FLORIDA | Board of Clinical Lab Personnel

DRAFT MINUTES
March 8, 2019

Department of Health
4042 Bald Cypress Way
Tallahassee, Florida, 32399

Carleen Van Siclen, MSHA, MLS (ASCP) Chair
Linda Valdes, MS, MT (ASCP) Vice-Chair
Anthony Spivey, DBA, Executive Director
The Florida Board of Clinical Laboratory Personnel held a meeting on Friday, March 8, 2019, commencing at 9:00 a.m. This meeting was held at the Department of Health, 4042 Bald Cypress Way, Tallahassee, Florida at meet me number (888) 585-9008, participant code 136-103-141, to which all persons were invited to attend. Participants in this public meeting were made aware that these proceedings were being recorded and that an audio file of the meeting will be posted to the board’s website.

AGENDA

Section I began: 9:01 a.m.

I. CALL TO ORDER (Roll Call):

Carleen P. Van Siclen, MS, MLS (ASCP), Chair
Linda Valdes, MS, MT (ASCP), Vice-Chair
Michele Morgan, D.B.A.
Beatriz E. Montoya, MBA, BS, MT, AMT (Non-Participant)
Yvette McCarter, Ph.D. (Absence excused)

Board Staff Present:

Dr. Anthony Spivey, DBA, Executive Director
Gail Curry, Program Operations Administrator
Kelly Woodard, Regulatory Supervisor
Ashley Cleveland, Regulatory Specialist
Alisha Mughal, Regulatory Specialist
Nicole Wiley, Regulatory Specialist

Board Counsel:

Deborah Loucks, Assistant Attorney General

Prosecution Services:

Mary Iglehart, Assistant General Counsel

Court Reporter:

For the Record
850-222-5491

Section I ended: 9:04 a.m.
Section II began: 9:04 a.m.
II. APPROVAL OF MINUTES:

a. December 7, 2018

Action: Motion to approve the meeting minutes made by Ms. Valdes. Second made by Ms. Van Siclen

Vote: 3 yeas / 0 opposed. Motion carried.

Section II ended: 9:08 a.m.
Section III began: 9:08 a.m.

III. PROSECUTION REPORT

Ms. Iglehart provided statistics regarding the prosecutions currently open in the Department.

Total cases: 5
Under expert review: 1
Under Investigation: 3
Cases older than 1 year continued for prosecution: 2

Action: Motion to authorize continued prosecution of cases older than one year made by Ms. Van Siclen. Second made by Ms. Valdes.

Vote: 3 yeas / 0 opposed. Motion carried.

Section III ended: 9:10 a.m.
Section IV began: 9:10 a.m.

IV. DECLARATORY STATEMENT

a. Lynnette Chakkaphak

Action: Deferred to section VIII and advised to call into the teleconference at a later time.

Section IV ended: 9:13 a.m.
Section V began: 9:13 a.m.

V. PETITION FOR WAIVER OR VARIANCE

a. Robert Harlan

Present. Not represented by counsel.
**Action:** Motion to deny the petition for variance/waiver made by Ms. Valdes. Second made by Ms. Van Siclen.

*Vote:* 3 yeas / 0 opposed. Motion carried.

**b. One Blood Bank Technology Program**

Training Coordinator, Marjorie Doty was Present. Not represented by counsel.

**Action:** Motion to accept the petition for variance/waiver made by Ms. Van Siclen. Second made by Ms. Valdes.

*Vote:* 3 yeas / 0 opposed. Motion carried.

Section V ended: 9:22 a.m.

Section VI began: 9:22 a.m.

**VI. PETITIONS WITH APPLICATIONS:**

**a. Sunil Joshi**

Present. Not represented by counsel.

**Action:** Motion to deny the petition for variance/waiver made by Ms. Valdes. Second made by Ms. Van Siclen.

*Vote:* 3 yeas / 0 opposed. Motion carried.

**Action:** Motion to accept the withdrawal of the application made by Ms. Van Siclen. Second made by Ms. Valdes.

*Vote:* 3 yeas / 0 opposed. Motion carried.

Section VI ended: 9:45 a.m.

Section VII began: 9:45 a.m.

**VII. APPLICANTS PRESENTED FOR BOARD REVIEW:**

**a. TRAINEE**

**Brian Santa**

Present. Not represented by counsel. Mr. Santa waived the 90 days to take action on his application. Dr. Morgan was delegated to review the requested documentation.
Action: Motion to approve the application contingent upon receipt of a letter from a physician indicating safe practice within 90 days made by Dr. Morgan. Second made by Ms. Valdes.

