

FLORIDA | Board of Clinical Lab Personnel

OFFICIAL MINUTES

June 15, 2018

Florida 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, June 15, 2018, at 9:00 a.m. This meeting was held at the at the Department of Health, 4042 Bald Cypress Way, Tallahassee, Florida at meet me number (888) 670-3525, participant code 7342425515, 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

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Section I began: 9:00 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, BSMT, AMT
- Yvette McCarter, Ph.D.

Board Staff Present:

- Dr. Anthony Spivey, DBA, Executive Director
- Kelly Woodard, Regulatory Supervisor
- Ashley Stelly, Regulatory Specialist
- Nicole Wiley, Regulatory Specialist

Board Counsel:

- Deborah Loucks, Assistant Attorney General

Prosecution Services:

- Derrick McBurrows, Assistant General Counsel

Court Reporter:

- For the Record
- (850) 222-5491

Section I ended: 9:03 a.m.
Section II began: 9:03 a.m.

II. APPROVAL OF MINUTES:

- a. March 23, 2018**
- b. February 2, 2018**

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

40
41 **Vote:** 5 yeas / 0 opposed. Motion carried.

42
43 **Section II ended: 9:05 a.m.**
44 **Section X addressed out of order 9:05-9:08 a.m.**
45 **Section III began: 9:08 a.m.**

46
47 **III. PETITION FOR VARIANCE/WAIVER:**

48
49 **a. Christopher J. Skillington**

50
51 Not present. Not represented by counsel.

52
53 **Action:** Motion to approve the petition permanently made by Ms. Van Siclen,
54 Second made by Dr. McCarter.

55
56 **Vote:** 5 yeas / 0 opposed. Motion carried.

57
58 **b. Carmen Muniz, MS, MT**

59
60 Present. Not represented by counsel.

61
62 **Action:** Motion to approve the petition made by Dr. McCarter. Second made by
63 Ms. Van Siclen. Motion to approve the application for licensure made by Ms. Van
64 Siclen. Second made by Dr. McCarter.

65
66 **Vote:** 5 yeas / 0 opposed. Motion carried.

67
68 **c. Marchella Bradshaw**

69
70 Present. Not represented by counsel.

71
72 **Action:** Motion to deny the petition and made by Dr. Morgan. Second made by
73 Ms. Valdes.

74
75 **Vote:** 5 yeas / 0 opposed. Motion carried.

76
77 **Section III ended: 9:25 a.m.**
78 **Section IV began: 9:25 a.m.**

79
80 **IV. PETITIONS WITH APPLICATIONS:**

81
82 **a. Viviana Y. Bouza**

83

84 Present. Not represented by counsel. Ms. Bouza explained her credentials and
85 requested that the board consider her experience.

86
87 **Action:** Motion to approve the petition made by Dr. Morgan. Second made by
88 Ms. Van Siclen. Motion to approve the application for licensure in the areas of
89 chemistry and immunohematology only made by Dr. McCarter. Second made by
90 Ms. Montoya.

91
92 **Vote:** 5 yeas / 0 opposed. Motion carried.

93
94 **b. Bassam Abomoelak**

95
96 Present. Not represented by counsel.

97
98 **Action:** Motion to approve the petition for continuance made by Ms. Van Siclen.
99 Second made by Dr. McCarter. Motion to approve the application for licensure
100 made by Dr. McCarter. Second made by Ms. Valdes.

101
102 **Vote:** 5 yeas / 0 opposed. Motion carried.

103
104 **Section IV ended: 10:07 a.m.**

105 **Break 10:08-10:24 a.m.**

106 **Roll Call 10:24-10:27 a.m.**

107
108 **Section V began: 10:27 a.m.**

109 **Section V (cont'): 12:18 p.m.**

110 **Section V (cont'): 12:45 p.m.**

111
112 **V. APPLICANTS PRESENTED FOR BOARD REVIEW:**

113
114 **a. TECHNOLOGIST**

115
116 **Hen Anny Levy**

117
118 Present. Not represented by counsel.

119
120 **Action:** Motion to approve the application for licensure made by Dr. McCarter.
121 Second made by Ms. Valdes

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

124
125 **Shaun Davis**

126
127 Not present. Not represented by counsel.

128

129 **Action:** Motion to require evaluation by PRN and require Mr. Davis' appearance
130 at one of the next two board meeting made by Ms. Van Siclen. Second made by
131 Dr. McCarter.

