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17 **FLORIDA** | Board of Clinical Laboratory Personnel

18
19 **MEETING MINUTES**
20 November 6, 2015

21
22 Teleconference
23 Department of Health
24 4042 Bald Cypress Way
25 Tallahassee, FL 32399-3257
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Carleen P. Van Sicken, MS, MLS (ASCP)
Chair

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

Anthony B. Spivey, DBA
Executive Director

1 **General Board Business started: 9:11 a.m.**

- 2
3 I. The meeting was called to order by Ms. Van Siclen. Those present for all or part of the meeting included the
4 following:

5
6 **MEMBERS PRESENT:**

7 Carleen Van Siclen, MSHA, MLS (ASCP), Chair
8 Linda Valdes, MS, MT (ASCP), Vice Chair
9 Steven Shelfer, MT (ASCP)
10 Beatriz E. Montoya, MBA, DMD, BSMT, AM
11 Michele Morgan, D.B.A.

6 **STAFF PRESENT:**

7 Anthony B. Spivey, DBA, Executive Director
8 Joseph Lesho, Program Operations Administrator
9 Savada Knight, Regulatory Supervisor
10 Kelly Woodard, Regulatory Specialist II
11 Tao Valentine, Regulatory Specialist II
12 Austin Fletcher, Regulatory Specialist II

13
14 Drs. Montoya and Morgan arrived late.

15
16 **BOARD COUNSEL:**

17 Deborah Bartholow Loucks, Assistant Attorney General
18 Office of Attorney General

19
20 **COURT REPORTER:**

21 For the Record
22 (850) 222-5491

23
24 *Please note the minutes reflect the actual order agenda items were discussed and may differ from the agenda*
25 *outline. AUDIO from this meeting can be found online: <http://floridasclinicallabs.gov/>*

26
27 **General Board Business started at 9:12 a.m.**

28 **Section II started at 9:12 a.m.**

29
30 **II. APPROVAL OF MINUTES:**

- 31
32 a. **October 1, 2015 – Orlando (Rules Workshop)**

- 33
34 b. **October 2, 2015 – Orlando**

35
36 **Action Taken:** Motion to accept the minutes from the October 1-2, 2015 meetings as written was made by Ms.
37 Van Siclen. Seconded by Mr. Shelfer.
38 Vote: 3 yeas / 0 opposed; motion carried

39
40 **Section II ended at 9:13 a.m.**

41 **Section III ended at 9:13 a.m.**

42
43 **III. PETITIONS:**

- 44
45 a. **Declaratory Statement –**

- 46
47 i. **Jonathan Hoyne –**

48 Ms. Van Siclen recused herself from the discussion. Due to Ms. Van Siclen's recusal, the board did not
49 have a quorum for this discussion. The board agreed to table the discussion until Dr. Montoya and/or Dr.
50 Morgan joined the conference call.

- 51
52 ii. **Deborah Martuch**

53 Ms. Martuch was present and was not represented by counsel.
54

1 Ms. Martuch submitted a Petition for Declaratory Statement on Rule 64B3-13.001, F.A.C. on January 22,
2 2015. At the March 6, 2015 Full Board meeting, the board reviewed the petition and determined that the
3 Medical Director of a clinical laboratory could delegate the biennial review of the laboratory's procedure
4 manual to the Clinical Laboratory Director. On October 15, 2015, a new Petition for Declaratory Statement
5 from Ms. Martuch was filed, asking the board if the biennial review of the procedure manual could be
6 delegated to a Technical Supervisor or Technical Consultant.
7

8 **Discussion:**

9 Ms. Loucks explained that the question presented in the petition was more of a general applicability
10 question that would be better answered during the rulemaking process; however, she still allowed Ms.
11 Martuch to make a presentation to the board.
12

13 Ms. Martuch explained that the biennial review process should be allowed to be delegated because the
14 medical director should have already approved the process manual upon its creation.
15

16 Ms. Loucks explained that the board proposed changes at its October 1, 2015 meeting to address the issue,
17 which they will vote upon later on in meeting.
18

19 Ms. Martuch then asked how the board's changes would affect Rule 59A-7.029, F.A.C. Ms. Loucks
20 explained that Rule 59A-7.029, F.A.C. must be addressed through the Agency for Health Care
21 Administration (AHCA) because the board does not have jurisdiction over that rule. Ms. Martuch asked if
22 the board could recommend a rule amendment to AHCA. Ms. Loucks said no.
23

