

FLORIDA | Board of Clinical Lab Personnel

DRAFT MINUTES

December 7, 2018

Mission Inn Resort
10400 Florida County Road 48
Howey-in-the-Hills, Florida 34737



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, December 7, 2018, commencing at 8:00 a.m. This meeting was held at the Mission Inn Resort, 10400 Florida County Road 48, Howey-in-the-Hills, Florida 34737, 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: 8:04 a.m.

1 **I. CALL TO ORDER (Roll Call):**
2

3 Carleen P. Van Siclen, MS, MLS (ASCP), Chair
4 Linda Valdes, MS, MT (ASCP), Vice-Chair (**Present at 9:00 a.m.**)
5 Michele Morgan, D.B.A. (**Absence Excused**)
6 Beatriz E. Montoya, MBA, DMD, BSMT, AMT
7 Yvette McCarter, Ph.D.
8

9 **Board Staff Present:**

10
11 Dr. Anthony Spivey, DBA, Executive Director
12 Gail Curry, Program Operations Administrator
13

14 **Board Counsel:**

15
16 Timothy Frizzell, Assistant Attorney General
17

18 **Prosecution Services:**

19
20 Mary Iglehart, Assistant General Counsel
21

22 **Court Reporter:**

23
24 Joy Hayes Court Reporting – Valeria Vandiver
25 (352) 726-4451
26

27 **Section I ended : 8:05 a.m.**

28 **Section II began: 8:05 a.m.**
29

30 **II. APPROVAL OF MINUTES:**

31
32 **a. September 7, 2018**
33

34 **Action:** Motion to approve the meeting minutes made by Dr. McCarter. Second
35 made by Dr. Montoya.

36
37 **Vote:** 3 yeas / 0 opposed. Motion carried.

38
39 **Section II ended: 8:06 a.m.**

40 **Section III began: 8:06 a.m.**

41 **Delayed action on Informal Hearings in Section III until 8:46 a.m.**

42 **Section III (Cont) : 8:46 a.m.**

43
44 **III. FINAL ORDER:**

45
46 **Informal Hearings**

47
48 **a. Carolyn Ann Niesz**

49 **Case No: 2018-05983**

50
51 Not present, nor represented by counsel. Ms. Mary Iglehart, Assistant General
52 Counsel presented the case details and asked the board to grant motions on behalf
53 of the department. Ms. Iglehart presented case details and the department's
54 recommended penalty as follows: Reprimand; six months of unsupervised
55 probation; impose administrative fine of \$2,500 payable within one year of final
56 order; ten hours of continuing education in the category of Laws/Rules; and
57 impose administrative costs of \$47.12.

58
59 Dr. McCarter suggested five hours of continuing education instead of ten.

60
61 **Action:** Motion to adopt the investigative report into evidence; to find that the
62 respondent was properly served and requested an informal hearing; to adopt the
63 findings of fact and adopt conclusions of law set forth within the complaint; and
64 to find that the respondent is in violation of the board's practice act made by Ms.
65 Van Siclen. Second made by Dr. Montoya.

66
67 **Vote:** 3 yeas / 0 opposed. Dr. McCarter recused. Motion carried.

68
69 **Action:** Motion to impose a reprimand; six months of unsupervised probation;
70 administrative fine of \$2,500 payable within one year of final order; and five
71 hours of continuing education in the category of Laws/Rules made by Ms. Van
72 Siclen. Second made by Dr. Montoya.

73
74 **Vote:** 3 yeas / 0 opposed. Dr. McCarter recused. Motion carried.

75
76 **Action:** Motion to impose administrative costs of \$47.12 payable within one year
77 of final order made by Ms. Van Siclen. Second made by Dr. Montoya.

78
79 **Vote:** 3 yeas / 0 opposed. Dr. McCarter recused. Motion carried.

80 **b. Monica M. Mansour**
81 **Case No: 2018-01611**

82
83 Not present, nor represented by counsel. Ms. Iglehart presented case details and
84 the department's recommended penalty as follows: Require respondent to
85 undergo evaluation by Professional Resource Network (PRN); suspension of
86 license until respondent becomes compliant; and impose administrative costs of
87 \$391.27 payable within ninety days of final order.

88
89 **Action:** Motion to adopt the investigative report into evidence; to find that the
90 respondent was properly served and requested an informal hearing; and to adopt
91 the findings of fact set forth within the complaint made by Ms. Van Siclen.
92 Second made by Ms. Valdes.

