

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.**

10  
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, 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

27  
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  
46

**Vote:** 5 yeas/ 0 opposed

**Section II ended: 9:14 a.m.**

**Section III began: 9:14 a.m.**

**Section III delayed from 9:35 a.m. to 9:55 a.m. due to technical difficulties**

**Section III began at 9:56 a.m.**

### **III. PETITIONS FOR WAIVER AND VARIANCE:**

#### **Pamela Dunay-Volk**

Present. Not represented by counsel. Ms. Dunay Volk requested a variance/waiver of the national examination requirements. Ms. Dunay Volk explained her experience in chemistry and serology. Discussion ensued regarding a possible temporary license. Ms. Dunay-Volk declined to take the national exam.

**Action:** Motion to deny petition made by Dr. Morgan. Second by Dr. McCarter. Motion to approve the withdrawal of the application made by Ms. Van Siclen. Second by Ms. Valdes.

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

#### **Darryl Pronty**

Present. Not represented by counsel. Mr. Pronty requested a variance/waiver requiring completion of an approved training program or 3 years of experience. Mr. Pronty explained that he is required to obtain a medical technologist license within 2 years of employment. Ms. Van Siclen concluded that Mr. Pronty did not meet the requirements for medical technologist licensure.

**Action:** Motion to deny petition made by Ms. Van Siclen. Second by Ms. Montoya. Motion to approve the withdrawal of the application made by Ms. Van Siclen. Second by Dr. Morgan.

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

#### **Hector Soto**

Not Present. Not represented by counsel. Dr. Soto requested a variance/waiver of the national examination requirements for Cytology.

**Action:** Motion to deny the petition made by Dr. McCarter. Second by Ms. Montoya.

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

93 **Avisa Asemi, Ph.D**

94  
95 Present. Not represented by counsel. Dr. Asemi requested variance/waiver of the  
96 national examination requirements for Andrology/Embryology. Ms. Valdes  
97 reviewed Dr. Asemi's experience and indicated unlicensed activity. Ms. Valdes  
98 concluded that Dr. Asemi did not meet the examination requirements for  
99 licensure.

100  
101 **Action:** Motion to deny petition made by Dr. McCarter. Second by Ms. Montoya

102  
103 **Vote:** 5 yeas / 0 opposed. Motion carried.

104  
105 **Section III ended: 10:11 a.m.**

106 **Section IV began: 10:12 a.m.**

107  
108 **IV. APPLICANTS PRESENTED FOR BOARD REVIEW:**

109  
110 **a. TECHNOLOGIST**

111  
112 **Tatiana Rios-Cruz**

113  
114 Present. Not represented by counsel. Ms. Rios-Cruz submitted experience from  
115 Cuba that appeared to be invalid. Ms. Van Siclen explained that Ms. Rios-Cruz  
116 did not have experience in Microbiology or Immunohematology. Ms. Montoya  
117 concluded that Ms. Rios-Cruz had experience in the specialty areas of serology,  
118 chemistry, and hematology.

119  
120 **Action:** Motion to approve the application in the areas of serology, chemistry, and  
121 hematology only made by Ms. Montoya. Second by Ms. Van Siclen.

122  
123 **Vote:** 5 yeas / 0 opposed. Motion carried.

124  
125 **Kristin Wegner**

126  
127 Present. Not represented by counsel. Ms. Wegner submitted experience that  
128 appeared to be invalid. Ms. Wegner explained her experience in toxicology. Ms.  
129 Montoya concluded that Ms. Wegner qualified for licensure in the specialty of  
130 chemistry only.

131  
132 **Action:** Motion to approve the application made by Ms. Montoya. Second by Dr.  
133 McCarter.

134  
135 **Vote:** 5 yeas / 0 opposed. Motion carried.

136  
137 **Marlene Duchatellier**

Present. Not represented by counsel. Ms. Duchatellier was unable to demonstrate that she meets the education and examination requirements. Ms. Duchatellier explained her experience and credentials. Ms. Van Siclen concluded that CLIA requires a minimum of an associate degree and that Ms. Duchatellier did not meet the educational or examination requirements.

**Action:** Motion to deny the application made by Ms. Van Siclen. Second by Dr. McCarter. Intent to deny was vacated. Motion to allow withdrawal of the application made by Ms. Van Siclen. Second by Dr. McCarter.

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

### **Jeffrey Cineus**

Present. Not represented by counsel. Mr. Cineus provided an affirmative answer to health history.

**Action:** Motion to approve the application made by Dr. Morgan. Second by Dr. McCarter.

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

### **Jennifer Heaps**

Not Present. Not represented by counsel. Ms. Heaps applied for an upgrade to technologist licensure without meeting the current examination requirements. Ms. Heaps was previously licensed as a technologist but allowed her license to become Null/Void. Dr. McCarter requested that Ms. Heaps be required to attend one of the next two board meetings to explain her examination history.

