

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

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8 **AGENDA**

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

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12 Roll was called by Dr. Spivey, Executive Director

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14 **Board Members Present:**

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

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20 **Excused Absence:**

21 Yvette McCarter, Ph.D. (excused absence)

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23 **Board Staff Present:**

24 Anthony Spivey, DBA, Executive Director
25 Brandi May, Regulatory Supervisor
26 Kelly Woodard, Regulatory Specialist
27 Alisha Mughal, Regulatory Specialist
28 Nicole Wiley, Regulatory Specialist

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30 **Board Counsel:**

31 Deborah Loucks, Assistant Attorney General
32 Office of the Attorney General

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34 **Court Reporter:**

35 For the Record
36 (850) 222-5491

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38 **II. APPROVAL OF MINUTES:**

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40 March 10, 2017 – Draft

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42 Motion to approve minutes made by Ms. Valdes. Second by Ms. Montoya.

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44 4 yeas / 0 opposed. Motion carried.
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April 21, 2017 – Draft

Ms. Van Siclen requested a correction for page 2, under the review of training rules where it says “should there be accountability”-the next word should be “by the board”.

Motion to approve the minutes as corrected made by Ms. Van Siclen. Second by Ms. Montoya.

4 yeas / 0 opposed. Motion carried.

III. PETITIONS FOR WAIVER AND VARIANCE:

William K. Vernier

Present. Not represented by counsel. The respondent is unable to document the required 5 years of pertinent laboratory experience.

Motion to deny variance and waiver made by Ms. Van Siclen. Second by Ms. Valdes.

4 yeas / 0 opposed. Motion carried.

Motion to approve application contingent upon Mr. Vernier submitting adequate laboratory experience along with any other pending documentation made by Ms. Van Siclen. Second by Ms. Valdes.

Darlene Keppel

Not present. Not represented by counsel. Ms. Keppel attended a conference for continuing education that is not approved by the board. The board decided the variance and waiver met the purpose of the underlying statute.

Motion to approve continuing education variance and waiver made by Ms. Van Siclen. Second by Ms. Valdes.

4 yeas / 0 opposed. Motion carried.

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IV. APPLICANTS PRESENTED FOR BOARD REVIEW:

TECHNOLOGIST

Pallavi Bhatt

Present. Not represented by counsel. Ms. Bhatt previously held a license that went null & void. Ms. Bhatt was granted a temporary license for 1 year to give her time to pass the national exam.

Motion to approve with a temporary license made by Dr. Morgan. Second by Ms. Van Siclen.

4 yeas / 0 opposed. Motion carried.

Debbie Jenkins

Present. Not represented by counsel. The respondent previously submitted a variance and waiver due to having taken the HHS examination which is not recognized in Florida.

Motion to approve the application and issue a temporary license for a period of 1 year and reversing the former intent to deny upon successful completion of the national certification exam within 1 year of the date of today's board meeting made by Ms. Van Siclen. Second by Ms. Valdes.

4 yeas / 0 opposed. Motion carried.

Benjamin Witten

Present. Not represented by counsel. The respondent has a provisional AAB/MT but is unable to document enough experience.

Motion to deny the application made by Ms. Valdes. Second Ms. Montoya.

4 yeas / 0 opposed. Motion carried.

Lee Roy Baker

Not present. Not represented by counsel. The board felt the applicant met the qualifications.

Motion to approve the application made by Ms. Van Siclen. Second Ms. Montoya.

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4 yeas / 0 opposed. Motion carried.

Sherry Brutt

Present. Not represented by counsel. The respondent is certified in cytometry. The applicant has a bachelor’s degree in biology and has passed a national certification.

Motion to approve the application made by Ms. Van Siclen. Second by Ms. Montoya.

4 yeas / 0 opposed. Motion carried.

Erika Badiali

Present. Not represented by counsel. The respondent lacks pertinent clinical laboratory experience. The board encouraged the respondent to seek an online training program that allows clinical rotations. The respondent waived the 90-day requirement in lieu of withdrawing her application.

Motion to deny the application made by Ms. Van Siclen. Second by Ms. Montoya.

4 yeas / 0 opposed. Motion carried.

SUPERVISOR

Thelma Jimenez

Present. Not represented by counsel. The applicant lacks chemistry credits for licensure. The board felt the applicant met the purpose of the underlying rule.