24 Ms. Loucks then asked Ms. Martuch if she would like to withdraw her petition since the question was
25 already being addressed through rulemaking.
26

27 Ms. Martuch withdrew her petition.
28

29 **iii. Sheridan Healthcare, Inc.**

30 Dawn Richards and Claudia Gomez were present on behalf of Sheridan Healthcare, Inc., and were not
31 represented by counsel.
32

33 A Petition for Declaratory Statement from Sheridan Healthcare, Inc. was submitted and filed on October
34 28, 2015. The petition identified Dawn Richards as the point of contact for the petition. The petition asked
35 whether or not the procedures defined in Rule 64B3-2.003(18), F.A.C. were applicable to Research
36 Coordinators who are performing the drawing, spinning and packaging of blood samples.
37

38 **Discussion:**

39 Ms. Loucks stated that the petitioners may not have standing to submit a petition, but would need
40 clarification to make such a determination. She asked Ms. Richards if she has looked at the exemptions
41 from licensure identified by statute. Ms. Richards said no.
42

43 After discussion, it was determined that the question presented in the petition can be answered by existing
44 rules; therefore, the board declined to respond to the petition.
45

46 **Action Taken:** Motion to decline to respond to the petition because the answer to the question can be
47 found in s. 483.803, F.S., and Rule 64B3-2.003, F.A.C. was made by Ms. Van Siclen. Seconded by Ms.
48 Valdes.
49

50 Vote: 4 yeas / 0 opposed; motion carried
51

52 **i. Jonathan Hoyne –**

53 Mr. Hoyne was present and was not represented by counsel.
54

55 Dr. Montoya joined the conference call, so the board was able to return to this agenda item. Ms. Valdes
56 served as chair for the discussion since Ms. Van Siclen was recused.

1 Mr. Hoyne submitted a Petition for Declaratory Statement requesting that the board provide guidance in
2 hiring employees to operate liquid chromatography mass spectrometry instruments in his clinical
3 laboratory.
4

5 **Discussion:**

6 Mr. Hoyne presented the question of whether or not Mayo Clinic’s training program, TP271, could train
7 certain personnel under the scope of their training license.
8

9 Ms. Loucks explained the question Dr. Hoyne presented was different than the question presented in the
10 petition; therefore, the board could not respond to the question.
11

12 Mr. Hoyne restated his question and presented it in a way that better aligned with the petition; however,
13 Ms. Loucks stated that the board could not respond to the petition.
14

15 Mr. Hoyne stated that he will withdraw his petition so he can modify it and submit it for a future meeting.
16

17 **b. Variance/Waiver –**

18
19 **i. Sheila Johancsik**

20 Ms. Johancsik was present and was not represented by counsel.
21

22 Ms. Johancsik submitted a Petition for Variance/Waiver from Rule 64B3-5.002, F.A.C., which was filed on
23 September 21, 2015. The petition was submitted because Ms. Johancsik believes that the education and
24 experience requirements for Supervisor licensure have been achieved by other means. The petition cited her
25 36 years of licensed clinical laboratory experience, and stated that though she has only held her
26 technologist license for one year, her supervisors have relied on her knowledge at the technologist level for
27 10-15 years. The petition also stated that though she does not hold a bachelor’s degree, she has obtained the
28 equivalent of over 90 semester hours, which have qualified her to sit for Technologist certification
29 examinations.
30

31 **Discussion:**

32 Ms. Loucks reminded the board that in order to approve the petition, they must determine that the purpose
33 of the underlying statute has been achieved by other means.
34

35 Ms. Johancsik elaborated on her educational and work experience.
36

37 Ms. Van Siclen stated that she was hesitant to take action on the petition without an application for
38 licensure upgrade.
39

40 After discussion, Ms. Valdes made a motion.
41

42 **Action Taken:** Motion to deny the Petition for Variance from Rule 64B3-5.002, F.A.C. because the
43 purpose of the underlying statute has not been met was made by Ms. Valdes. Seconded by Ms. Van Siclen.
44