Vote: 3 yeas / 0 opposed. Motion carried.

b. TECHNICIAN

Elena Vaughn

Present. Not represented by counsel.

Action: Motion to accept the withdrawal of the application made by Ms. Van Siclen. Second made by Ms. Valdes.

Vote: 3 yeas / 0 opposed. Motion carried.

Bijoy Anand

Present. Not represented by counsel.

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

Vote: 3 yeas / 0 opposed. Motion carried.

Jamie Silva

Present. Not represented by counsel.

Action: Motion to require Ms. Silva’s appearance at one of the next two board meetings and require letter from physician indicating safe practice made by Ms. Van Siclen. Second made by Ms. Valdes.

Vote: 3 yeas / 0 opposed. Motion carried.

c. TECHNOLOGIST

Nteh Echa Censor

Present. Not represented by counsel.

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

Vote: 3 yeas / 0 opposed. Motion carried.
Mary Ainslie

Present. Not represented by counsel.

**Action:** Motion to approve the application for licensure under Option 3 made by Ms. Van Siclen. Second made by Ms. Valdes.

**Vote:** 3 yeas / 0 opposed. Motion carried.

Ping Chai

Present. Not represented by counsel. Dr. Chai requested reconsideration of his application from the December 2018 meeting.

**Action:** Motion to vacate the intent to deny made by Ms. Van Siclen. Second made by Ms. Valdes.

**Vote:** 3 yeas / 0 opposed. Motion carried.

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

**Vote:** 3 yeas / 0 opposed. Motion carried.

Kimberley Grieco

Not present, nor represented by counsel.

**Action:** Motion to deny the application and allow the applicant 30 days to withdraw made by Ms. Van Siclen. Second made by Dr. Morgan.

**Vote:** 3 yeas / 0 opposed. Motion carried.

Charissa Predmore

Not present, nor represented by counsel.

**Action:** Motion to require Ms. Predmore’s appearance at one of the next two board meetings; and require letter from physician indicating safe practice made by Ms. Van Siclen. Second made by Dr. Morgan.

**Vote:** 3 yeas / 0 opposed. Motion carried.

Powell Macale

Present. Not represented by counsel.
**Action:** Motion to approve the application for licensure made by Ms. Van Siclen. Second made by Ms. Valdes.

**Vote:** 3 yeas / 0 opposed. Motion carried.

**William Glover**

Present. Not represented by counsel.

**Action:** Motion to deny the application for licensure made by Dr. Morgan. Second made by Ms. Van Siclen.

**Vote:** 3 yeas / 0 opposed. Motion carried.

**Shaun Davis**

Present. Not represented by counsel. Ms. Alexis Polles of Professional Resource Network (PRN) advised that it was their recommendation that Mr. Davis complete a treatment program and that he is not able to practice with reasonable skill and safety.

**Action:** Motion to accept the withdrawal of the application made by Ms. Van Siclen. Second made by Dr. Morgan.

**Vote:** 3 yeas / 0 opposed. Motion carried.

**Diane Rohlf**

Present. Not represented by counsel. Ms. Rohlf requested reconsideration of her application from the December 2018 meeting.

**Action:** Motion to approve the application for licensure under Option 3 made by Ms. Van Siclen. Second made by Ms. Valdes.

**Vote:** 3 yeas / 0 opposed. Motion carried.

**Darryl Pronty**

Present. Not represented by counsel.

**Action:** Motion to approve the application for licensure made by Ms. Van Siclen. Second made by Ms. Valdes.

**Vote:** 3 yeas / 0 opposed. Motion carried.

**Mona Dameu Jacquet**
Present. Not represented by counsel.

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

**Vote:** 3 yeas / 0 opposed. Motion carried.

**George Daoud**

Present. Not represented by counsel.

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

**Vote:** 3 yeas / 0 opposed. Motion carried.

**Break from 11:15 to 11:32 a.m.**

**d. SUPERVISOR**

**Lisette Labrada**

Present. Not represented by counsel.

**Action:** Motion to approve the application for licensure made by Ms. Van Siclen. Second made by Ms. Valdes.

**Vote:** 3 yeas / 0 opposed. Motion carried.

**Amanda Benton**

Present. Not represented by counsel.