93
94 **Vote:** 3 yeas / 0 opposed. Dr. McCarter recused. Motion carried.

95
96 **Action:** Motion to adopt conclusions of law set forth within the complaint and to
97 find that the respondent is in violation of the board's practice act made by Ms.
98 Van Siclen. Second made by Ms. Valdes.

99
100 **Vote:** 3 yeas / 0 opposed. Dr. McCarter recused. Motion carried

101
102 **Action:** Motion to require evaluation by Professional Resource Network (PRN);
103 to suspend the license until respondent becomes compliant; and to impose
104 administrative costs of \$391.27 payable within ninety days of final order made by
105 Ms. Van Siclen. Second made by Dr. Montoya.

106
107 **Vote:** 3 yeas / 0 opposed. Dr. McCarter recused. Motion carried

108
109 **Voluntary Relinquishments**

110
111 **a. Rebekah A. Eichhorn, T.N.**
112 **Case No: 2017-18021**

113
114 Not present, nor represented by counsel. Ms. Iglehart presented case details and
115 requested that the board accept Ms. Eichhorn's request for voluntary
116 relinquishment in lieu of further discipline.

117
118 **Action:** Motion to adopt the final investigative report into evidence including
119 exhibits and subject notification letter that the respondent was properly served;
120 and accept the voluntary relinquishment of the license made by Ms. Van Siclen.
121 Second made by Dr. McCarter.

122
123 **Vote:** 3 yeas / 0 opposed. Motion carried.

124
125 **b. Kimberly M. Sommer, C.L.T.**

126 **Case No: 2018-18291**

127
128 Not present, nor represented by counsel. Ms. Iglehart presented case details and
129 requested that the board accept Ms. Sommer's request for voluntary
130 relinquishment in lieu of further discipline.

131
132 **Action:** Motion to adopt the final investigative report into evidence including
133 exhibits and subject notification letter that the respondent was properly served;
134 and accept the voluntary relinquishment of the license made by Ms. Van Siclen.
135 Second made by McCarter.

136
137 **Vote:** 3 yeas / 0 opposed. Motion carried.

138
139 **Section III ended: 8:12 a.m.**

140 **Section IV began: 8:12 a.m.**

141
142 **IV. PROSECUTION REPORT**

143
144 Ms. Iglehart provided statistics regarding the prosecutions currently open in the
145 Department.

146
147 Total cases: 9

148 Under expert review: 1

149 Under Investigation: 5

150 Awaiting board action: 4 (on this agenda)

151 Cases older than 1 year continued for prosecution: 2

152
153 **Action:** Motion to authorize continued prosecution of cases older than one year
154 made by Ms. Van Siclen. Second made by Dr. Montoya.

155
156 **Vote:** 3 yeas / 0 opposed. Motion carried.

157
158 **Section IV ended: 8:14 a.m.**

159 **Section V began: 8:14 a.m.**

160
161 **V. PETITIONS WITH APPLICATIONS:**

162
163 **a. Katty Carcache, MT**

164
165 Not present, nor represented by counsel.

166
167 **Action:** Motion to deny the petition made by Dr. McCarter. Second made by Ms.
168 Van Siclen.

169
170 **Vote:** 4 yeas / 0 opposed. Motion carried.

171 **Action:** Motion to approve the application for licensure made by Dr. McCarter.
172 Second made by Dr. Montoya.

173
174 **Vote:** 4 yeas / 0 opposed. Motion carried.

175
176 **b. Nulvis L. Machado**

177
178 Present. Not represented by counsel.

179
180 **Action:** Motion to deny the petition made by Dr. McCarter. Second made by Ms.
181 Van Siclen.

182
183 **Vote:** 3 yeas / 0 opposed. Motion carried.

184
185 **Action:** Motion to accept the withdrawal of the application for licensure made by
186 Ms. Van Siclen. Second made by Dr. Montoya.

187
188 **Vote:** 3 yeas / 0 opposed. Motion carried.

189
190 **c. Angela Maxwell, MT**

191
192 Present. Not represented by counsel.

193
194 **Action:** Motion to deny the petition made by Dr. McCarter. Second made by Ms.
195 Valdes.

196
197 **Vote:** 3 yeas / 0 opposed. Ms. Van Siclen recused. Motion carried.

198
199 **Action:** Motion to approve the application for licensure made by Ms. Valdes.
200 Second made by Dr. Montoya.