**Action:** Motion to require Ms. Heaps to attend a future board meeting made by Ms. Van Siclen. Second by Ms. Montoya

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

### **Gorgena R. Mekhael**

Present. Represented by counsel. Dr. Mekhael earned a foreign doctoral degree in veterinary medicine. Ms. Van Siclen requested clarification of Dr. Mekhael's credentials. Dr. McCarter determined Dr. Mekhael had the required of amount of chemistry hours and had sufficient experience.

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

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

**Intermission: 10:58 a.m. to 11:15 a.m.**

**b. SUPERVISOR**

**Vanessa Silva**

Present. Not represented by counsel. Ms. Silva obtained a Bachelor of Arts degree in Psychology which does not meet the educational requirements for licensure. Ms. Silva explained her credentials. Dr. McCarter determined that Ms. Silva did not meet the required amount of academic science credits.

**Action:** Motion to deny the application made by Dr. McCarter. Second by Ms. Montoya. Intent to deny was vacated. Motion to allow the withdrawal of the application made by Ms. Van Siclen. Second by Ms. Montoya.

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

**Chenbo Dong**

Present. Not represented by counsel. Dr. Dong submitted additional information for reconsideration of his education and experience. He was previously asked to withdraw his application at the June 2017 meeting. The board reviewed Dr. Dong's semester hours and determined that he had a total of 6.5 biology credits and meets all educational requirements.

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

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

**Valerie Braden**

Present. Not represented by counsel. Ms. Braden did not have the required amount of academic science credits. Ms. Braden submitted additional education documents to demonstrate that she met the educational requirements.

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

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

**Sai Chui**

Present. Not represented by counsel. Mr. Chui applied for licensure upgrade in Blood Banking/Immunohematology. Mr. Chui indicated that he has not been

nationally certified and agreed to schedule an exam in the future. Ms. Van Siclen recommended temporary licensure.

**Action:** Motion to approve application for a temporary licensure contingent upon receiving approval to take the national examination made by Dr. McCarter.  
Second by Ms. Van Siclen.

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

**Chad Harmon**

Not Present. Not represented by counsel. Mr. Harmon submitted Florida experience that appeared to be invalid. Mr. Harmon sent an email to staff during the meeting advising that he would like to withdraw his application. Dr. Morgan requested board staff to follow up with Mr. Harmon to determine whether he would in fact like to withdraw or be tabled to the next board meeting.

**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.

**Joseph Kahl**

Present. Not represented by counsel. Mr. Kahl's degree was not in a clinical laboratory science as required. Mr. Kahl submitted Florida experience that appeared to be invalid. Discussion ensued regarding the NRCC certification being equivalent to 25 hours of CE in supervision. The board concluded that his experience was not unlicensed activity.

**Action:** Motion to approve the application made by Dr. McCarter. Second by Ms. Valdes.

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

**Kenia M. Hernandez**

Present. Not represented by counsel. The board asked for clarification of Ms. Hernandez's experience. Ms. Hernandez explained her experience in lab assisting and phlebotomy. Ms. Van Siclen indicated the coursework was that of applied science and not academic science.

**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.

276 **c. TRAINEE**

277  
278 **Colleen Luchka**

279  
280 Present. Not represented by counsel. Ms. Luchka provided an affirmative answer  
281 to health history.

282  
283 **Action:** Motion to approve the application made by Dr. Morgan. Second by Ms.  
284 Van Siclen.

285  
286 **Vote:** 5 yeas / 0 opposed. Motion carried.

287  
288 **Justin Escamilla**

289  
290 Present. Not represented by counsel. Mr. Escamilla provided an affirmative  
291 answer to health history.

292  
293 **Action:** Motion to approve the application made by Dr. McCarter. Second by Dr.  
294 Morgan.

295  
296 **Vote:** 5 yeas / 0 opposed. Motion carried.

297  
298 **Jason Malpass**

299  
300 Present. Not represented by counsel. Mr. Malpass provided an affirmative answer  
301 to health history. The board determined that Mr. Malpass needs to provide a letter  
302 of clearance from his treating physician.

303  
304 **Action:** Motion to approve the application contingent upon receiving a letter from  
305 the treating physician within 90 days indicating he is safe to practice made by Dr.  
306 Morgan. Second by Ms. Van Siclen.

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

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310 **d. TRAINING PROGRAMS**

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312 **Orange Grove Labs**

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314 Dr. Magdalena Orosz was Present. Not represented by counsel. Discussion ensued  
315 regarding the vendors providing coursework. Dr. McCarter requested information  
316 about the specific goals and stated more objectives were needed.

