

**FLORIDA** | Board of Clinical Lab Personnel

**DRAFT 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, DMD, 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:**

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**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**

90 Not present, nor represented by counsel.  
91  
92 **Action:** Motion to deny the petition made by Ms. Van Siclen. Second made by Ms. Valdes.  
93  
94 **Vote:** 4 yeas / 0 opposed. Motion carried.  
95  
96 **Action:** Motion to approve the application contingent upon taking the required examination or allow  
97 the opportunity to withdraw the application made by Dr. McCarter. Second made by Ms. Van Siclen  
98  
99 **Vote:** 4 yeas / 0 opposed. Motion carried.  
100  
101 **b. Avisa Asemi, Ph.D.**  
102  
103 Present. Not represented by counsel.  
104  
105 **Action:** Motion to deny the petition made by Dr. Morgan. Second made by Ms. Valdes.  
106  
107 **Vote:** 4 yeas / 0 opposed. Motion carried.  
108  
109 **Action:** Motion to accept withdrawal of the application made by Ms. Van Siclen. Second made by  
110 Dr. McCarter.  
111  
112 **Vote:** 4 yeas / 0 opposed. Motion carried.  
113  
114 **c. Roberto Guajardo**  
115  
116 Present. Not represented by counsel.  
117  
118 **Action:** Motion to deny the petition made by Ms. Van Siclen. Second made by Dr. Morgan.  
119  
120 **Vote:** 4 yeas / 0 opposed. Motion carried.  
121  
122 **Action:** Motion to accept withdrawal of the application made by Ms. Van Siclen. Second made by Dr.  
123 Morgan.  
124  
125 **Vote:** 4 yeas / 0 opposed. Motion carried.  
126  
127 **d. Jessica Isaac**  
128  
129 Present. Not represented by counsel.  
130  
131 **Action:** Motion to approve the petition made by Dr. McCarter. Second made by Ms. Van Siclen.  
132  
133 **Vote:** 4 yeas / 0 opposed. Motion carried.  
134  
135 **Action:** Motion to approve the application made by Ms. Van Siclen. Second made by Dr. McCarter.  
136  
137 **Vote:** 4 yeas / 0 opposed. Motion carried.  
138  
139 **e. Tyra J. Andre**  
140  
141 Not present, nor represented by counsel.

142 **Action:** Motion to approve the petition made by Ms. Van Siclen. Second made by Dr. McCarter  
143  
144 **Vote:** 4 yeas / 0 opposed. Motion carried.  
145  
146 **Action:** Motion to reconsider prior vote made by Ms. Van Siclen. Second made by Dr. McCarter  
147  
148 **Vote:** 4 yeas / 0 opposed. Motion carried.  
149  
150 **Action:** Motion to deny the petition made by Ms. Van Siclen. Second made by Dr. McCarter  
151  
152 **Vote:** 4 yeas / 0 opposed. Motion carried.  
153  
154 **Action:** Motion to reconsider previous vote made by Dr. Morgan. Second made by Ms. Van Siclen.  
155  
156 **Vote:** 4 yeas / 0 opposed. Motion carried.  
157  
158 **Action:** Motion to approve the petition for bachelor's degree made by Dr. Morgan. Second made by  
159 Dr. McCarter.  
160  
161 **Vote:** 4 yeas / 0 opposed. Motion carried.  
162  
163 **Action:** Motion to approve the application contingent upon completing three hours of academic  
164 science credit in a chemical science within one year made by Dr. Morgan. Second made by Ms. Van  
165 Siclen.  
166  
167 **Vote:** 4 yeas / 0 opposed. Motion carried.  
168  
169 **f. Essam Mankarios**  
170  
171 Present. Not represented by counsel.  
172  
173 **Action:** Motion to approve the petition made by Dr. Morgan. Second made by Dr. McCarter.  
174  
175 **Vote:** 4 yeas / 0 opposed. Motion carried.  
176  
177 **Action:** Motion to approve the application made by Dr. McCarter. Second made by Ms. Valdes.  
178  
179 **Vote:** 4 yeas / 0 opposed. Motion carried.  
180  
181 **g. Marchella Bradshaw**  
182  
183 Present. Not represented by counsel.  
184  
185 **Action:** Motion to deny the petition made by Dr. Morgan. Second made by Ms. Valdes.  
186  
187 **Vote:** 4 yeas / 0 opposed. Motion carried.  
188  
189 **Action:** Motion to approve application for a temporary license valid for one year to fulfill the  
190 bachelor's degree made by Dr. Morgan. Second made by Dr. McCarter.  
191  
192 **Vote:** 4 yeas / 0 opposed. Motion carried.  
193

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.

244

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

246  
247 **Action:** Motion to approve application for Technologist made by Dr. McCarter. Second made by  
248 Ms. Van Siclen.

249  
250 **Vote:** 4 yeas / 0 opposed. Motion carried.

251  
252 **Mariela Martinez**

253  
254 Present. Represented by counsel, Elizabeth Fata.

