

1 The Florida Board of Clinical Laboratory Personnel held a meeting on Friday, August 26,
2 2016, 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 are being recorded and that
6 an audio file of the meeting will be posted to the board's website.

7
8 **AGENDA**

9
10 **General Board Business started: 9:00a.m.**

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

13 The meeting was called to order by Ms. Van Siclen, Chair, at approximately 9:00 a.m. Those present
14 for all or part of the meeting included the following:

15
16 **BOARD MEMBERS:**

17 Carleen P. Van Siclen, MS, MLS (ASCP), Chair
18 Linda Valdes, MS, MT (ASCP), Vice-Chair
19 Michele Morgan, D.B.A.
20 Beatriz E. Montoya, MBA, BSMT, AMT
21 Steven G. Shelfer, MT (ASCP)
22 Yvette McCarter, Ph.D.

23
24 **BOARD STAFF:**

25 Dr. Anthony Spivey, Executive Director
26 Gail Curry, Program Operations Administrator
27 Savada Knight, Regulatory Supervisor
28 Brandi May, Regulatory Supervisor
29 Austin Fletcher, Regulatory Specialist II
30 Kelly Woodard, Regulatory Specialist II

31
32 **BOARD COUNSEL:**

33 Deborah Loucks, Assistant Attorney General
34 Office of Attorney General

35
36 **COURT REPORTER:**

37 For the Record
38 (850) 222-5491

39
40 *Please note the minutes reflect the actual order agenda items were discussed and may differ from*
41 *the agenda outline. AUDIO from this meeting can be found online: <http://floridasclinicallabs.gov/>*

42
43
44 **General Board Business ended at 9:04 a.m.**
45 **Section II started at 9:04 a.m.**

46
47 **II. APPROVAL OF MINUTES:**
48

1 a. June 10, 2016 – Orlando

2
3 b. CORRECTIONS:

4 Page 3, section 3b – Action: McCarter is misspelled

5 Page 4, Agenda is misspelled

6 Page 18, next is misspelled

7
8 **ACTION:** Motion to approve the June 6 minutes, with corrections, was
9 made by Ms. Montoya , seconded by Ms. Valdes.

10 Vote: 6 yeas / 0 opposed; motion carried

11
12
13 Section II ended at 9:08 a.m.

14 Section III started at 9:08 a.m.

15
16 **III. PETITIONS:**

17
18 a. Declaratory Statement

19
20 Ms. Valdes has recused herself from the discussion.

21
22 i. **Martha Hustek**

23
24 Deborah Loucks explained the purpose of a Declaratory Statement.
25 For people who are substantially affected by our rules to ask the
26 Board to interpret the statutes and rules based on their particular
27 circumstances and what they intend to do would be impacted by
28 your rule.

29
30 Ms. Hustek asked for the Board to issue a declaratory statement to
31 determine if a certain test or testing procedures fall within the rules.

32
33 Ms. Loucks explained that the Board may want to decline to answer
34 this declaratory statement and go to Rule making to address the
35 particular test or procedure.

36
37 Ms. Hustek explained her situation and the exam she wishes to
38 address.

39
40 Ms. Hustek withdrew her Declaratory Statement.

41
42 **ACTION:** Motion to accept the withdrawal was made by Ms. Van
43 Sielen, seconded by Mr. Shelfer.

44 Vote: 6 yeas / 0 opposed; motion carried

1 a. Variance/Waiver –
2

3 Jullian Ewel and Brian Morales will be taken together as they are
4 requesting the
5

6 i. **Jillian Ewel**

7 Present without counsel
8

9 **Discussion:** Ms. Ewel completed her bachelor's degree and
10 extensive Biology background from the degree. Enrollment in the
11 program would cause a hardship for her. Ms. Loucks explained the
12 Board needs to approve these 2 Training licenses based on the fact
13 that the time to consider was not timely.
14

15 **ACTION:** Motion to approve the petition for variance was made
16 by Ms. Van Siclen seconded by Dr. McCarter.
17 Vote: 6 yeas / 0 opposed; motion carried
18

19 ii. **Brian Morales**

20 Present without counsel
21

22 **Discussion:** The board's comments for Jullian Ewel also applied
23 simultaneously to Morales.
24

25 **ACTION:** Motion to approve the Manner of Application was
26 made by Ms. Van Siclen seconded by Dr. McCarter.
27 Vote: 6 yeas / 0 opposed; motion carried
28

29 iii. **Jami Lynn Perry**

30 Present without counsel
31

32 **Discussion:** The rule was addressed and defined. Education was
33 reviewed. Educational requirements have not been met. Ms.
34 Perry needs 8 hours Academic Sciences.
35