Motion to approve the application made by Ms. Van Siclen. Second by Ms. Montoya.

4 yeas / 0 opposed. Motion carried.

Ihosvani Munoz

Present. Not represented by counsel. The respondent lacks immunohematology experience. Discussion ensued.

Motion to approve the application in the specialty areas of serology, immunology, chemistry, and hematology only made by Ms. Van Siclen. Second by Ms. Valdes.

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4 yeas / 0 opposed. Motion carried.

Qin Xu

Not present. Represented by counsel, Wade Stidhan. The applicant was previously denied in March 2017. The applicant is requesting a reconsideration. The applicant has a degree in applied science which does not meet the qualifications. The applicant needs five more months of experience.

Motion to reverse the intent to deny and issue a temporary supervisor’s license made by Ms. Van Siclen. Second by Ms. Valdes.

4 yeas / 0 opposed. Motion carried.

Rose Scrase

Present. Not represented by counsel. The applicant has provided the necessary documentation from her treating physician.

Motion to approve the application made by Ms. Van Siclen. Second by Ms. Montoya.

4 yeas / 0 opposed. Motion carried.

Jamie Williamson

Not present. Not represented by counsel. The applicant’s transcripts do not contain the required amount of academic science.

Motion to deny the application with the ability to withdraw made by Ms. Van Siclen. Second by Ms. Valdes.

4 yeas / 0 opposed. Motion carried.

Chenbo Dong

Not present. Not represented by counsel. Mr. Dong’s application does not contain the required amount of biological science.

Motion to deny the application with the ability to withdraw made by Dr. Morgan. Second by Ms. Van Siclen.

4 yeas / 0 opposed. Motion carried.

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TRAINEE

Megan Sweeney

Not present. Not represented by counsel. The applicant submitted the sufficient documentation.

Motion to approve the application made by Ms. Van Siclen. Second by Ms. Montoya.

4 yeas / 0 opposed. Motion carried.

TECHNICIAN

Abner Leps

Present. Not represented by counsel. The applicant is appearing due to criminal charges while in the military.

Motion to grant the license contingent upon receipt of a current evaluation from PRN within 6 months stating Mr. Leps is capable of practicing made by Dr. Morgan. Second by Ms. Van Siclen.

4 yeas / 0 opposed. Motion carried.

Jeffrey Shelquist

Present. Not represented by counsel. The letter from The University of Central Florida stated the discipline exercise science was a biological science degree.

Motion to approve the application for licensure made by Ms. Van Siclen. Second by Ms. Valdez.

4 yeas / 0 opposed. Motion carried.

V. RATIFICATION:

Licensure

Clinical Laboratory Personnel

276 Motion to ratify license numbers 48963 thru 49218 made by Ms. Van Siclen.
277 Second by Ms. Montoya.

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279 4 yeas / 0 opposed. Motion carried.

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281 **Clinical Laboratory Personnel Trainees**

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283 Motion to ratify license numbers 11505 thru 11602 made by Ms. Van
284 Siclen. Second by Ms. Montoya.

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286 4 yeas / 0 opposed. Motion carried.

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288 **Clinical Laboratory Personnel Training Programs**

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290 Motion to approve the NAACLS approved laboratory training programs:

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292 The University of North Dakota and Keiser University made by Ms. Van Siclen.
293 Second by Ms. Montoya.

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295 4 yeas / 0 opposed. Motion carried.

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297 **Continuing Education**

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299 **Continuing Education Providers & Courses approved by CE Committee**

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301 Motion to approve the continuing education made by Ms. Valdes. Second by
302 Dr. Morgan.

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304 4 yeas / 0 opposed. Motion carried.

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307 **VI. PROSECUTION REPORT:**

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309 Dr. Spivey gave the prosecutor's report as of May 8, 2017.

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311 Cases under legal review: **3**

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313 Open/Active Cases: **10**

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315 Cases recommended for probable cause: **5**

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317 Probable Cause: **1**

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319 Emergency Action Unit Case: **1**

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321 Administrative Complaints: **1**

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Cases over 1-year old: 7

Motion to continue with PSU acting on cases older than 1 year made by Ms. Van Siclen. Second by Dr. Morgan.

4 yeas / 0 opposed. Motion carried.

