

**FLORIDA** | Board of Clinical Lab Personnel

**OFFICIAL MINUTES**

September 7, 2018

Rosen Plaza  
9700 International Drive  
Orlando, Florida 32819



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, September 7, 2018, commencing at 9:00 a.m. This meeting was held at the at the Rosen Plaza, 9700 International Drive, Orlando, Florida 32819, 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**

**Section I began: 9:01 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 (Absence Excused)  
Yvette McCarter, Ph.D.

**Board Staff Present:**

Dr. Anthony Spivey, DBA, Executive Director  
Gail Curry, Program Operations Administrator

**Board Counsel:**

Deborah Loucks, Assistant Attorney General  
Timothy Frizzell, Assistant Attorney General

**Prosecution Services:**

Mary Iglehart, Assistant General Counsel

**Court Reporter:**

American Court Reporter-Suzette Bragg  
(850) 421-0058

**Section I ended : 9:02 a.m.**

**Section II began: 9:02 a.m.**

**II. APPROVAL OF MINUTES:**

**a. June 15, 2018**

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

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

**Section II ended: 9:03 p.m.**

**Section III began: 9:03 p.m.**

**III. FINAL ORDER:**

**Determination of Waiver**

**a. Alicia Landolfi, C.L.P. Case No:  
2017-05179**

Ms. Mary Iglehart, Assistant General Counsel presented the case details and asked the board to grant motions on behalf of the department.

**Action:** Motion to adopt the investigative report into evidence, find that the respondent was properly served, and adopt the findings of fact set forth within the complaint made by Ms. Van Siclen. Second made by Dr. McCarter.

**Vote:** 3 yeas / 0 opposed. Motion carried. Dr. Morgan recused.

**Action:** Motion to find that the respondent waives the right to an informal hearing made by Ms. Van Siclen. Second by Ms. Valdes.

**Vote:** 3 yeas / 0 opposed. Motion carried. Dr. Morgan recused.

**Action:** Motion to adopt the conclusions of law as stated in the administrative complaint and find that the respondent is in violation of the board's practice act as charged in the administrative complaint made by Ms. Van Siclen. Second made by Dr. McCarter.

**Vote:** 3 yeas / 0 opposed. Motion carried. Dr. Morgan recused.

Ms. Iglehart presented the department's recommended penalty as follows: License suspension until she is able to demonstrate practice with skill and safety; referral to Profession Resource Network (PRN) for evaluation and comply with any recommendations; the board shall retain jurisdiction until she can appear before them.

**Action:** Motion to accept the recommended penalty set forth by prosecution by Ms. Van Siclen. Second made by Dr. McCarter

**Vote:** 3 yeas / 0 opposed. Motion carried. Dr. Morgan recused.

Ms. Iglehart advised that the department has requested that the licensee pay prosecution costs in the amount of \$2,561.40 to be made payable within ninety days of the final order. Ms. Van Siclen recommended an extended time frame.

**Action:** Motion to impose the costs of \$2,561.40 to be made payable within one year of the final order made by Ms. Van Siclen. Second made by Dr. McCarter.

**Vote:** 3 yeas / 0 opposed. Motion carried. Dr. Morgan recused.

**Section III ended: 9:10 a.m.**  
**Skipped to Section X**  
**Section IV began: 9:12 a.m.**

**IV. PETITIONS WITH APPLICATIONS:**

**a. Judith Staff**

Not present, nor represented by counsel.

**Action:** Motion to deny the petition made by Ms. Van Siclen. Second made by Ms. Valdes.

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

**Action:** Motion to approve the application contingent upon taking the required examination or allow the opportunity to withdraw the application made by Dr. McCarter. Second made by Ms. Van Siclen

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

**b. Avisá Asemi, Ph.D.**

Present. Not represented by counsel.

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

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

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

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

**c. Roberto Guajardo**

Present. Not represented by counsel.

**Action:** Motion to deny the petition made by Ms. Van Siclen. Second made by Dr. Morgan.

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

**Action:** Motion to accept withdrawal of the application made by Ms. Van Siclen. Second made by Dr. Morgan.

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

**d. Jessica Isaac**

Present. Not represented by counsel.

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

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

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

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

**e. Tyra J. Andre**

Not present, nor represented by counsel.

