

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.

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8 **AGENDA**

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

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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

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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

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 of 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.

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**e. EXEMPTIONS**

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

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

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

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

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

**V. RATIFICATION:**

Licensure

Clinical Laboratory Personnel

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

Clinical Laboratory Personnel Trainees

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

Clinical Laboratory Personnel Training Program

**Action:** Not applicable

**a. Continuing Education**

Continuing Education Providers & Courses approved by CE

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

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

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

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

**VI. PROSECUTION REPORT:**

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

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



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.

553                    **Section XIII ended: 1:54 p.m.**

554

555                    **XIV. ADJOURNMENT**

556

557                    **Section XIV ended: 1:55 p.m.**