45 Vote: 4 yeas / 0 opposed; motion carried
46

46 **Section III ended 9:54 a.m.**

47 **Section IV started 9:54 a.m.**
48

49 **IV. PETITIONS WITH APPLICATIONS**

50
51 **a. James Sheldon Harper – Supervisor**

52 Mr. Harper was present and was not represented by counsel.
53

54 Ms. Van Siclen recused herself from the discussion. Ms. Valdes served as chair.
55

1 Mr. Harper submitted an application to upgrade from a Technologist to a Supervisor on December 23, 2013.
2 The application came before the board at the March 11, 2014 meeting, and a Notice of Intent to Deny was
3 drafted because Mr. Harper did not have the requisite educational coursework to upgrade to the Supervisor
4 level. The board allowed Mr. Harper the option to withdraw his application so that it would not be considered a
5 denial, which he agreed to do.
6

7 Following his personal appearance and discussion at the board's October 1, 2015 rules meeting, Mr. Harper
8 submitted a Petition for Variance/Waiver, which was filed on October 13, 2015. The petition requested that the
9 board reconsider their previous order and accept his coursework completed through the United States Navy in
10 lieu of the educational coursework as required by Rule 64B3-5.002, F.A.C.
11

12 **Discussion:**

13 After discussion, Mr. Shelfer stated that he believed that based on the board's October 1, 2015 discussion, Mr.
14 Harper has met the requirements to upgrade to supervisor.
15

16 **Action Taken:** Motion to grant the Petition for Variance/Waiver from rule 64B3-5.002, F.A.C. was made by
17 Mr. Shelfer. Seconded by Dr. Montoya.

18 Vote: 3 yeas / 0 opposed; motion carried
19

20 **Section IV ended 10:00 a.m.**

21 **Section V started at 10:00 a.m.**
22

23 **V. APPLICANTS PRESENTED FOR BOARD REVIEW**
24

25 **a. Rodolfo Cotto De Jesus – Trainee**

26 Mr. De Jesus was present and was not represented by counsel.
27

28 Mr. De Jesus submitted an application for licensure as a Clinical Laboratory Trainee in the Generalist specialty
29 areas, which the board office received on September 2, 2015. Board staff referred the application to the Full
30 Board because Mr. De Jesus answered "yes" to certain applicant history questions. Mr. De Jesus submitted
31 additional documentation explaining his applicant history. The application and supporting documentation were
32 presented to the Full Board for review and final action.
33

34 **Discussion:**

35 Based on the additional documentation submitted by the applicant, Ms. Van Siclen made a motion to approve
36 the application.
37

38 **Action Taken:** Motion to approve the application for Clinical Laboratory Trainee licensure was made by Ms.
39 Van Siclen. Seconded by Ms. Valdes.

40 Vote: 4 yeas / 0 opposed; motion carried
41

42 **b. Caitlin R. Cutler – Trainee**
43

44 Since Ms. Cutler was not present at this time, the board tabled the item to allow her time to call in so she can be
45 present for the discussion.
46

47 **c. William Edward Roudebush – Director**

48 Dr. Roudebush was present and was not represented by counsel.
49

50 Dr. Roudebush submitted an application for licensure as a Director in the specialty areas of Andrology and
51 Embryology, which the board office received on July 28, 2015. Board staff was unable to determine if Dr.
52 Roudebush's Doctor of Philosophy in Animal Science meets the requirements pursuant to Rule 64B3-5.007,
53 F.A.C.
54

55 The application initially came before the board at the October 2, 2015 Full Board meeting. The board had
56 questions for Dr. Roudebush, which he was not present to answer; consequently, the board required Dr.

1 Roudebush to appear at one of its next two meetings. The application and supporting documentation were again
2 presented to the full board for review and final action.
3

4 **Discussion:**

5 Dr. Roudebush explained the doctoral program that he completed at Michigan State University, which he said
6 covered andrology and embryology.
7

8 **Action Taken:** Motion to approve the application for licensure as a Director was made by Dr. Morgan.
9 Seconded by Ms. Valdes.