36 **ACTION:** Motion to deny, doesn't meet the purpose of the
37 petition the Manner of Application was made by Ms. Morgan,
38 seconded by Ms. Valdez.
39

40 Vote: 6 yeas / 0 opposed; motion carried
41

42 Ms. Perry was given the opportunity to withdraw her application.
43 She chose to leave the application open until she gets the
44 additional hours. She waives the 90 day requirement.
45

46 iv. **Chadley Sandberg**

Not present, not represented by counsel

1 Wants to waive the rule for CE biennium so he can use the CE for
2 the 2018 renewal.

3
4 **Discussion:** Counsel presented rule 64B3-11.0001(1) for
5 discussion.

6
7 **ACTION:** Motion to accept the waiver of the rule was
8 made by Ms. Morgan, seconded by Ms. Montoya.
9 Vote: 5 yeas / 1 opposed; Van Siclen, motion carried

10
11 **v. Jennifer Lombard**

12 Present, not represented by counsel
13 Ms. Lombard is Requesting variance/waiver of Rule 64B3-5.003.

14
15 **Discussion:** It was noted that Rule 64B3.10.005(3)(14) allows Ms.
16 Lombard to perform these tasks with her current license.

17
18 Ms. Lombard was given the opportunity to withdraw her petition.
19 Ms. Lombard made the request to the board to withdraw her
20 application.

21
22 **ACTION:** Motion to accept the withdrawal of her petition for
23 waiver/variance was made by Ms. Van Siclen seconded by Dr.
24 McCarter.

25 Vote: 6 yeas / 0 opposed; motion carried

26
27 **ACTION:** Motion to accept the withdrawal of her application was
28 made by Ms. Van Siclen seconded by Ms. Valdez.

29 Vote: 6 yeas / 0 opposed; motion carried

30
31 **vi. Steve Charles**

32 Reconsideration

33 Present/no council

34 Asking for reconsideration as it relates to his training in Molecular
35 Diagnostics.

36
37 Deborah Loucks clarified that this variance/waiver is no different
38 than the one he filed in June. Board reviewed his documents
39 including transcripts at the June 10th meeting. He does hold
40 a temporary license in Molecular Pathology. Review of documents
41 showed he did not have enough training/experience to waive the
42 exam.

43
44 **ACTION:** Motion to accept reconsideration was
45 made by Dr. Morgan, seconded by Mr. Shelfer.

46 Vote: 6 yeas / 0 opposed; motion carried

Discussion: Mr. Charles gave a description of his situation and experience, referencing Statute 489.04., F.S.

ACTION: Motion to deny microbiology Clinical Lab experience was made by Dr. McCarter seconded by Ms. Valdes.

Vote: 6 yeas / 0 opposed; motion carried

Section III ended at 10:43 a.m.

BREAK

Section IV started at 10:57 a.m.

Roll call by Dr. Spivey

All present

IV. APPLICANTS PRESENTED FOR BOARD REVIEW:

a. Supervisor –

Taken out of order

i. Lindsey Whittington

Present/without counsel

Discussion: Ms. Whittington gave a description of her academic transcript. She is asking to use the transcripts for her 2 hours of academic science.

ACTION: Motion to accept application for licensure was made by Ms. Van Siclen seconded by Mr. Shelfer.

Vote: 6 yeas / 0 opposed; motion carried

ii. Donald MacLaren

Present/without counsel

Discussion: Clarification between Canadian education and U.S. education was held between board members.

ACTION: Motion to accept education for licensure was made by Ms. Van Siclen seconded by Ms. Valdes.

Vote: 6 yeas / 0 opposed; motion carried

b. Technologist –

i. June Caquiat

Present/without counsel

Discussion: Ms. Caquiat explained the issues concerning her pending unlicensed activity.

ACTION: Motion to approve the application without conditions was made by Ms. Valdes, seconded by Dr. McCarter.
Vote: 6 yeas / 0 opposed; motion carried

Supervisor (taken out of order)

i. Nell Ivy S. Montes Go

Not present/no counsel

Discussion: Education was discussed and does not meet the requirements for licensure.

ACTION: Motion to deny the application for Supervisor was made by Dr. McCarter, seconded by Ms. Van Siclen
Vote: 6 yeas / 0 opposed; motion carried

iii. Shemaiah Libman

Not present/no counsel

Discussion: Education was discussed by the board members and does not meet the requirements for licensure.