255  
256 **Action:** Motion to approve the application made by Ms. Van Siclen. Second made by Ms. Valdes.

257  
258 **Vote:** 4 yeas / 0 opposed. Motion carried.

259  
260 **Emad Keleny**

261  
262 Not present, nor represented by counsel.

263  
264 **Action:** Motion to deny the application made by Ms. Valdes. Second made by Dr. Morgan

265  
266 **Vote:** 4 yeas / 0 opposed. Motion carried.

267  
268 **Crystal Loska**

269  
270 Present. Not represented by counsel.

271  
272 **Action:** Motion to approve the application made by Ms. Van Siclen. Second made by Dr. McCarter.

273  
274 **Vote:** 4 yeas / 0 opposed. Motion carried.

275  
276 **c. SUPERVISOR**

277  
278 **Alejandro Vazquez**

279  
280 Present. Not represented by counsel.

281  
282 **Action:** Motion to approve the application made by Dr. McCarter. Second made by Dr. Morgan.

283  
284 **Vote:** 4 yeas / 0 opposed. Motion carried.

285  
286 **Yordanys Fernandez**

287  
288 Not present, nor represented by counsel.

289  
290 **Action:** Motion to approve application contingent upon receiving a completed and signed  
291 employment verification from Palmetto General Hospital made by Dr. McCarter. Second made by  
292 Ms. Van Siclen.

293  
294 **Vote:** 4 yeas / 0 opposed. Motion carried.

295  
296 **Amy Boutahar**

297 **Action:** Motion to approve the application made by Dr. McCarter. Second made by Ms. Van Siclen.  
298  
299 **Vote:** 4 yeas / 0 opposed. Motion carried.  
300  
301 **Orlando E. Bracho**  
302  
303 Present. Not represented by counsel.  
304  
305 **Action:** Motion to accept the application contingent upon receiving a revised employment  
306 verification made by Dr. McCarter. Second made by Ms. Van Siclen.  
307  
308 **Vote:** 4 yeas / 0 opposed. Motion carried.  
309  
310 **Action:** Motion to rescind the prior vote made by Dr. McCarter. Second made by Ms. Van Siclen.  
311  
312 **Vote:** 4 yeas / 0 opposed. Motion carried.  
313  
314 **Action:** Motion to approve the application made by Dr. McCarter. Second made by Ms. Valdes.  
315  
316 **Vote:** 4 yeas / 0 opposed. Motion carried.  
317  
318 **Maikel Alvarez Melendez**  
319  
320 Not present, nor represented by counsel.  
321  
322 **Action:** Motion to approve the application made by Dr. McCarter. Second made by Ms. Van Siclen.  
323  
324 **Vote:** 4 yeas / 0 opposed. Motion carried.  
325  
326 **Nicole Cottrell**  
327  
328 Present. Not represented by counsel.  
329  
330 **Action:** Motion to approve the application made by Dr. McCarter. Second made by Dr. Morgan.  
331  
332 **Vote:** 4 yeas / 0 opposed. Motion carried.  
333  
334 **Cathleen Bransford**  
335  
336 Not present, nor represented by counsel.  
337  
338 **Action:** Motion to approve the application made by Dr. McCarter. Second made by Dr. Morgan.  
339  
340 **Vote:** 4 yeas / 0 opposed. Motion carried.  
341  
342 **Jonalynn Masters**  
343  
344 **Action:** Motion to deny the application with option to withdraw application made by Dr. McCarter.  
345 Second made by Ms. Van Siclen.  
346  
347 **Vote:** 4 yeas / 0 opposed. Motion carried.  
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**d. TRAINING PROGRAM**

**Creative Testing Solutions**

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

**Pathology On The Go, Inc.**

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

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

**Southern Technical College**

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

**All Children’s Hospital Cytogenetics Training Program**

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

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

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

**VII. PUBLIC COMMENT:**

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

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

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

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

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

**VIII. CE PROVIDER COMPLIANCE:**

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

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

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

400 **Section IX began: 2:21 p.m.**

401  
402 **IX. RATIFICATION:**

403  
404 **a. Licensure**

405  
406 **Clinical Laboratory Personnel**

407  
408 **Action:** Motion to ratify the approval of licensees made by Ms. Van Siclen. Second made by Dr.  
409 McCarter.

410  
411 **Vote:** 4 yeas / 0 opposed. Motion carried.

412  
413 **Clinical Laboratory Personnel Trainees**

414  
415 **Action:** Motion to ratify the approval of licensees made by Ms. Van Siclen. Second made by Dr.  
416 Morgan.

417  
418 **Vote:** 4 yeas / 0 opposed. Motion carried.

419  
420 **b. Continuing Education**

421  
422 **CE Providers & Courses approved by CE Committee Chair**

423  
424 **Action:** Motion to ratify the approval of courses made by Ms. Van Siclen. Second made  
425 by Dr. McCarter.