10 Vote: 5 yeas / 0 opposed; motion carried
11

12 **d. Dr. Heliana Margarita Valdes – Supervisor**

13 Dr. Valdes was present and was not represented by counsel.
14

15 Dr. Valdes submitted an application for licensure as a Supervisor in the specialty areas of Microbiology,
16 Serology, Hematology, Immunohematology, and Cytogenetics; which the board office received on July 15,
17 2015. A review by the Credentials Committee determined that Dr. Valdes may have been practicing in the area
18 of Cytogenetics outside the scope of her license.
19

20 The application initially came before the board at the October 2, 2015 Full Board meeting. The board had
21 questions for Dr. Valdes, which she was not present to answer; consequently, the board required Dr. Valdes to
22 appear at one of its next two meetings. The application and supporting documentation were again presented to
23 the full board for review and final action.
24

25 **Discussion:**

26 Dr. Valdes elaborated on her background.
27

28 Ms. Loucks pointed out that the issue of practicing outside of the scope of her license should have been
29 addressed prior to adding the Cytogenetics specialty at the Technologist level. Since it was not, she advised the
30 board to disregard that aspect of the application file.
31

32 **Action Taken:** Motion to approve the application for licensure upgrade to Supervisor was made by Ms. Van
33 Siclen. Seconded by Ms. Valdes.

34 Vote: 5 yeas / 0 opposed; motion carried
35

36 **e. Mary Angela Kellaway – Supervisor**

37 Ms. Kellaway was present and was not represented by counsel.
38

39 Ms. Kellaway submitted an application for licensure as a Supervisor in the Generalist specialty areas, which
40 was received by the board office on November 25, 2014. Upon review by the board office, it was discovered
41 that Ms. Kellaway only has 23 hours of academic science credits because she is lacking one hour of Biology.
42 The application and supporting documentation were presented to the board for review and final action.
43

44 **Discussion:**

45 Ms. Kellaway elaborated on her educational background.
46

47 The board discussed academic vs. applied science courses, and told Ms. Kellaway that courses beginning with
48 the prefix MLS are considered applied, and do not count towards the supervisor requirements.
49

50 After additional discussion, Ms. Loucks explained to the board that pursuant to s. 483.813, F.S., the board could
51 issue Ms. Kellaway a temporary license for a period of one year to allow her time to obtain the missing Biology
52 credit hour.
53

54 **Action Taken:** Motion to grant a temporary license for one year so that Ms. Kellaway can obtain an additional
55 credit in Biology was made by Dr. Morgan. Seconded by Ms. Valdes.

56 Vote: 5 yeas / 0 opposed; motion carried

1
2 **b. Caitlin R. Cutler – Trainee**

3 The board returned to this agenda item and asked if Ms. Cutler was present.

4
5 Ms. Cutler was present and was not represented by counsel.

6
7 Mr. Shelfer recused himself from the discussion because he was one of Ms. Cutler’s instructors.

8
9 Ms. Cutler submitted an application for licensure as a Clinical Laboratory Trainee in the Generalist specialty
10 areas, which the board office received on September 10, 2015. Board staff referred the application to the Full
11 Board because Ms. Cutler answered “yes” to certain applicant history questions. Ms. Cutler submitted
12 additional documentation explaining her applicant history. The application and supporting documentation was
13 presented to the Full Board for review and final action.

14
15 **Discussion:**

16 Ms. Cutler reiterated that she included a letter from her psychiatrist along with her application stating that she is
17 fit to practice.

18
19 **Action Taken:** Motion to approve the application for Clinical Laboratory Trainee licensure was made by Dr.
20 Morgan. Seconded by Ms. Van Siclen.

21 Vote: 5 yeas / 0 opposed; motion carried

22
23 **Section V ended 10:30 a.m.**

24
25 **The board took a 15-minute break**

26
27 **Mr. Lesho called roll before resuming the meeting. All members were present except for Dr. Montoya.**

28
29 **Section VI started at 10:47 a.m.**

30
31 **VI. RATIFICATIONS:**

32
33 **a. Licensure –**

34
35 **i. Clinical Laboratory Personnel**

36
37 **Action taken:** Motion to ratify the issuance of Clinical Laboratory Personnel numbers 47427 through
38 47555 was made by Dr. Morgan. Seconded by Ms. Van Siclen.

39 Vote: 4 yeas / 0 opposed; motion carried

40
41 **ii. Clinical Laboratory Personnel Trainees**

42
43 **Action taken:** Motion to ratify the issuance of Clinical Laboratory Personnel Trainee license numbers
44 10793 through 10859 was made by Ms. Van Siclen. Seconded by Dr. Morgan.

45 Vote: 4 yeas / 0 opposed; motion carried

46
47 **b. Continuing Education –**

48 Dr. Montoya rejoined the call prior to this discussion.

49
50 **i. CE Providers and Courses Approved by CE Committee Chair**

51
52 **Action taken:** Motion to ratify CE Providers and Courses Approved by CE Committee Chair was made by
53 Dr. Morgan. Seconded by Mr. Shelfer.