201
202 **Vote:** 3 yeas / 0 opposed. Motion carried.

203
204 **d. Praneetha Muthumani**

205
206 Present. Not represented by counsel.

207
208 **Action:** Motion to deny the petition made by Ms. Van Siclen. Second made by
209 Dr. McCarter.

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

212
213 **Action:** Motion to approve the application for licensure made by Ms. Van Siclen.
214 Second made by Dr. McCarter.

215
216 **Vote:** 4 yeas / 0 opposed. Motion carried.

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e. Sallie Hearon

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

Vote: 4 yeas / 0 opposed. Motion carried.

Section V ended: 8:38 a.m.

Break 8:38 a.m. to 8:46 a.m.

Section III addressed at 8:46 a.m.

Section VI began: 9:10 a.m.

VI. APPLICANTS PRESENTED FOR BOARD REVIEW:

a. TRAINEE

Randi Meyer

Present. Not represented by counsel.

Action: Motion to approve the application for licensure made by Dr. McCarter. Second made by Dr. Montoya.

Vote: 4 yeas / 0 opposed. Motion carried.

Brian Santa

Present. Not represented by counsel.

Action: Motion to require Mr. Santa's appearance at one of the next two board meetings made by

Vote: 4 yeas / 0 opposed. Motion carried.

b. TECHICIAN

Amy Miller

Present. Not represented by counsel.

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

Vote: 4 yeas / 0 opposed. Motion carried.

c. TECHNOLOGIST

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Remon Ayoub

Present. Not represented by counsel.

Action: Motion to approve the application for licensure made by Dr. McCarter.
Second made by Dr. Montoya.

Vote: 4 yeas / 0 opposed. Motion carried.

Ping Chai

Not present, nor represented by counsel.

Action: Motion to deny the application for licensure made by Ms. Van Siclen.
Second made by Dr. McCarter.

Vote: 4 yeas / 0 opposed. Motion carried.

Emad Keleny

Not present, nor represented by counsel.

Action: Motion to deny the reconsideration of the application for licensure made
by Dr. McCarter. Second made by Ms. Valdes.

Vote: 4 yeas / 0 opposed. Motion carried.

Demetrous Miller

Not present, nor represented by counsel.

Action: Motion to deny the application for licensure made by Dr. McCarter.
Second made by Ms. Valdes.

Vote: 4 yeas / 0 opposed. Motion carried.

Shobhana Patel

Not present, nor represented by counsel.

Action: Motion to deny the application for licensure made by Dr. McCarter.
Second made by Dr. Montoya.

Vote: 4 yeas / 0 opposed. Motion carried.

Tatiana Rios

309 Not present, nor represented by counsel.

310

311 **Action:** Motion to approve the application for licensure made by Ms. Van Siclen.

312 Second made by Dr. McCarter.

313

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

315

316 **Kathryn Kulp**

317

318 Not present, nor represented by counsel.

319

320 **Action:** Motion to approve the application for licensure made by Ms. Van Siclen.

321 Second made by Dr. Montoya

322

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

324

325 **d. SUPERVISOR**

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327 **Pamela Burrell**

328

329 Not present, nor represented by counsel.

330

331 **Action:** Motion to approve the application for licensure made by Ms. Van Siclen.

332 Second made by Ms. Valdes.

333

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

335

336 **Liguo Chen**

337

338 Not present, nor represented by counsel.

339

340 **Action:** Motion to require Mr. Chen's appearance at one of the next two board

341 meetings made by Ms. Van Siclen. Second made by Dr. McCarter.

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

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345 **Leonel De Jesus Gonzalez**

346

347 Not present, nor represented by counsel.

348

349 **Action:** Motion to deny the application for licensure made by Dr. McCarter.

350 Second made by Dr. Montoya.

351

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

353

354 **Julie Hoffman**

355 Not present, nor represented by counsel.

356

357 **Action:** Motion to require Ms. Hoffman's appearance at one of the next two
358 board meetings made by Ms. Van Siclen. Second made by Ms. Valdes.

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

361

362 **Sylvena Francis**

363

364 Not present, nor represented by counsel.

365

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

368

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

370

371 **Kristin Kahl**

372

373 Present. Not represented by counsel.

374

375 **Action:** Motion to accept the withdrawal of the application for licensure made by
376 Ms. Van Siclen. Second made by Ms. Valdes.