317  
318 **Action:** Motion to approve the withdrawal of the application made by Ms. Van  
319 Siclen. Second by Dr. McCarter.

320  
321 **Vote:** 5 yeas / 0 opposed. Motion carried.

322                   **e. EXEMPTIONS**

323  
324                   Board counsel explained the basis of approving an exemption. The licensee  
325                   demonstrated safe to practice.

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

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

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

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

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335                   **V. RATIFICATION:**

336                   Licensure

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339                   Clinical Laboratory Personnel

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

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343                   Clinical Laboratory Personnel Trainees

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

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347                   Clinical Laboratory Personnel Training Program

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349                   **Action:** Not applicable

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351                   **a. Continuing Education**

352                   Continuing Education Providers & Courses approved by CE

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

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

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

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

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361                   **VI. PROSECUTION REPORT:**

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

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

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

**Section VI ended: 1:13 p.m.**

**Section VII began: 1:13 p.m.**

## **VII. BOARD COUNSEL REPORT:**

**Rules Report** – Board counsel explained several rules were adopted since the last board meeting. Notice of changes published in mid-August.

**Action:** Not applicable

**64B3-12.001** – Rule opened for development. Suggested proposed language amending paragraph 1(k) and deletion of the statutory section.

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

Board counsel asked a series of questions regarding adverse impacts on small business and whether regulatory costs would exceed two hundred thousand dollars within 1 year of implementation. The board stated no adverse impact or increase of costs.

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

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

Board counsel asked a series of questions regarding net impacts and whether regulatory costs would exceed one million dollars within 5 years of implementation. The board stated No adverse impact or increase of costs.

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

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

Board counsel asked whether the rule 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. The board stated No minor violations.

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

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

**Annual Regulatory Plan** –

Annual regulatory plan was reviewed and statutory deadline is October 1, 2017.

**Action:** Motion to ratify the annual regulatory plan made by Ms. Van Siclen.  
Second by Dr. McCarter.

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

**64B3-10.005**

Training Program Director, Marjorie Doty sent information seeking clarification on the scope of practice for blood banking. Discussion ensued about adding microbiology to the scope of blood banking. Board counsel explained that the information was a petition to initiate rule making.

Board suggested implementing a change in the language in paragraph 8 of the scope of Blood Banking/Donor processing. Suggestion was made to add Microbiology to the first and second sentence.

**Action:** Motion for rule development made by Ms. Van Siclen. Second by Ms. Valdes.

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

Board counsel asked a series of questions regarding adverse impacts on small business and whether regulatory costs would exceed two hundred thousand dollars within 1 year of implementation. The board stated No adverse impact or increase of costs.

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

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

Board counsel asked a series of questions regarding net impacts and whether regulatory costs would exceed one million dollars within 5 years of implementation. The board stated No adverse impact or increase of costs.

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

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

Board counsel asked whether the rule 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. The board stated No minor violations.

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

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

Section VII ended: 1:45 p.m.  
Section VIII began: 1:45 p.m.

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

Ms. Van Siclen requested information regarding board appointments and explained that the Long Term Planning meeting was delayed due to Hurricane Irma.

Section VIII ended: 1:46 p.m.  
Section IX began: 1:47 p.m.

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

Dr. Spivey explained that the Chair/Vice Chair Meeting has been rescheduled until after the legislative session.

Section IX ended: 1:47 p.m.  
Section X began: 1:48 p.m.

**X. OLD BUSINESS:**

Ms. Van Siclen reiterated that public comments should be placed on future agendas. Dr. Spivey explained that he would research the status of future disciplinary cases to be placed on the next meeting agenda in December.

Section X ended: 1:49 p.m.  
Section XI began: 1:49 p.m.

**XI. NEW BUSINESS:**

Nothing to Report

Section XI ended: 1:50 p.m.  
Section XII began: 1:50 p.m.

**XII. COMMITTEE REPORTS:**

**a. Budget – Dr. Morgan**

Directed to Page 678 to review cash balances and expenses

**b. Continuing Education – Ms. Valdes**

Directed to Page 660 to review approved providers/courses.

**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**

Healthiest weight meeting cancelled and not rescheduled.

**g. Legislation – Ms. Montoya**

Nothing to Report

**h. Probable Cause – Dr. Morgan**

1 case reported

**i. Professional Association – Ms. Valdes**

Nothing to Report

**j. Rules – Ms. Van Siclen**

Rule development earlier in agenda

**k. Training Program – Dr. McCarter**

Nothing to Report

**l. Unlicensed Activity – Ms. Valdes**

Nothing to Report

**Section XII ended: 1:53 p.m.**

**Section XIII began: 1:53 p.m.**

**XIII. NEXT MEETING DATE – December 14, 2017**

Ms. Van Siclen will be unable to attend.

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

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555                    **XIV.   ADJOURNMENT**

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