54 Vote: 5 yeas / 0 opposed; motion carried

55
56 **Section VI ended at 10:50 a.m.**

1 **Section VII started at 10:50 a.m.**

2
3 **VII. PROSECUTION REPORT:**

4 Prosecution counsel was not present, and no written report was presented; therefore, no prosecution report was
5 given.

6
7 **Section VII ended 10:50 a.m.**

8 **Section VII started 10:50 a.m.**

9
10 **VIII. BOARD COUNSEL REPORT:**

11
12 **a. Rules Status – November 2015:**

13 Ms. Loucks provided an update on the status of recently proposed rule changes

14
15 **b. Anti-Trust Dental North Carolina Board Presentation:**

16 Ms. Loucks directed the board to the updated presentation (which was originally presented to the board at the
17 October 2, 2015 meeting) included in their agenda materials. She also discussed the FTC guidance on “Active
18 Supervision” referenced in subsection d.

19
20 **c. Supervisor Application:**

21 Ms. Loucks advised the board that she and board staff will have to work to revise all of the board’s licensure
22 applications, and that the revisions will be presented at a future meeting.

23
24 **d. FTC Staff Guidance: Active Supervision:** See above.

25
26 **Section VIII ended 10:55 a.m.**

27 **Section IX started 10:55 a.m.**

28
29 **IX. CHAIR/VICE CHAIR REPORT:**

30
31 **a. Future Agenda Items:**

32 Ms. Van Siclen recommended adding a “Public Comments” section to the agenda. The board agreed. She then
33 asked board staff where such a section could be placed on the agenda. Mr. Lesho suggested before or after the
34 Old Business/New Business sections. The board agreed.

35
36 **Section VIII ended 10:57 a.m.**

37 **Section X started 10:57 a.m.**

38
39 **X. EXECUTIVE DIRECTOR’S REPORT:**

40
41 **a. MQA SWOT Analysis:**

42 Dr. Spivey directed the board’s attention to the presentation in their agenda materials that was originally given
43 at the September 24, 2015 Chair/Vice Chair meeting.

44
45 **Section X ended at 11:00 a.m.**

46 **Section XI began at 11:00 a.m.**

47
48 **XI. OLD BUSINESS:**

49
50
51 **Section XI ended at 11:00 a.m.**

52 **Section XII began at 11:00 a.m.**

53
54 **XII. NEW BUSINESS:**

55
56

1 **Section XII ended at 11:01 a.m.**
2 **Section XIII began at 11:01 a.m.**

3
4 **XIII. COMMITTEE REPORTS:**

- 5
6 a. **Budget – Dr. Morgan:** Nothing to report
7
8 b. **Continuing Education – Ms. Valdes:** Nothing to report.
9
10 c. **Credentials – Ms. Van Sieten/ Ms. Valdes:** Nothing to report.
11
12 d. **Disciplinary Compliance – Dr. Montoya:** Nothing to report.
13
14 e. **Examinations – Dr. Montoya:** Nothing to report.
15
16 f. **Healthiest Weight – Ms. Valdes:** Nothing to report.
17
18 g. **Legislation – Dr. Montoya:** Nothing to report.
19
20 h. **Probable Cause - Dr. Morgan:**
21
22 i. **Stats:**
23 Dr. Morgan directed the board’s attention to the Probable Cause summary on page 197 of the agenda.
24
25 i. **Professional Associations – Mr. Shelfer:** Nothing to report.
26
27 j. **Rules – Ms. Van Sieten:**

28
29 Ms. Loucks provided an explanation of the proposed changes to Rule Chapter 64B3, F.A.C., which were found
30 in the board’s agenda materials. The following discussions ensued:

31
32 **i. 64B3-2.003:**

33
34 **Action Taken:** Motion to approve the proposed draft as presented in the agenda materials was made by
35 Ms. Van Sieten. Seconded by Ms. Valdes.
36 Vote: 5 yeas / 0 opposed; motion carried
37

38 Ms. Loucks asked the board if the proposed rule amendment would have an adverse impact on small
39 business; be likely to increase regulatory costs to any entity, including the government, in the amount of
40 \$200,000 in the aggregate in the State of Florida within one year of implementation, or \$1,000,000 within 5
41 years of implementation; require a Statement of Estimated Regulatory Costs; or require ratification by the
42 legislature. The board answered no to all aspects.
43