**Action:** Motion to approve the application for licensure made by Ms. Valdes. Second made by Ms. Van Siclen.

**Vote:** 3 yeas / 0 opposed. Motion carried.

**Cathy Crown**

Present. Not represented by counsel.

**Action:** Motion to approve the application for licensure made by Ms. Van Siclen. Second made by Ms. Valdes.

**Vote:** 3 yeas / 0 opposed. Motion carried.
Liguo Chen

Present. Not represented by counsel.

**Action:** Motion to approve the application for licensure made by Ms. Van Siclen. Second made by Ms. Valdes.

**Vote:** 3 yeas / 0 opposed. Motion carried.

Grant Henderson

Present. Not represented by counsel.

**Action:** Motion to approve the application for licensure made by Ms. Van Siclen. Second made by Ms. Valdes.

**Vote:** 3 yeas / 0 opposed. Motion carried.

Ratna Karan

Present. Represented by counsel, James Bush, Esq. Dr. Karan requested reconsideration of his application from the December 2018 meeting.

**Action:** Motion to vacate the intent to deny made by Ms. Van Siclen. Second made by Ms. Valdes.

**Vote:** 3 yeas / 0 opposed. Motion carried.

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

**Vote:** 3 yeas / 0 opposed. Motion carried.

Petrice Stephens-Felder

Not present, nor represented by counsel.

**Action:** Motion to approve the application for licensure made by Ms. Van Siclen. Second made by Ms. Valdes.

**Vote:** 3 yeas / 0 opposed. Motion carried.

Heidi White

Present. Not represented by counsel.
Action: Motion to accept the withdrawal of the application made by Ms. Van Siclen. Second made by Ms. Valdes.

Vote: 3 yea/s 0 opposed. Motion carried.

Action: Motion to reconsider Heidi White’s application made by Ms. Van Siclen. Second made by Ms. Valdes.

Vote: 3 yea/s 0 opposed. Motion carried.

Action: Motion to approve the application for licensure made by Ms. Van Siclen. Second made by Ms. Valdes.

Sallie Hearon

Present. Not represented by counsel. Ms. Hearon requested reconsideration of her application from the December 2018 meeting.

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

Vote: 3 yea/s 0 opposed. Motion carried.

e. DIRECTOR

Henry Zeidan

Not present, nor represented by counsel.

Action: Motion to accept the withdrawal of the application made by Ms. Van Siclen. Second made by Ms. Valdes.

Vote: 3 yea/s 0 opposed. Motion carried.

Venus Dookwah-Roberts

Present. Not represented by counsel.

Action: Motion to approve the application for licensure made by Ms. Valdes. Second made by Ms. Van Siclen.

Vote: 3 yea/s 0 opposed. Motion carried.

f. TRAINING PROGRAM

Global Training Center
Program Director, Rebecca Kenner was present. Not represented by counsel. Ms. Van Siclen advised that the program had still not complied and must submit additional documentation. Ms. Van Siclen requested a grading scale for the clinical components and criteria of how they assess competency. Ms. Van Siclen recommended that trainees be informed of the criteria.

**Action:** Motion to grant 30-day extension to submit additional documentation made by Ms. Van Siclen. Second made by Dr. Morgan.

**Vote:** 3 yeas / 0 opposed. Motion carried.

**Section VII ended: 1:23 p.m.**

**Section VIII began: 1:23 p.m.**

**VIII. PUBLIC COMMENT:**

Ms. Lynette Chakkaphak addressed her concerns with Rule Chapter 64B3-2.003, Florida Administrative Code (FAC) related to medical laboratory assistants, manual pretesting procedures, and the duties that may be performed without a license. Ms. Chakkaphak sought interpretation of the term “analytic process” within the rule.

**Section VIII ended: 1:27 p.m.**

**Section IX began: 1:27 p.m.**

**IX. RATIFICATION:**

- **a. Licensure**
  - **Clinical Laboratory Personnel**
    - **Action:** Motion to ratify the approval of licensees made by Ms. Van Siclen. Second made by Dr. Morgan.
    - **Vote:** 3 yeas / 0 opposed. Motion carried.
  - **Clinical Laboratory Personnel Trainees**
    - **Action:** Motion to ratify the approval of licensees made by Ms. Van Siclen. Second made by Dr. Morgan.
    - **Vote:** 3 yeas / 0 opposed. Motion carried.

- **b. Continuing Education**
  - CE Providers & Courses approved by CE Committee Chair
**Action:** Motion to ratify the approval of providers and courses made by Ms. Valdes. Second made by Dr. Morgan.

