 1:09 p.m.**

359 **Section VI began: 1:11 p.m.**

360
361 **VI. PROSECUTION REPORT:**

362
363 Prosecution not present. There were nine (9) cases older than one (1) year.

364
365 **Action:** Motion to authorize continuance of cases older than one year made by
366 Ms. Van Siclen. Second by Dr. McCarter.

367

368 **Vote:** 5 yeas/ 0 opposed. Motion carried.

369

370 **Section VI ended: 1:13 p.m.**

371 **Section VII began: 1:13 p.m.**

372

373 **VII. BOARD COUNSEL REPORT:**

374

375 **Rules Report** – Board counsel explained several rules were adopted since the last
376 board meeting. Notice of changes published in mid-August.

377

378 **Action:** Not applicable

379

380 **64B3-12.001** – Rule opened for development. Suggested proposed language
381 amending paragraph 1(k) and deletion of the statutory section.

382

383 **Action:** Motion to approve rule development made by Ms. Van Siclen. Second by
384 Dr. McCarter.

385

386 Board counsel asked a series of questions regarding adverse impacts on small
387 business and whether regulatory costs would exceed two hundred thousand
388 dollars within 1 year of implementation. The board stated no adverse impact or
389 increase of costs.

390

391 **Action:** Motion to approve made by Ms. Van Siclen. Second by Montoya.

392

393 **Vote:** 5 yeas/ 0 opposed. Motion carried.

394

395 Board counsel asked a series of questions regarding net impacts and whether
396 regulatory costs would exceed one million dollars within 5 years of
397 implementation. The board stated No adverse impact or increase of costs.

398

399 **Action:** Motion to approve made by Ms. Van Siclen. Second by Dr. McCarter.

400

401 **Vote:** 5 yeas/ 0 opposed. Motion carried.

402

403 Board counsel asked whether the rule would be subject to a minor violation.
404 Minor violation means that it will not directly affect the public health, safety, or
405 welfare and is able to be resolved with citation or notice of non-compliance. The
406 board stated No minor violations.

407

408 **Action:** Motion to approve made by Ms. Van Siclen. Second by Dr. McCarter.

409

410 **Vote:** 5 yeas/ 0 opposed. Motion carried.

411

412 **Annual Regulatory Plan** –

413

414 Annual regulatory plan was reviewed and statutory deadline is October 1, 2017.

415 **Action:** Motion to ratify the annual regulatory plan made by Ms. Van Siclen.
416 Second by Dr. McCarter.

417
418 **Vote:** 5 yeas/ 0 opposed. Motion carried.

419
420 **64B3-10.005**

421
422 Training Program Director, Marjorie Doty sent information seeking clarification
423 on the scope of practice for blood banking. Discussion ensued about adding
424 microbiology to the scope of blood banking. Board counsel explained that the
425 information was a petition to initiate rule making.

426
427 Board suggested implementing a change in the language in paragraph 8 of the
428 scope of Blood Banking/Donor processing. Suggestion was made to add
429 Microbiology to the first and second sentence.

430
431 **Action:** Motion for rule development made by Ms. Van Siclen. Second by Ms.
432 Valdes.

433
434 **Vote:** 5 yeas/ 0 opposed. Motion carried.

435
436 Board counsel asked a series of questions regarding adverse impacts on small
437 business and whether regulatory costs would exceed two hundred thousand
438 dollars within 1 year of implementation. The board stated No adverse impact or
439 increase of costs.

440
441 **Action:** Motion to approve made by Ms. Van Siclen. Second by Dr. McCarter.

442
443 **Vote:** 5 yeas/ 0 opposed. Motion carried.

444
445 Board counsel asked a series of questions regarding net impacts and whether
446 regulatory costs would exceed one million dollars within 5 years of
447 implementation. The board stated No adverse impact or increase of costs.

448
449 **Action:** Motion to approve made by Ms. Van Siclen. Second by Dr. Montoya.

450
451 **Vote:** 5 yeas/ 0 opposed. Motion carried.

452
453 Board counsel asked whether the rule would be subject to a minor violation.
454 Minor violation means that it will not directly affect the public health, safety, or
455 welfare and is able to be resolved with citation or notice of non-compliance. The
456 board stated No minor violations.

457
458 **Action:** Motion to approve made by Ms. Van Siclen. Second by Dr. McCarter.

459
460 **Vote:** 5 yeas/ 0 opposed. Motion carried.

461 **Section VII ended: 1:45 p.m.**
462 **Section VIII began: 1:45 p.m.**

463
464 **VIII. CHAIR/VICE CHAIR REPORT:**

465
466 Ms. Van Siclen requested information regarding board appointments and
467 explained that the Long Term Planning meeting was delayed due to Hurricane
468 Irma.

469
470 **Section VIII ended: 1:46 p.m.**
471 **Section IX began: 1:47 p.m.**

472
473 **IX. EXECUTIVE DIRECTOR'S REPORT:**

474
475 Dr. Spivey explained that the Chair/Vice Chair Meeting has been rescheduled
476 until after the legislative session.

477
478 **Section IX ended: 1:47 p.m.**
479 **Section X began: 1:48 p.m.**

480
481 **X. OLD BUSINESS:**

482
483 Ms. Van Siclen reiterated that public comments should be placed on future
484 agendas. Dr. Spivey explained that he would research the status of future
485 disciplinary cases to be placed on the next meeting agenda in December.

486
487 **Section X ended: 1:49 p.m.**
488 **Section XI began: 1:49 p.m.**

489
490 **XI. NEW BUSINESS:**

491
492 Nothing to Report

493
494 **Section XI ended: 1:50 p.m.**
495 **Section XII began: 1:50 p.m.**

496
497 **XII. COMMITTEE REPORTS:**

498
499 **a. Budget – Dr. Morgan**

500
501 Directed to Page 678 to review cash balances and expenses

502
503 **b. Continuing Education – Ms. Valdes**

504
505 Directed to Page 660 to review approved providers/courses.
506

- 507 **c. Credentials – Ms. Van Siclen**
508
509 Nothing to Report
510
511 **d. Disciplinary Compliance – Dr. Montoya**
512
513 Nothing to Report
514
515 **e. Examination – Dr. Montoya**
516
517 Nothing to Report
518
519 **f. Healthiest Weight – Dr. McCarter**
520
521 Healthiest weight meeting cancelled and not rescheduled.
522
523 **g. Legislation – Dr. Montoya**
524
525 Nothing to Report
526
527 **h. Probable Cause – Dr. Morgan**
528
529 1 case reported
530
531 **i. Professional Association – Ms. Valdes**
532
533 Nothing to Report
534
535 **j. Rules – Ms. Van Siclen**
536
537 Rule development earlier in agenda
538
539 **k. Training Program – Dr. McCarter**
540
541 Nothing to Report
542
543 **l. Unlicensed Activity – Ms. Valdes**
544
545 Nothing to Report
546

547 **Section XII ended: 1:53 p.m.**

548 **Section XIII began: 1:53 p.m.**

549

550 **XIII. NEXT MEETING DATE – December 14, 2017**

551

552 Ms. Van Siclen will be unable to attend.

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557

Section XIII ended: 1:54 p.m.

XIV. ADJOURNMENT

Section XIV ended: 1:55 p.m.

DRAFT