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

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

**Action:** Motion to reconsider prior vote made by Ms. Van Siclen. Second made by Dr. McCarter

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

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

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

**Action:** Motion to reconsider previous vote made by Dr. Morgan. Second made by Ms. Van Siclen.

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

**Action:** Motion to approve the petition for bachelor's degree made by Dr. Morgan. Second made by Dr. McCarter.

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

**Action:** Motion to approve the application contingent upon completing three hours of academic science credit in a chemical science within one year made by Dr. Morgan. Second made by Ms. Van Siclen.

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

**f. Essam Mankarios**

Present. Not represented by counsel.

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

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

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

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

**g. Marchella Bradshaw**

Present. Not represented by counsel.

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

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

**Action:** Motion to approve application for a temporary license valid for one year to fulfill the bachelor's degree made by Dr. Morgan. Second made by Dr. McCarter.

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

194 **Section IV ended: 10:40 a.m.**

195 **Break 10:40-10:59 a.m.**

196 **Section V began: 10:59 a.m.**

197  
198 **V. DECLARATORY STATEMENT:**

199  
200 **a. Darlene Brown, BS, SCT (ASCP)**

201  
202 Not present, nor represented by counsel. The board declined to answer the first question since they  
203 cannot advise a person who is not a licensee of the clinical laboratory board. The second question  
204 was addressed by the board to clarify what personnel need a license to practice. Ms. Valdes suggested  
205 that the laboratories' refer to their accrediting agency for further clarification.

206  
207 **Action:** Motion to refer the laboratory to their accrediting agency made by Ms. Van Siclen. Second  
208 made by Ms. Valdes.

209  
210 **Vote:** 4 yeas / 0 opposed. Motion carried.

211  
212 **Section V ended: 11:07 a.m.**

213 **Section VI began: 11:07 a.m.**

214  
215 **VI. APPLICANTS PRESENTED FOR BOARD REVIEW:**

216  
217 **a. TECHNICIAN**

218  
219 **Elizabeth Keller**

220  
221 Not present, nor represented by counsel.

222  
223 **Action:** Motion to approve the application made by Dr. Morgan. Second made by Dr. McCarter.

224  
225 **Vote:** 4 yeas / 0 opposed. Motion carried.

226  
227 **b. TECHNOLOGIST**

228  
229 **Mary Ellen Hoovler**

230  
231 Present. Not represented by counsel.

232  
233 **Action:** Motion to approve the application made by Dr. McCarter. Second made by Ms. Van Siclen.

234  
235 **Vote:** 4 yeas / 0 opposed. Motion carried.

236  
237 **James O'Berry**

238  
239 Not present, nor represented by counsel. The board determined that in order for Mr. O'Berry to  
240 upgrade to Supervisor rank, he must complete a total of twelve hours of academic science (six  
241 chemical and six biological)

242  
243 **Action:** Motion to vacate prior board order made by Dr. McCarter. Second made by Ms. Van Siclen.

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

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

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

**Mariela Martinez**

Present. Represented by counsel, Elizabeth Fata.

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

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

**Emad Keleny**

Not present, nor represented by counsel.

**Action:** Motion to deny the application made by Ms. Valdes. Second made by Dr. Morgan

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

**Crystal Loska**

Present. Not represented by counsel.

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

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

**c. SUPERVISOR**

**Alejandro Vazquez**

Present. Not represented by counsel.

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

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

**Yordanys Fernandez**

Not present, nor represented by counsel.

**Action:** Motion to approve application contingent upon receiving a completed and signed employment verification from Palmetto General Hospital made by Dr. McCarter. Second made by Ms. Van Siclen.

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

**Amy Boutahar**

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

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

**Orlando E. Bracho**

Present. Not represented by counsel.

**Action:** Motion to accept the application contingent upon receiving a revised employment verification made by Dr. McCarter. Second made by Ms. Van Siclen.

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

**Action:** Motion to rescind the prior vote made by Dr. McCarter. Second made by Ms. Van Siclen.

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

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

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

**Maikel Alvarez Melendez**

Not present, nor represented by counsel.

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

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

**Nicole Cottrell**

Present. Not represented by counsel.

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

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

**Cathleen Bransford**

Not present, nor represented by counsel.

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

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

**Jonalynn Masters**

**Action:** Motion to deny the application with option to withdraw application made by Dr. McCarter. Second made by Ms. Van Siclen.