**Vote:** 3 yeas / 0 opposed. Motion carried.

**Section IX ended: 1:30 p.m.**

**Section X began: 1:30 p.m.**

**X. BOARD COUNSEL REPORT:**

- **a. February Rules Report**
- **b. March Rules Report**

Ms. Loucks presented the rules reports.

- **c. Health Care Licensing Application Alternate Testing Site**

Ms. Loucks presented the topic for informational purposes. Ms. Valdes advised that the topic was related to point of care testing. Ms. Valdes explained that it addresses individuals who may perform alternate site testing and is now enforced under the hospital’s rules which are regulated by the Agency for Healthcare Administration (AHCA).

- **d. 64B3-2.003**

Ms. Loucks presented revised language for review and approval.

**Action:** Motion to approve changes as defined in the agenda made by Ms. Van Siclen. Second made by Ms. Valdes.

**Vote:** 3 yeas / 0 opposed. Motion carried.

Ms. Loucks asked whether the proposed rules would have adverse impacts on small business and whether regulatory costs would exceed two hundred thousand dollars within one year of implementation. Ms. Van Siclen stated there would be no adverse impact or increase of costs.

Ms. Loucks asked whether the proposed rules would be subject to a minor violation. Minor violation means that it will not directly affect the public health, safety, or welfare and is able to be resolved with citation or notice of non-compliance. Ms. Van Siclen stated there would be no minor violations.

**Action:** Motion to approve responses made by Ms. Van Siclen. Second made by Ms. Valdes.

**Vote:** 3 yeas / 0 opposed. Motion carried.
e. Clinical Laboratory Personnel Training Program

Ms. Loucks presented revised applications for Initial and Renewal of training programs referenced in Rule Chapter 64B3-3.001, FAC. Ms. Van Siclen advised that the section 3 of the Initial and Renewal application shall include national certification. Ms. Van Siclen advised that instructors need documentation to reflect the coursework they are teaching and that the coursework shall match their credentials. Ms. Van Siclen advised that the AHCA License number shall be removed from page 5 of the applications.

**Action:** Motion to approve the applications and open rulemaking with the discussed edits made by Ms. Van Siclen. Second made by Dr. Morgan.

**Vote:** 3 yeas / 0 opposed. Motion carried.

Ms. Loucks asked whether the proposed rules would have adverse impacts on small business and whether regulatory costs would exceed two hundred thousand dollars within one year of implementation. Ms. Van Siclen stated there would be no adverse impact or increase of costs.

Ms. Loucks asked whether the proposed rules would be subject to a minor violation. Minor violation means that it will not directly affect the public health, safety, or welfare and is able to be resolved with citation or notice of non-compliance. Ms. Van Siclen stated there would be no minor violations.

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

**Vote:** 3 yeas / 0 opposed. Motion carried.

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XI. CHAIR/VICE CHAIR REPORT:

Dr. Spivey advised that the department is seeking veterans to publish in the annual publications and to forward any recommendations to him. Dr. Spivey advised that the annual Chair/Vice Chair meeting will be held in Tallahassee on May 31, 2019. Ms. Van Siclen advised that she would be presenting a laws and rules continuing education course at the Florida Society of Clinical Laboratory Science (FSCLS) meeting on March 15, 2019 and at the Florida State Society of American Medical Technologists (FSSAMT) on April 13, 2019.

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XII. EXECUTIVE DIRECTOR’S REPORT:

a. Confidential and Exempt from Public Records Disclosure
b. Health History Questions

Dr. Spivey explained that the department determined that some of the health history questions appear to be too invasive and most boards are replacing the history questions with alternate questions to allow applicants to answer accurately. Ms. Van Siclen asked the status of board appointments.

**Action:** Motion to approve the proposed health history questions as presented made by Ms. Valdes. Second made by Ms. Van Siclen.

**Vote:** 2 yeas / 1 opposed. Motion carried.

**Action:** Motion to open Rule Chapter(s) 64B3-5.002; 64B3-5.003; 64B3-5.007; 64B3-5.004; and 64B3-5.008, FAC made by Ms. Van Siclen. Second made by Ms. Valdes

**Vote:** 3 yeas / 0 opposed. Motion carried.

Ms. Loucks asked the board to amend their motion to open the rules that address the manner of applications.

**Action:** Previous motion amended to open Rule Chapter(s) 64B3-6.001 and 64B3-4.001, FAC made by Ms. Van Siclen. Second made by Ms. Valdes.