132
133 **Vote:** 5 yeas / 0 opposed. Motion carried.

134
135 **Daniel Brumfield**

136
137 Present. Not represented by counsel. The board discussed grounds for denials and
138 approval of an application.

139
140 **Action:** Motion to deny the application for licensure based on previous revocation
141 and circumstances made by Dr. Morgan. Second made by Ms. Valdes.

142
143 **Vote:** 5 yeas / 0 opposed. Motion carried.

144
145 **Harpreet Saini**

146
147 Present. Not represented by counsel.

148
149 **Action:** Motion to approve the application for licensure made by Ms. Van Siclen.
150 Second made by Ms. Valdes.

151
152 **Vote:** 5 yeas / 0 opposed. Motion carried.

153
154 **Richard Ellis Underwood**

155
156 Not present. Not represented by counsel.

157
158 **Action:** Motion to allow withdrawal of the application made by Ms. Van Siclen.
159 Second made by Dr. McCarter.

160
161 **Vote:** 5 yeas / 0 opposed. Motion carried.

162
163 **Yodany Martinez Soto**

164
165 Not present. Not represented by counsel.

166
167 **Action:** Motion to deny the application for licensure and allow option for
168 withdrawal made by Ms. Van Siclen. Second made by Dr. McCarter.

169
170 **Vote:** 5 yeas / 0 opposed. Motion carried.

171
172 **b. SUPERVISOR**

173
174 **James O'Berry**

175 Present. Not represented by counsel.
176
177 **Action:** Motion to approve the application for *technologist* licensure contingent
178 upon receiving transcripts from University of Cincinnati; and delegate Dr.
179 McCarter to review and determine approval made by Ms. Van Siclen. Second
180 made by Ms. Valdes.
181
182 **Vote:** 5 yeas / 0 opposed. Motion carried.
183
184 **Sarah Kurtz**
185
186 Present. Not represented by counsel.
187
188 **Action:** Motion to accept the withdrawal of the application for licensure made by
189 Ms. Van Siclen. Second made by Dr. McCarter.
190
191 **Vote:** 5 yeas / 0 opposed. Motion carried.
192
193 **Ana Hernandez**
194
195 Present. Not represented by counsel.
196
197 **Action:** Motion to approve the application for licensure made by Dr. McCarter.
198 Second made by Ms. Van Siclen.
199
200 **Vote:** 5 yeas / 0 opposed. Motion carried.
201
202 **Tatyana Birkovsky**
203
204 Present. Not represented by counsel.
205
206 **Action:** Motion to approve the application for licensure made by Dr. McCarter.
207 Second made by Ms. Montoya.
208
209 **Vote:** 4 yeas / 0 opposed. Ms. Van Siclen recused. Motion carried.
210
211 **Alejandro Vazquez**
212
213 Not Present. Not represented by counsel.
214
215 **Action:** Motion to require Mr. Vazquez' appearance at one of the next two board
216 meetings made by Ms. Van Siclen. Second made by Dr. McCarter.
217
218 **Vote:** 5 yeas / 0 opposed. Motion carried.
219
220 **Tania Quintana**

221 Not Present. Not represented by counsel.

222

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

225

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

227

228 **Jayne E. Peraud**

229

230 Present. Not represented by counsel. Dr. Peraud explained her educational
231 background. Discussion ensued as to which degree to accept for supervisor
232 licensure.

233

234 **Action:** Motion to downgrade and approve application at a technologist level
235 made by Dr. McCarter. Second made by Ms. Montoya.

236

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

238

239 **Susan Nimmo**

240

241 Present. Not represented by counsel.

242

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

245

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

247

248 **c. TRAINING PROGRAM**

249

250 **Boca-Delray Pathology**

251

252 Not Present. Not represented by counsel. Discussion ensued regarding the
253 previous review of the training program renewal. Dr. McCarter advised that the
254 program had still not met the requirements as previously requested.

255

256 **Action:** Motion to deny renewal based on issues in self-study that were identified,
257 but never addressed made by Dr. McCarter. Second made by Ms. Valdes.

258

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

260

261 **Gulf Coast Pathologists**

262

263 Present. Not represented by counsel. Discussion ensued regarding documentation
264 submitted for renewal of the training program. Dr. McCarter requested that the
265 program provide the following documentation: Affective and cognitive checklists,

266 graduate evaluations, graduate and employer surveys, and assessment tools for
267 determining outcomes.