44 **ii. 64B3-3.001:**

45
46 Ms. Loucks requested that the board table the discussion of this rule. The board agreed.
47

48 **iii. 64B3-5.002:**

49
50 In addition to the changes proposed in the agenda materials, Ms. Loucks asked the board if they would like
51 to add the General Supervisor certification examination [GS(ABB)] to subsection (4) either in addition to
52 or instead of adding it to the licensure matrix. The board agreed to have it added to both the matrix and
53 subsection (4).
54

55 Ms. Van Sieten also suggested adding the word “examination” to “The National Registry of Certified
56 Chemists” in subsection (4)(j).

1
2 **Action Taken:** Motion to approve the proposed draft as presented in the agenda materials with the noted
3 amendments was made by Ms. Van Siclen. Seconded by Ms. Valdes.
4 Vote: 5 yeas / 0 opposed; motion carried
5

6 **iv. 64B3-5.007:**
7

8 **Action Taken:** Motion to approve the proposed draft as presented in the agenda materials was made by
9 Ms. Van Siclen. Seconded by Dr. Montoya.
10 Vote: 5 yeas / 0 opposed; motion carried
11

12 **v. 64B3-5.0011:**
13

14 In addition to the changes proposed in the agenda materials, Ms. Loucks informed the board that the
15 American Board of Oral Pathology (ABOP) has changed its name to the American Board of Oral and
16 Maxillofacial Pathology (ABOMP), and the rule should be updated to reflect that change.
17

18 **Action Taken:** Motion to approve the proposed draft as presented in the agenda materials with the noted
19 amendment was made by Ms. Van Siclen. Seconded by Dr. Montoya.
20 Vote: 5 yeas / 0 opposed; motion carried
21

22 Ms. Loucks asked the board if the proposed amendments to Rules 64B3-5.002, 5.007 and 5.0011, F.A.C.
23 would have an adverse impact on small business; be likely to increase regulatory costs to any entity,
24 including the government, in the amount of \$200,000 in the aggregate in the State of Florida within one
25 year of implementation, or \$1,000,000 within 5 years of implementation; require a Statement of Estimated
26 Regulatory Costs; or require ratification by the legislature. The board answered no to all aspects.
27

28 **vi. 64B3-6.002:**
29

30 Motion to approve the proposed draft as presented in the agenda materials was made by Ms. Van Siclen.
31 Seconded by Ms. Valdes.
32 Vote: 5 yeas / 0 opposed; motion carried
33

34 Ms. Loucks asked the board if the proposed rule amendment would have an adverse impact on small
35 business; be likely to increase regulatory costs to any entity, including the government, in the amount of
36 \$200,000 in the aggregate in the State of Florida within one year of implementation, or \$1,000,000 within 5
37 years of implementation; require a Statement of Estimated Regulatory Costs; or require ratification by the
38 legislature. The board answered no to all aspects.
39

40 **vii. 64B3-10.005:**
41

42 In addition to the changes proposed in the agenda materials, the board also agreed to remove the language
43 "The specialty also encompasses urine microscopics and the chemical evaluation of liver, renal, lung,
44 cardiac, neuromuscular, reproductive, bone, endocrine and other organ function and pathology and all
45 testing included in the specialties of radioassay as defined in subsection (9) and blood gas analysis as
46 defined in subsection (10)."
47

48 **Action Taken:** Motion to approve the proposed draft as presented in the agenda materials with the noted
49 amendment was made by Ms. Van Siclen. Seconded by Dr. Montoya.
50 Vote: 5 yeas / 0 opposed; motion carried
51

52 Ms. Loucks asked the board if the proposed rule amendment would have an adverse impact on small
53 business; be likely to increase regulatory costs to any entity, including the government, in the amount of
54 \$200,000 in the aggregate in the State of Florida within one year of implementation, or \$1,000,000 within 5
55

1 years of implementation; require a Statement of Estimated Regulatory Costs; or require ratification by the
2 legislature. The board answered no to all aspects.

3
4 **viii. 64B3-11.001:**

5
6 **Action Taken:** Motion to approve the proposed draft as presented in the agenda materials was made by
7 Ms. Van Siclen. Seconded by Dr. Montoya.