377

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

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380 **Ratna Karan**

381

382 Not present, nor represented by counsel.

383

384 **Action:** Motion to deny the application for licensure made by Ms. Van Siclen.
385 Second made by Dr. McCarter.

386

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

388

389 **Kristi Kollar**

390

391 Present. Not represented by counsel.

392

393 **Action:** Motion to grant one year temporary license and approve application
394 contingent upon completing 4 hours of chemistry credits made by Dr. McCarter.
395 Second made by Dr. Montoya.

396

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

398

399 **Christopher LaMee**

400

401 Present. Not represented by counsel.

402

403 **Action:** Motion to accept the withdrawal of the application for licensure made by
404 Ms. Van Siclen. Second made by Ms. Valdes.

405

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

407

408 **Waleska Martinez Ramundi**

409

410 Not present, nor represented by counsel.

411

412 **Action:** Motion to require Ms. Ramundi's appearance at one of the next two
413 board meetings made by Ms. Van Siclen.

414

415 **Action:** Previous Motion withdrawn. Motion approve the application for
416 licensure made by Ms. Van Siclen. Second made by Dr. McCarter.

417

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

419

420 **Xiomara Elsa Olmo-Arroyo**

421

422 Not present, nor represented by counsel.

423

424 **Action:** Motion to approve the application for licensure made by Ms. Van Siclen.
425 Second made by Dr. Montoya.

426

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

428

429 **Keyla Kilmara Quezada**

430

431 Not present, nor represented by counsel.

432

433 **Action:** Motion to deny the application for licensure made by Dr. McCarter.
434 Second made by Dr. Montoya.

435

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

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438 **Jennifer Wilson**

439

440 Not present, nor represented by counsel.

441

442 **Action:** Motion to deny the application for licensure made by Dr. McCarter.
443 Second made by Dr. Montoya

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

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e. DIRECTOR

Henry Zeidan

Not present, nor represented by counsel.

Action: Motion to require Dr. Zeidan’s appearance at one of the next two board meetings made by Ms. Valdes. Second made by Ms. Van Siclen.

Vote: 4 yeas / 0 opposed. Motion carried.

f. TRAINING PROGRAM

Global Training Center

Program Coordinator, Rebecca Kenner; Present. Not represented by counsel.

Dr. McCarter presented her determination of the training program’s renewal application. Ms. Kenner addressed the board with the details of the program. Discussion ensued amongst board members and Ms. Kenner. Dr. McCarter recommended that there be nine months of training. Ms. Kenner waived the 90 day requirement in which to take action on the program renewal application.

Action: Motion to direct Dr. McCarter to review additional documentation that should be received by the board no later than January 11, 2019 made by Ms. Van Siclen. Second made by Dr. McCarter.

Vote: 4 yeas / 0 opposed. Motion carried.

Section VI ended: 11:58 a.m.
Section VII began: 11:58 a.m.

VII. PUBLIC COMMENT:

None

Section VII ended: 11:58 a.m.
Section VIII began: 11:58 a.m.

VIII. RATIFICATION:

a. Licensure

Clinical Laboratory Personnel

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

494
495 **Vote:** 4 yeas / 0 opposed. Motion carried.

496
497 **Clinical Laboratory Personnel Trainees**

498
499 **Action:** Motion to ratify the approval of licensees made by Ms. Van Siclen.
500 Second made by Dr. Montoya.

501
502 **Vote:** 4 yeas / 0 opposed. Motion carried.

503
504 **b. Continuing Education**

505
506 **CE Providers & Courses approved by CE Committee Chair**

507
508 **Action:** Motion to ratify the approval of providers and continuing education
509 courses made by Ms. Van Siclen. Second made by Dr. Montoya.

510
511 **Vote:** 4 yeas / 0 opposed. Motion carried.

512
513 **Section VIII ended: 12:00 p.m.**

514 **Section IX began: 12:00 p.m.**

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516 **IX. BOARD COUNSEL REPORT:**

517
518 **a. November Rules Report**

519
520 Board counsel, Timothy Frizzell presented the rules reports.

521
522 **b. 2018-2019 Annual Regulatory Plan**

523
524 Mr. Frizzell advised that the annual regulatory plan was addressed at the last
525 board meeting.