268
269 **Action:** Motion to approve the renewal contingent upon receiving the requested
270 documentation made by Dr. McCarter. Second made by Ms. Valdes.

271
272 **Vote:** 5 yeas / 0 opposed. Motion carried.

273
274 **d. DIRECTOR**

275
276 **Nadya L. Harry**

277
278 Present. Not represented by counsel.

279
280 **Action:** Motion to approve the application for licensure made by Dr. McCarter.
281 Second made by Ms. Valdes

282
283 **Vote:** 5 yeas / 0 opposed. Motion carried.

284
285 **Section V ended: 12:06 p.m.**
286 **Section V (cont') ended: 12:44 p.m.**
287 **Section V (cont') ended: 1:13 p.m.**
288 **Section VI began: 12:06 p.m.**

289
290 **VI. COMPLIANCE**

291
292 **a. Arthur E. Pollock**

293
294 **Case No. 2016-27324**

295
296 **Action:** Motion to approve the reinstatement of the license and require remaining
297 fines to be paid within one year made by Dr. Morgan. Second made by Ms. Van
298 Sclen.

299
300 **Vote:** 5 yeas / 0 opposed. Motion carried.

301
302 **Section VI ended: 12:15 p.m.**
303 **Section VIII addressed out of order at 12:15 p.m.**
304 **Section VII began: 1:13 p.m.**

305
306 **VII. CE PROVIDER COMPLIANCE:**

307
308 **a. Keith Manna**

309
310 Not present. Not represented by counsel. Discussion ensued regarding continuing
311 education providers who have failed to report licensee's hours timely. Ms. Van

312 Sielen expressed concerns of the reporting system and asked if the board could
313 pull a report for average reporting time by providers.

314
315 **Action:** None

316
317 **Vote:** None

318
319 **Section VII ended: 1:24 p.m.**
320 **Section VIII began: 12:15 p.m. (addressed out of order)**

321
322 **VIII. EXEMPTIONS:**

323
324 **a. Carolyn Niesz**

325
326 **Action:** Motion to approve the request for exemption made by Dr. Morgan.
327 Second made by Dr. McCarter.

328
329 **Vote:** 5 yeas / 0 opposed. Motion carried.

330
331 **Section VIII ended: 12:18 p.m. (Return to Section V Continued)**

332
333 **Linda Valdes absent beginning at 1:20 p.m.**
334 **Section IX began: 1:24 p.m.**

335
336 **IX. RATIFICATION:**

337
338 **a. Licensure**

339
340 **Clinical Laboratory Personnel**

341
342 **Action:** Motion to approve the ratification of licensees made by Ms. Van Sielen.
343 Second made by Dr. McCarter.

344
345 **Vote:** 4 yeas / 0 opposed. Motion carried.

346
347 **Clinical Laboratory Personnel Trainees**

348
349 **Action:** Motion to approve the ratification of licensees made by Ms. Van Sielen.
350 Second made by Ms. Montoya.

351
352 **Vote:** 4 yeas / 0 opposed. Motion carried.

353
354 **b. Continuing Education**

355
356 **CE Providers & Courses approved by CE Committee Chair**

357

358 **Action:** Motion to approve the ratification of licensees made by Ms. Van Siclen.
359 Second made by Dr. Morgan.

360
361 **Vote:** 4 yeas / 0 opposed. Motion carried.

362
363 **ASHA course completion from Ivette Andrade (TN30302)**

364
365 **Action:** Motion to approve 12 hours of the workshop for Ivette Andrade only
366 made by Ms. Van Siclen. Second made by Dr. Montoya.

367
368 **Vote:** 4 yeas / 0 opposed. Motion carried.

369
370 **Section IX ended:**
371 **Section X began: 9:05 a.m. (addressed out of order)**

372
373 **X. PROSECUTION REPORT:**

374
375 Mr. Burrows provided statistics regarding the prosecutions currently open in the
376 Department.

377
378 Total cases: 8
379 Under legal review: 4
380 Awaiting final order - 1
381 Probable cause found: 1
382 No probable cause found: 1
383 Cases older than 1 year continued for prosecution: 1

384
385 **Action:** Motion to authorize continued prosecution of cases older than one year
386 made by Ms. Van Siclen. Second made by Ms. Valdes.

387
388 **Vote:** 4 yeas/ 0 opposed. Motion carried.