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



349 **d. TRAINING PROGRAM**

350 **Creative Testing Solutions**

351 **Action:** No action required. Renewal approved prior to meeting.

352 **Pathology On The Go, Inc.**

353 **Action:** Motion to deny the approval of renewal made by Dr. McCarter. Second made by Ms. Van  
354 Siclen.

355 **Vote:** 4 yeas / 0 opposed. Motion carried.

356 **Southern Technical College**

357 **Action:** No action required. Renewal approved prior to meeting.

358 **All Children's Hospital Cytogenetics Training Program**

359 **Action:** No action required. Renewal approved prior to meeting.

360 **Section VI ended: 12:27 p.m.**

361 **Section VII began: 12:27 p.m.**

362 **VII. PUBLIC COMMENT:**

363 **a. Proposed changes 483.824; 64B3-5.007 (Phil Amuso)**

364 Mr. Amuso expressed concerns with scope of practice for laboratory directors and whether directors  
365 should be certified in all areas that they intend to direct. Mr. Amuso suggested removing language  
366 from the statute to correlate with CLIA regulations. The board discussed the difference between  
367 physician directors versus lab directors with a doctoral degree. Ms. Loucks advised that whomever  
368 is seeking change within the statute must obtain a house and senate sponsor to have a bill introduced  
369 to the legislature.

370 **Section VII ended: 1:13 p.m.**

371 **Break 1:13-2:04 p.m.**

372 **Section VIII began: 2:06 p.m.**

373 **VIII. CE PROVIDER COMPLIANCE:**

374 **a. Sysmex and Stago/Lab Roots**

375 The board discussed average reporting time by continuing education providers. Ms. Loucks asked  
376 whether the board should issue an order to show cause since many providers are not in compliance  
377 with department rule. Ms. Van Siclen suggested opening rule chapter 64B-3-11.004, Florida  
378 Administrative Code to make further stipulations. Ms. Loucks asked Dr. Spivey if he could confirm  
379 whether CE providers were under a department contract. The board agreed to discuss the rules  
380 further at the next board meeting.

381 **Section VIII ended: 2:21 p.m.**

Section IX began: 2:21 p.m.

**IX. RATIFICATION:**

**a. Licensure**

**Clinical Laboratory Personnel**

**Action:** Motion to ratify the approval of licensees made by Ms. Van Siclen. Second made by Dr. McCarter.

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

**Clinical Laboratory Personnel Trainees**

**Action:** Motion to ratify the approval of licensees made by Ms. Van Siclen. Second made by Dr. Morgan.

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

**b. Continuing Education**

CE Providers & Courses approved by CE Committee Chair

**Action:** Motion to ratify the approval of courses made by Ms. Van Siclen. Second made by Dr. McCarter.

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

Section IX ended: 2:21 p.m.

Section X addressed out of order at 9:10 a.m.

**X. PROSECUTION REPORT:**

Ms. Iglehart provided statistics regarding the prosecutions currently open in the Department.

Total cases: 9

Under legal review: 4

Awaiting board action: 3

Cases older than 1 year continued for prosecution: 1

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

**Vote:** 3 yeas/ 0 opposed. Dr. Morgan recused. Motion carried.

Section X ended: 9:12 a.m.

Section XI began: 2:21 p.m.

**XI. BOARD COUNSEL REPORT:**

451 **a. August Rules Report**

452 **b. 2018-2019 Annual Regulatory Plan**

453  
454 **Action:** Motion to approve the Annual Regulatory Plan made by Dr. McCarter. Second made by  
455 Dr. Morgan.

456  
457 **Vote:** 4 yeas / 0 opposed. Motion carried.

458  
459 **c. Consultation with AHCA on Alternate Site Testing**

460  
461 Mr. Jack Plagge, manager for the Agency for Healthcare Administration Outpatient Services  
462 Unit explained his credentials and experience. Mr. Plagge advised that alternate site testing would  
463 only apply to hospital based laboratories. Ms. Van Siclen asked about unlicensed activity  
464 practices that would affect the board. Mr. Plagge advised that AHCA would only be able to  
465 investigate unlicensed activity that occurs within hospital based laboratories since they still  
466 license hospitals and no longer have authority over independent laboratories. Mr. Plagge advised  
467 that they plan to open rulemaking in the near future.