526
527 **c. CE providers reporting time**

528
529 Mr. Frizzell advised of the concerns relating to delayed reporting times and
530 suggested proposing language to require a certain amount of time for providers to
531 report continuing education hours. Discussion ensued. The board agreed to allow
532 Ms. Van Siclen to work with Mr. Frizzell to create new language for rule chapter
533 64B3-11.003, Florida Administrative Code. Ms. Van Siclen advised that the board
534 should reference the department rule chapter 64B-5.002 (FAC). Mr. Frizzell
535 advised that the language will be brought forth to the next board meeting for a
536 vote.

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d. Scope of practice

Mr. Frizzell presented a request for clarification of whether PCR testing is considered within the scope of molecular pathology. Ms. Valdes advised that there is no such thing as an FDA categorization for molecular pathology and that it is a technique within a specialty. Ms. Valdes provided the following examples: If microbiology is listed as a specialty on a license, they can perform molecular techniques with that license. The same would apply if they have molecular pathology as a specialty on the license. Ms. Van Siclen recommended that the requestor review scope of practice rule chapter 64B3-10.005 (3) (14) (18) (FAC).

Section IX ended: 12:33 p.m.

Section X began: 12:33 p.m.

X. CHAIR/VICE CHAIR REPORT:

Nothing to Report

Section X ended: 12:33 p.m.

Section XI began: 12:33 p.m.

XI. EXECUTIVE DIRECTOR'S REPORT:

a. Annual Delegation of Authority

Ms. Van Siclen requested that a letter be drafted to the governor to request appointment of new board members. Ms. Van Siclen advised that she would like to be present in the clinical laboratory pre-meetings. Dr. Spivey advised that board chair may not be present in the meeting if a disciplinary prosecutor is in attendance. Dr. Spivey advised that he would make arrangements to ensure board chair has an opportunity to participate.

Action: Motion to

Vote: 4 yeas / 0 opposed. Motion carried.

Section XI ended: 12:36 p.m.

Section XII began: 12:36 p.m.

XII. OLD BUSINESS:

Ms. Van Siclen requested for the proposed rule changes to chapter 64B3-3.001, 64B3-3.002, and 64B3-3.003 be posted on the website.

Section XII ended: 12:38 p.m.

Section XIII began: 12:38 p.m.

584 **XIII. NEW BUSINESS:**

585

586 Ms. Van Siclen directed the board to review the qualifications for supervisor
587 licensure and asked whether they thought the rule language should be changed
588 due to the submission of several petitions. Ms. Van Siclen asked the board
589 whether they would like to consider national board's criteria for approval. Ms.
590 Valdes indicated she would not be in favor of a change due to the fact that the
591 national board approves applicants to test that the board wouldn't typically
592 approve for licensure. The board agreed that they would like to continue to use
593 board review to approve applications on an individual basis.

594

595 Ms. Van Siclen directed the board to review the technologist qualifications for
596 generalist-option 1. Ms. Van Siclen suggested splitting the required training
597 program and/or experience into their own option selections. (Ex: 1a and 1b). Ms.
598 Van Siclen requested discussion relating to training programs which are required
599 to provide 3 months of instruction for each specialty. Ms. Van Siclen asked if the
600 language should indicate 3 months of full time –or- 3 months of part time
601 instruction. Ms. Van Siclen advised that she doesn't believe the language should
602 be subjective to interpretation and asked to place the rule (64B3-3.001, FAC) on
603 the next meeting agenda for discussion.

604

605 **Section XIII ended: 12:52 p.m.**

606 **Section XIV began: 12:52 p.m.**

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608 **XIV. COMMITTEE REPORTS:**

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610 **a. Budget – Dr. Morgan**

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612 Nothing to report

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

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616 Nothing to report

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

619

620 Nothing to report

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622 **d. Disciplinary Compliance – Dr. Montoya**

623

624 Nothing to report

625

626 **e. Examination – Dr. Montoya**

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628 Nothing to report

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

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632 Nothing to report

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634 **g. Legislation – Dr. McCarter**

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636 Nothing to report

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

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640 Nothing to report

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

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644 Nothing to report

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646 **j. Rules – Ms. Van Siclen**

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648 Nothing to report

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

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652 Nothing to report

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

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656 Nothing to report

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658 **Section XIV ended: 12:59 p.m.**

659 **Section XV began: 12:59 p.m.**

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661 **XV. NEXT MEETING DATE:**

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663 **March 8, 2019**

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665 **Section XV ended: 1:00 p.m.**

666 **Section XVI began: 1:00 p.m.**

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668 **XVI. ADJOURNMENT:**

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670 Meeting adjourned at 1:00 p.m.