ACTION: Motion to deny the application because he doesn't meet the education requirements made by Ms. Van Siclen

ACTION: Revised motion to accept application contingent upon completion of education by December 31 was made by Ms. Van Siclen, seconded by Dr. McCarter.
Vote: 6 yeas / 0 opposed; motion

Technologist (taken out of order)

Lisa Bochenek

Not present/no counsel

Ms. Bochenek answered "Yes" to the Health History question.

Discussion: Board wants Ms. Bochenek to appear at one of the next two Board meetings to address her health history. Board Staff will require her to provide ability to practice safely.

ACTION: Motion to have Ms. Bochenek to appear at one of the next 2 Board meetings to address this issue. Board Staff will require her to provide ability to practice safely was made by Ms. Van Siclen, seconded by Dr. McCarter.

Vote: 6 yeas / 0 opposed; motion

i. Joseph Rantus

Not present/no counsel

Discussion: Education was reviewed. It was determined that there is insufficient education for licensure.

ACTION: Motion to deny the application due to insufficient education was made by Ms. Valdes, seconded by Mr. Shelfer.

Vote: 6 yeas / 0 opposed; motion carried

Lauren Leach

Not present/without counsel

Discussion: Clarification between Canadian education and U.S. education was discussed between board members.

ACTION: Motion to accept education for licensure was made by Ms. Van Siclen seconded by Ms. Valdes.

Vote: 6 yeas / 0 opposed; motion carried

Section IV ended at 11:50 a.m.

Section V started at 11:50 a.m.

V. RATIFICATION:

a. Licensure -

i. Clinical Laboratory Personnel

ACTION: Motion to approve Clinical Laboratory Personnel licenses 48092 - 48130 was made by Ms. Morgan, seconded by Dr. McCarter.

Vote: 6 yeas / 0 opposed; motion carried

ii. Clinical Laboratory Personnel Trainees

ACTION: Motion to approve Clinical Laboratory Personnel Trainees licenses 11138 - 11282 was made by Mr. Shelfer, seconded by Ms. Montoya.

Vote: 6 yeas / 0 opposed; motion carried

1
2 iii. Clinical Laboratory Personnel Training Program
3

4 **ACTION:** Motion to approve Clinical Laboratory Personnel
5 Training Program 299 was made by Mr. Shelfer, seconded
6 by Ms. Montoya.

7 Vote: 6 yeas / 0 opposed; motion carried
8

9 Mr. Shelfer will now approve Training Programs.
10

11 b. Continuing Education –
12

13 i. CE Providers and Courses Approved by CE
14 Committee Chair
15

16 **ACTION:** Motion to accept ratification was made by
17 Dr. McCarter, seconded by Ms. Montoya.

18 Vote: 6 yeas / 0 opposed; motion
19

20 ii. CE Providers and Courses Approved by Board Staff
21

22 **ACTION:** Motion to accept ratification was made by
23 Mr. Shelfer, seconded by Ms. Montoya.

24 Vote: 6 yeas / 0 opposed; motion
25

26 Section V ended at 12:02 p.m.

27 Section VI started at 12:02 p.m.
28
29

30 **VI. PROSECUTION REPORT:**
31

32 Report was reviewed in IViewer.
33

34 **ACTION:** Motion to accept Prosecution Report was
35 made by Ms. Van Siclen seconded by Dr. McCarter.

36 Vote: 6 yeas / 0 opposed; motion carried
37

38 **ACTION:** Motion to allow Prosecution Services to continue to work cases that are
39 over 1 year old was made by Ms. Van Siclen seconded by Ms. Montoya.

40 Vote: 6 yeas / 0 opposed; motion carried
41

42 Section VII ended at 12:05 p.m.

43 Section VIII started at 12:05 p.m.
44

45 **VII. BOARD COUNSEL REPORT:**
46
47

1 A letter was received by a former Board member addressing National Registry of
2 Chemical Chemists, NRCC, toxicology exam. It is for review. Rule 64B3 -5.007 will
3 be put on the next agenda for discussion.

4
5 Rule for Director needs to be reviewed at next meeting.

6
7 Ms. Loucks explained that the CLP rules need to be updated in the matrices on the
8 application.

9
10 Director applications that are using the NRCC exam need to go to Dr. McCarter.

11
12 Ms. Van Siclen would like to look at scope of practice for andrology and
13 embryology at the next meeting.

14
15 Look at the rules that talk about educating the facilities on work experience. If they
16 are working in another State it counts, but not in Florida.

17
18 **Section VII ended at 12:20 p.m.**

19 **Section V started at 12:23 p.m.**

20
21 *****Back to the Ratification**

22
23 American Health Institute

24
25 **ACTION:** Motion to accept was made by Mr. Shelfer, seconded by
26 Dr. McCarter.