VII. RULE 64B3-12.004:

Paragraph 2 and paragraph 5 need to be removed because of the automatic review of CE Broker if the information is not entered at renewal.

Motion to begin rule development on this made by Ms. Van Siclen. Second by Ms. Montoya.

4 yeas / 0 opposed. Motion carried.

VIII. BOARD COUNSEL REPORT:

Ms. Loucks discussed the anti-trust issue.

Rules Report March 2017

IX. APPLICATION RULES

64B3-3.001, F.A.C.

The application was not changed for this meeting.

64B3-4.001, F.A.C.

Motion to approve this application form made by Ms. Van Siclen. Second by Ms. Valdes.

4 yeas / 0 opposed. Motion carried.

64B3-5.002, F.A.C.

There is some confusion about this application when the CLIA requirements are applied.

Motion to approve the changes for this application made by Ms. Van Siclen. Second by Ms. Valdes.

4 yeas / 0 opposed. Motion carried.

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64B3-5.003, F.A.C.

The CLIA requirements need to be added to this application.

64B3-5.004, F.A.C.

This application needs the CFR references so we added those and deleted the medical errors portion.

64B3-5.007, F.A.C.

The CFR has been incorporated. The medical errors were deleted. The HIV/AIDS can now be a 6-month affidavit. The F/ABFT Certification was added.

64B3-5.008, F.A.C.

Not contained in the agenda.

64B3-6.001, F.A.C.

64B3-6.002, F.A.C.

An affidavit can be submitted to complete HIV/AIDS can be completed within 6 months. Certified copies of diplomas were obsoleted from the instructions. The medical errors were deleted.

CLP RULES

- i. Director
- ii. Supervisor
- iii. Technologist
- iv. Technician
- v. CLP Trainee
- vi. CLP Training Program
- vii. Specialty

Motion to approve the Rule 64B3-5.002, F.A.C. 64B3-5.004, F.A.C. 64B3-5.007, F.A.C., 64B3-5.008, F.A.C., 64B3-6.001, F.A.C., Rule 64B3-6.002, F.A.C. and all the incorporated application forms made by Ms. Van Siclen. Second by Ms. Montoya.

4 yeas / 0 opposed. Motion carried.

Motion to accept the application rules as proposed made by Ms. Van Siclen. Second by Ms. Montoya.

414 4 yeas / 0 opposed. Motion carried.

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416 **X. PUBLIC COMMENT SECTION:**

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418 No public comments were made.

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420 **XI. CHAIR/VICE CHAIR REPORT:**

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422 Nothing to report.

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424 **XII. EXECUTIVE DIRECTOR'S REPORT:**

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426 Dr. Spivey discussed a rules reduction meeting in the future. The chair/vice-chair
427 meeting will be held on September 18, 2017 in Tallahassee.

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429 **XIII. OLD BUSINESS:**

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431 The 2018 board meeting in December will be on the 14th.

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433 Continuing Education being provided by the licensee vs. the provider needs to be
434 discussed in the future; please place this on the next agenda.

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436 **XIV. NEW BUSINESS:**

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438 Nothing to report.

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440 **XV. COMMITTEE REPORTS:**

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442 Budget – Dr. Morgan

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444 Nothing to report.

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446 Continuing Education – Ms. Valdes

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448 Nothing to report.

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450 Credentials – Ms. Van Siclen

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452 Nothing to report.

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454 Disciplinary Compliance – Ms. Montoya

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456 Nothing to report.

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458 Examination – Ms. Montoya

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460 Nothing to report.
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462 Healthiest Weight – Dr. McCarter
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464 Nothing to report.
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466 Legislation – Dr. McCarter
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468 Nothing to report.
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470 Probable Cause – Dr. Morgan
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472 Nothing to report.
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474 Professional Association – Ms. Valdes
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476 Nothing to report.
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478 Rules – Ms. Van Siclen
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480 Dr. Spivey will present the request of having a live in-person meeting to Ms.
481 Adrienne Rodgers.
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483 Training Program – Dr. McCarter
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485 Dr. McCarter was absent.
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487 Unlicensed Activity – Ms. Valdes
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489 Nothing to report.
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491 **XVI. NEXT MEETING DATE**
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493 September 22, 2017
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495 **XVII. ADJOURNMENT**
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497 12:58 p.m.