**Vote:** 3 yeas / 0 opposed. Motion carried.

Ms. Loucks asked whether the proposed rules would have adverse impacts on small business and whether regulatory costs would exceed two hundred thousand dollars within one year of implementation. Ms. Van Siclen stated there would be no adverse impact or increase of costs.

Ms. Loucks asked whether the proposed rules would be subject to a minor violation. Minor violation means that it will not directly affect the public health, safety, or welfare and is able to be resolved with citation or notice of non-compliance. Ms. Van Siclen stated there would be no minor violations.

**Action:** Motion to approve responses made by Ms. Van Siclen. Second made by Ms. Valdes.

**Vote:** 3 yeas / 0 opposed. Motion carried.

Section XI and XII ended: 2:15 p.m.

Section XIII began: 2:15 p.m.

XIII. OLD BUSINESS:
None

Section XIII ended: 2:15 p.m.
Section XIV began: 2:15 p.m.

**NEW BUSINESS:**

Ms. Van Siclen directed the board to Rule Chapter 64B3-5.004(3) (d), FAC regarding the qualifications of molecular pathology and suggested removing the high school diploma and revising the rule to require an associate degree in medical laboratory science.

**Action:** Motion to open Rule Chapter 64B3-5.004 (3) (d), FAC made by Ms. Van Siclen. Second made by Ms. Valdes.

**Vote:** 3 yeas / 0 opposed. Motion carried.

Ms. Van Siclen directed the board to Rule Chapter 64B3-11.001 and suggested revising the rule to allow two, one-hour courses and/or partial credit for medical errors. Ms. Valdes advised that upon her review in CE Broker, the current rules do not cause issues with allowing one-hour courses.

Ms. Loucks asked the board to consider opening Rule Chapter 64B3-5.007 to address a physical science degree as it relates to director qualifications within the statutory language. Ms. Loucks advised that the board may also need to open Rule 64B3-2 to define “physical science”.

**Action:** Motion to open Rule Chapter 64B3-5.007, FAC made by Ms. Van Siclen. Second made by Ms. Valdes.

**Vote:** 3 yeas / 0 opposed. Motion carried.

Ms. Van Siclen addressed Rule Chapter 64B3-2.003(17), FAC related to manual pretesting procedures. Ms. Van Siclen suggested removal of the language “provided it does not include any activity that initiates the analytic process”. Ms. Valdes suggested revising the entire rule as it is subjective. The board agreed to discuss at its next meeting. Ms. Van Siclen asked the board staff if a notice of the discussion could be placed on the website. Dr. Morgan requested that the discussion take place before the review of applications.

**a. 2020 Meeting Dates**

Ms. Curry advised that she is working with a representative for the Clinical Laboratory Educators Conference which is scheduled for Feb 27-29th, 2020 in Orlando and will coordinate the board meeting during that time. Ms. Van Siclen asked if the meeting could be held on Wednesday instead of Friday.
XV. COMMITTEE REPORTS:

a. Budget – Dr. Morgan

Dr. Morgan presented the board’s expenses.

b. Continuing Education – Ms. Valdes

Ms. Valdes advised of issues in CE Broker related to the requirements for one hour per specialty area of licensure. Ms. Woodard advised that CE Broker has been provided data and is working on the issue.

c. Credentials – Ms. Van Siclen

Nothing to report

d. Disciplinary Compliance – Ms. Montoya

Nothing to report

e. Examination – Ms. Montoya

Nothing to report

f. Healthiest Weight – Dr. McCarter

Nothing to report

g. Legislation – Dr. McCarter

Nothing to report

h. Probable Cause – Dr. Morgan

Nothing to report. Ms. Van Siclen advised that she consistently recruits individuals to serve as a consumer member. Ms. Woodard advised that should there be a probable cause case to address, Brenda Van Der Heyden has agreed to serve on the panel.

i. Professional Association – Ms. Valdes

Nothing to report
j. Rules – Ms. Van Siclen
   Nothing to report

k. Training Program – Dr. McCarter
   Nothing to report

l. Unlicensed Activity – Ms. Valdes
   Nothing to report

Section XV ended: 2:50 p.m.
Section XVI began: 2:50 p.m.

XVI. NEXT MEETING DATE

June 7, 2019

Section XVI ended: 2:50 p.m.
Section XVII began: 2:50 p.m.

XVII. ADJOURNMENT:

Meeting Adjourned at 2:50 p.m.