27 Vote: 6 yeas / 0 opposed; motion

28
29 **Section V ended at 12:26 p.m.**

30 **Section VIII started at 12:26 p.m.**

31
32 **VIII. CHAIR/VICE CHAIR REPORT:**

33
34 a. Future Agenda Items

35
36 There is a Chair/Vice Chair meeting in Tallahassee on September 28.

37
38 September 14 – October 5 Ms. Valdes will be out of the country. Dr.
39 McCarter will fill in for her.

40
41 A letter was drafted by Ms. Van Siclen to send to Gov. Scott concerning the
42 Anti-Trust Lawsuit in North Carolina. Dr. Spivey said it has already been
43 mailed.

44
45 **Section VIII ended at 12:29 p.m.**

46 **Section IX started at 12:29 p.m.**

47
48 **IX. EXECUTIVE DIRECTOR'S REPORT:**

1
2 Dr. Spivey reminded everyone of the Healthy Weight meeting on September 27.
3 There will be a Budget meeting right after the Healthy Weight meeting. On
4 September 28 there will be a Chair/Vice Chair meeting. Ms. Van Siclen will attend
5 all of these meetings.

6
7 **Section IX ended at 12:31 p.m.**
8 **Section X started at 12:31 p.m.**
9

10 **X. PUBLIC COMMENTS:**

11
12 Dawn Tripolino addressed the Board concerning the Nursing degree be deemed
13 equivalent to Biological Science degree. Ms. Loucks explained that the Board would
14 have to change the rule to allow this to happen. The Board is not allowed to make a
15 statement.

16
17 **Section X ended at 12:33 p.m.**
18 **Section XI started at 12:33 p.m.**
19

20 **XI. OLD BUSINESS:**

21
22 None

23
24 **Section XI ended at 12:34 p.m.**
25 **Section XII started at 12:34 p.m.**
26

27 **XII. NEW BUSINESS:**

28
29 Ms. Van Siclen wanted to know if there a process for an onsite inspection for the
30 Training Programs? Possibly develop some language for a Rule that would
31 require an inspection. Board members agree this need to be discussed.

32
33 Ms. Van Siclen would like to look at scope of practice for andrology and
34 embryology at the next meeting. This is not addressed in the rules at this time.
35 Deborah Loucks will pull the old rules for review.

36
37 Ms. Van Siclen would like to see a Rules workshop to address all above rules or
38 lack of the rule.

39
40 Put on the next agenda to look at the Board website to have a link to file an
41 anonymous complaint.

42
43 **Section XII ended at 12:43 p.m.**
44 **Section XIII started at 12:43 p.m.**
45
46

1
2
3 **XIII. COMMITTEE REPORTS:**
4

- 5 a. Budget – Dr. Morgan
6 Nothing to report
7
8 b. Continuing Education – Ms. Valdes
9 Nothing to report
10
11 c. Credentials – Dr. McCarter
12 Nothing to report
13
14 d. Disciplinary Compliance –Ms. Montoya
15 Nothing to report
16
17 e. Examination – Ms. Montoya
18 Nothing to report
19
20 f. Healthiest Weight – Ms. Valdes
21 Nothing to report
22
23 g. Legislation – Dr. McCarter
24 Nothing to report
25
26 h. Probable Cause – Dr. Morgan
27 Nothing to report
28
29 i. Professional Association – Mr. Shelfer
30 Nothing to report
31
32 j. Rules – Ms. Van Siclen
33 Nothing to report
34
35 k. Training Program – Mr. Shelfer
36 Nothing to report
37
38 l. Unlicensed Activity – Ms. Valdes
39 Nothing to report
40

41 **Section XIII ended at 12:44 p.m.**

42 **Section XIV started at 12:44 p.m.**
43

44 **XIV. NEXT MEETING DATE:**
45

- 46 a. December 2, 2016 – Conference Call
47

1 Section XIV ended at 12:45 p.m.
2 Section XV started at 12:45 p.m.
3

4 **XV. 2017 PROPOSED MEETING DATES:**

- 5
6 a. March 10, 2017 – Orlando*
7 b. June 2, 2017 – Conference Call
8 c. September 29, 2017 – Orlando*
9 d. December 1, 2017 – Conference Call

10
11 *only if there is discipline on the agenda, otherwise this will be a conference
12 call.
13

14 Section XV ended at 12:47 p.m.
15 Section XVI started at 12:47 p.m.
16

17 **XI. ADJOURNMENT**

18
19 The meeting was adjourned at 12:47 p.m.
20
21
22