468  
469 **d. CLIA Oversight of Clinical Laboratory Director qualifications**

470 **e. 64B3-5.007 Director; Limitations and Qualifications**

471  
472 Ms. Deborah Loucks, Assistant Attorney General introduced Mr. Timothy Frizzell, Assistant  
473 Attorney General as the new board counsel for the clinical laboratory profession. Mr. Frizzell  
474 presented his background and experience.

475  
476 Ms. Loucks presented the rules report and advised of the revisions made to the language in Rule  
477 Chapter 64B3-3.001, Florida Administrative Code.

478  
479 **Action:** Motion to accept the revised language made by Dr. Morgan. Second made by Ms. Van  
480 Siclen.

481  
482 **Vote:** 4 yeas / 0 opposed. Motion carried.

483  
484 Ms. Loucks asked whether the proposed rules would have adverse impacts on small business and  
485 whether regulatory costs would exceed two hundred thousand dollars within one year of  
486 implementation. Ms. Van Siclen stated there would be no adverse impact or increase of costs.

487  
488 Ms. Loucks asked whether the proposed rules would be subject to a minor violation. Minor  
489 violation means that it will not directly affect the public health, safety, or welfare and is able to be  
490 resolved with citation or notice of non-compliance. Ms. Van Siclen stated there would be no minor  
491 violations.

492  
493 Ms. Loucks presented certification examinations for toxicology. The board discussed the  
494 possibility of making the addition of toxicology as a licensure specialty. The board agreed to  
495 discuss further at the next board meeting.

496  
497 **Section XI ended: 2:40 p.m.**

498 **Section XII began: 2:40 p.m.**

499  
500 **XII. CHAIR/VICE CHAIR REPORT:**

Ms. Valdes provided an overview of the Annual Long Range Planning meeting. Ms. Valdes advised that no legislation was pushed through relating to anti-trust issues. Discussion occurred regarding social media practices, violations, unlicensed activity and the opioid crisis. Ms. Loucks advised that there will be a teleconference call on September 14, 2018 regarding health history questions within the licensure application(s).

**Section XII ended: 2:45 p.m.**

**Section XIII began: 2:45 p.m.**

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

Dr. Spivey provided information of the upcoming annual meeting and advised that the meeting will be more interactive for Chairs and Vice Chair participation.

**a. Revenue Report**

Dr. Spivey presented the revenue report.

**Section XIII ended: 2:48 p.m.**

**Section XIV began: 2:48 p.m.**

**XIV. OLD BUSINESS:**

None

**Section XIV ended: 2:48 p.m.**

**Section XV began: 2:48 p.m.**

**XV. NEW BUSINESS:**

Ms. Van Siclen asked board counsel for clarification of the reporting process for unlicensed activity. Dr. Spivey advised that the department now has a periodical magazine which provides statistics of unlicensed activity. Dr. McCarter expressed concerns of assessing training program compliance. Dr. McCarter asked whether the board could require documentation to prove that students are doing what is required. Dr. Spivey advised that he would work with board counsel to have a notice placed on the website relating to training program rule changes.

**Section XV ended: 3:09 p.m.**

**Section XVI began: 3:09 p.m.**

**XVI. COMMITTEE REPORTS:**

**a. Budget – Dr. Morgan**

Nothing to Report

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

Nothing to Report

**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**

Nothing to Report

**g. Legislation – Dr. McCarter**

Nothing to Report

**h. Probable Cause – Dr. Morgan**

Nothing to Report

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

In order to save money, Ms. Valdes suggested electronic licenses instead of paper.

**j. Rules – Ms. Van Siclen**

Nothing to Report

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

Addressed in Section XV

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

Nothing to Report

**Section XVI ended: 3:19 p.m.**

**Section XVII began: 3:19 p.m.**

**XVII. NEXT MEETING DATE:**

December 7, 2018

**Section XVII ended: 3:19 p.m.**

**Section XVIII began: 3:19 p.m.**

**XVIII. PROPOSED 2019 BOARD MEETING DATES:**

The board discussed future dates and availability. Changed December 6, 2019 to December 13,

604 2019.  
605  
606 **Section XVIII ended: 3:21 p.m.**  
607 **Section XIX began: 3:21 p.m.**  
608  
609 **XIX. ADJOURNMENT:**  
610  
611 **Meeting adjourned at 3:21 p.m.**  
612  
613



614  
615