389
390 **Section X ended: 9:08 a.m.**
391 **Section XI began: 1:28 p.m.**

392
393 **XI. BOARD COUNSEL REPORT:**

394
395 **a. May Rules Report**
396 **b. April Rules Report**

397
398 Ms. Loucks presented the official form number for training program renewal
399 applications. Ms. Loucks advised that all applications have been revised and
400 awaiting approval. Ms. Van Siclen presented statistics of the number of licensed
401 individuals in each rank. Ms. Woodard requested clarification of Florida
402 Administrative Code, Chapter 64B3-5.003(b) Blood Banking.

403

404 **Action:** Motion to open rule 64B3-5.003 (F.A.C.) for development for addition of
405 Florida approved training or 3 years of pertinent lab experience in donor
406 processing made by Ms. Van Siclen. Second made by Dr. McCarter.

407
408 **Vote:** 4 yeas / 0 opposed. Motion carried.

409
410 Ms. Loucks asked whether the proposed rules would have adverse impacts on
411 small business and whether regulatory costs would exceed two hundred thousand
412 dollars within one year of implementation. Ms. Van Siclen stated there would be
413 no adverse impact or increase of costs.

414
415 Ms. Loucks asked whether the proposed rules would be subject to a minor
416 violation. Minor violation means that it will not directly affect the public health,
417 safety, or welfare and is able to be resolved with citation or notice of non-
418 compliance. Ms. Van Siclen stated there would be no minor violations.

419
420 **Section XI ended:**
421 **Section XII began: 12:44 p.m. (addressed out of order)**

422
423 **XII. CHAIR/VICE CHAIR REPORT:**

424
425 Ms. Van Siclen will address report at the next meeting

426
427 **Section XII ended: 12:45 p.m. (Return to Section V Continued)**
428 **Section XIII began: 1:32 p.m.**

429
430 **XIII. EXECUTIVE DIRECTOR'S REPORT:**

431
432 Ms. Van Siclen expressed her concerns with unlicensed activity under Senate Bill
433 622. Ms. Van Siclen asked if the board should refer licensees who sign an
434 employment verification for unlicensed activity to Consumer Services.

435
436 **Section XIII ended: 1:55 p.m.**
437 **Section XIV began: 1:55 p.m.**

438
439 **XIV. OLD BUSINESS:**

440
441 Ms. Van Siclen asked where the board is in the process of adding a discipline in
442 Toxicology. Ms. Loucks advised that the board should await an in-person
443 meeting.

444
445 **Section XIV ended: 1:56 p.m.**
446 **Section XV began: 1:56 p.m.**

447
448 **XV. NEW BUSINESS:**

449

450 None

451

452 **Section XV ended: 1:56 p.m.**

453 **Section XVI began: 1:57 p.m.**

454

455 **XVI. COMMITTEE REPORTS:**

456

457 **a. Budget – Dr. Morgan**

458

459 Nothing to Report

460

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

462

463 Nothing to Report

464

465 **c. Credentials – Ms. Van Siclen**

466

467 Nothing to Report

468

469 **d. Disciplinary Compliance – Ms. Montoya**

470

471 Nothing to Report

472

473 **e. Examination – Ms. Montoya**

474

475 Nothing to Report

476

477 **f. Healthiest Weight – Dr. McCarter**

478

479 Nothing to Report

480

481 **g. Legislation – Dr. McCarter**

482

483 Provided additional comments on SB622

484

485 **h. Probable Cause – Dr. Morgan**

486

487 Nothing to Report. Ms. Van Siclen requested that the Prosecution Report be
488 placed after the approval of meeting minutes. Ms. Van Siclen also requested
489 that Public Comment be placed after applications for review and before
490 ratification of licenses

491

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

493

494 Nothing to Report

495

496 **j. Rules – Ms. Van Siclen**
497
498 Nothing to Report
499
500 **k. Training Program – Dr. McCarter**
501
502 Nothing to Report
503
504 **Section XVI ended: 2:02 p.m.**
505 **Section XVII began: 2:03 p.m.**
506
507 **XVII. NEXT MEETING DATE:**
508
509 **September 7, 2018**
510
511 **Section XVII ended: 2:03 p.m.**
512 **Section XVIII began: 2:03 p.m.**
513
514 **XVIII. PUBLIC COMMENT:**
515
516 **Section XVIII ended: 2:03 p.m.**
517 **Section XIX began: 2:03 p.m.**
518
519 **XIX. ADJOURNMENT:**
520
521 Meeting Adjourned at 2:03 p.m.