426  
427 **Vote:** 4 yeas / 0 opposed. Motion carried.

428  
429 **Section IX ended: 2:21 p.m.**

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

431  
432 **X. PROSECUTION REPORT:**

433  
434 Ms. Iglehart provided statistics regarding the prosecutions currently open in the Department.

435  
436 Total cases: 9  
437 Under legal review: 4  
438 Awaiting board action: 3  
439 Cases older than 1 year continued for prosecution: 1

440  
441 **Action:** Motion to authorize continued prosecution of cases older than one year made by Ms. Van  
442 Siclen. Second made by Ms. Valdes.

443  
444 **Vote:** 3 yeas/ 0 opposed. Dr. Morgan recused. Motion carried.

445  
446 **Section X ended: 9:12 a.m.**

447 **Section XI began: 2:21 p.m.**

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449 **XI. BOARD COUNSEL REPORT:**

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**a. August Rules Report**  
**b. 2018-2019 Annual Regulatory Plan**

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

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

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

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

**d. CLIA Oversight of Clinical Laboratory Director qualifications**  
**e. 64B3-5.007 Director; Limitations and Qualifications**

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

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

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

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

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

Ms. Loucks asked whether the proposed rules 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. Ms. Van Siclen stated there would be no minor violations.

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

**Section XI ended: 2:40 p.m.**  
**Section XII began: 2:40 p.m.**

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

502 Ms. Valdes provided an overview of the Annual Long Range Planning meeting. Ms. Valdes  
503 advised that no legislation was pushed through relating to anti-trust issues. Discussion occurred  
504 regarding social media practices, violations, unlicensed activity and the opioid crisis. Ms. Loucks  
505 advised that there will be a teleconference call on September 14, 2018 regarding health history  
506 questions within the licensure application(s).  
507

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

509 **Section XIII began: 2:45 p.m.**  
510

511 **XIII. EXECUTIVE DIRECTOR'S REPORT:**  
512

513 Dr. Spivey provided information of the upcoming annual meeting and advised that the meeting  
514 will be more interactive for Chairs and Vice Chair participation.  
515

516 **a. Revenue Report**  
517

518 Dr. Spivey presented the revenue report.  
519

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

521 **Section XIV began: 2:48 p.m.**  
522

523 **XIV. OLD BUSINESS:**  
524

525 None  
526

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

528 **Section XV began: 2:48 p.m.**  
529

530 **XV. NEW BUSINESS:**  
531

532 Ms. Van Siclen asked board counsel for clarification of the reporting process for unlicensed  
533 activity. Dr. Spivey advised that the department now has a periodical magazine which provides  
534 statistics of unlicensed activity. Dr. McCarter expressed concerns of assessing training program  
535 compliance. Dr. McCarter asked whether the board could require documentation to prove that  
536 students are doing what is required. Dr. Spivey advised that he would work with board counsel to  
537 have a notice placed on the website relating to training program rule changes.  
538

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

540 **Section XVI began: 3:09 p.m.**  
541

542 **XVI. COMMITTEE REPORTS:**  
543

544 **a. Budget – Dr. Morgan**  
545

546 Nothing to Report  
547

548 **b. Continuing Education – Ms. Valdes**  
549

550 Nothing to Report  
551

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

553 Nothing to Report  
554  
555 **d. Disciplinary Compliance – Dr. Montoya**  
556  
557 Nothing to Report  
558  
559 **e. Examination – Dr. Montoya**  
560  
561 Nothing to Report  
562  
563 **f. Healthiest Weight – Dr. McCarter**  
564  
565 Nothing to Report  
566  
567 **g. Legislation – Dr. McCarter**  
568  
569 Nothing to Report  
570  
571 **h. Probable Cause – Dr. Morgan**  
572  
573 Nothing to Report  
574  
575 **i. Professional Association – Ms. Valdes**  
576  
577 In order to save money, Ms. Valdes suggested electronic licenses instead of paper.  
578  
579 **j. Rules – Ms. Van Siclen**  
580  
581 Nothing to Report  
582  
583 **k. Training Program – Dr. McCarter**  
584  
585 Addressed in Section XV  
586  
587 **l. Unlicensed Activity – Ms. Valdes**  
588  
589 Nothing to Report  
590  
591 **Section XVI ended: 3:19 p.m.**  
592 **Section XVII began: 3:19 p.m.**  
593  
594 **XVII. NEXT MEETING DATE:**  
595  
596 December 7, 2018  
597  
598 **Section XVII ended: 3:19 p.m.**  
599 **Section XVIII began: 3:19 p.m.**  
600  
601 **XVIII. PROPOSED 2019 BOARD MEETING DATES:**  
602  
603 The board discussed future dates and availability. Changed December 6, 2019 to December 13,

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2019.

**Section XVIII ended: 3:21 p.m.**

**Section XIX began: 3:21 p.m.**

**XIX. ADJOURNMENT:**

**Meeting adjourned at 3:21 p.m.**



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615