8 Vote: 5 yeas / 0 opposed; motion carried
9

10 Ms. Loucks asked the board if the proposed rule amendment would have an adverse impact on small
11 business; be likely to increase regulatory costs to any entity, including the government, in the amount of
12 \$200,000 in the aggregate in the State of Florida within one year of implementation, or \$1,000,000 within 5
13 years of implementation; require a Statement of Estimated Regulatory Costs; or require ratification by the
14 legislature. The board answered no to all aspects.

15
16 **ix. 64B3-11.002:**

17
18 **x. 64B3-11.003:**

19
20 **Action Taken:** Motion to approve the proposed drafts of Rules 64B3-11.002 and 11.003, F.A.C. as
21 presented in the agenda materials was made by Ms. Van Siclen. Seconded by Dr. Montoya.

22 Vote: 5 yeas / 0 opposed; motion carried
23

24 Ms. Loucks asked the board if the proposed rule amendments to Rules 64B3-11.002 and 11.003, F.A.C.
25 would have an adverse impact on small business; be likely to increase regulatory costs to any entity,
26 including the government, in the amount of \$200,000 in the aggregate in the State of Florida within one
27 year of implementation, or \$1,000,000 within 5 years of implementation; require a Statement of Estimated
28 Regulatory Costs; or require ratification by the legislature. The board answered no to all aspects.
29

30 **xi. 64B3-12.005:**

31 Ms. Loucks explained that the Office of Fiscal Accountability and Regulatory Reform (OFARR) has
32 identified Rule 64B3-12.005, F.A.C. as a rule that could possibly be repealed; however, Ms. Loucks
33 recommend that the board retain the rule.
34

35
36 **Action Taken:** Motion to not repeal Rule 64B3-12.005, F.A.C. was made by Ms. Van Siclen. Seconded by
37 Dr. Montoya.

38 Vote: 5 yeas / 0 opposed; motion carried
39

40 **xii. 64B3-13.001:**

41
42 **Action Taken:** Motion to approve the proposed draft as presented in the agenda materials was made by
43 Ms. Van Siclen. Seconded by Mr. Shelfer.

44 Vote: 5 yeas / 0 opposed; motion carried
45

46 Ms. Martuch asked the board if they needed to also make a similar change to subsection (6)(s). After
47 discussion, the board agreed to strike the phrase “both initially and biennially thereafter” from subsection
48 (6)(s).
49

50 **Action Taken:** Motion to strike “both initially and biennially thereafter” from Rule 64B3-13.001(6)(s),
51 F.A.C. was made by Ms. Van Siclen. Seconded by Mr. Shelfer.

52 Vote: 5 yeas / 0 opposed; motion carried
53

54 Ms. Loucks asked the board if the proposed rule amendments would have an adverse impact on small
55 business; be likely to increase regulatory costs to any entity, including the government, in the amount of
56 \$200,000 in the aggregate in the State of Florida within one year of implementation, or \$1,000,000 within 5

1 years of implementation; require a Statement of Estimated Regulatory Costs; or require ratification by the
2 legislature. The board answered no to all aspects.
3

4 **k. Training Program – Mr. Shelfer:** Nothing to report.
5

6 **l. Unlicensed Activity – Ms. Valdes:** Nothing to report.
7

8 **Section XIII ended at 11:59 a.m.**

9 **Section XIV began at 11:59 a.m.**
10

11 **XIV. 2016 CHAIR/VICE CHAIR ELECTIONS:**
12

13 **Action Taken:** Motion to nominate Ms. Van Siclen for 2016 Board Chair was made by Ms. Valdes. Seconded by
14 Mr. Shelfer.

15 Vote: 5 yeas / 0 opposed; motion carried
16

17 **Action Taken:** Motion to nominate Ms. Valdes for 2016 Board Vice-Chair was made by Ms. Van Siclen.
18 Seconded by Dr. Montoya.

19 Vote: 5 yeas / 0 opposed; motion carried
20

21 **Section XIV ended at 12:00 p.m.**

22 **Section XV began at 12:00 p.m.**
23

24 **XV. NEXT MEETING DATE – January 15, 2016 – Teleconference Call:**

25 Ms. Loucks reminded the board that she won't be present for this meeting.
26

27 **Section XV ended at 12:01 p.m.**

28 **Section XVI began at 12:01 p.m.**
29

30 **XVI. ADJOURNMENT**

31 **The meeting was adjourned at 12:01 p.m.**
32