OFFICIAL 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
AGENDA

Section I began: 8:04 a.m.

I. CALL TO ORDER (Roll Call):

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

Board Staff Present:

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

Board Counsel:

Timothy Frizzell, Assistant Attorney General

Prosecution Services:

Mary Iglehart, Assistant General Counsel

Court Reporter:

Joy Hayes Court Reporting – Valeria Vandiver
(352) 726-4451

Section I ended: 8:05 a.m.

Section II began: 8:05 a.m.

II. APPROVAL OF MINUTES:

a. September 7, 2018
Action: Motion to approve the meeting minutes made by Dr. McCarter. Second made by Ms. Montoya.

Vote: 3 yeas / 0 opposed. Motion carried.

Section II ended: 8:06 a.m.
Section III began: 8:06 a.m.
Delayed action on Informal Hearings in Section III until 8:46 a.m.
Section III (Cont) : 8:46 a.m.

III. FINAL ORDER:

Informal Hearings

a. Carolyn Ann Niesz
   Case No: 2018-05983

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

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

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

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

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

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

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

Vote: 3 yeas / 0 opposed. Dr. McCarter recused. Motion carried.
b. Monica M. Mansour  
Case No: 2018-01611

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

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

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

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

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

Voluntary Relinquishments

a. Rebekah A. Eichhorn, T.N.  
Case No: 2017-18021

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

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

Vote: 3 yeas / 0 opposed. Motion carried.

b. Kimberly M. Sommer, C.L.T.
Case No: 2018-18291

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

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

Vote: 3 yeas / 0 opposed. Motion carried.

Section III ended: 8:12 a.m.
Section IV began: 8:12 a.m.

IV. PROSECUTION REPORT

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

Total cases: 9
Under expert review: 1
Under Investigation: 5
Awaiting board action: 4 (on this agenda)
Cases older than 1 year continued for prosecution: 2

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

Vote: 3 yeas / 0 opposed. Motion carried.

Section IV ended: 8:14 a.m.
Section V began: 8:14 a.m.

V. PETITIONS WITH APPLICATIONS:

a. Katty Carcache, MT

Not present, nor represented by counsel.

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

Vote: 4 yeas / 0 opposed. Motion carried.

b. Nulvis L. Machado

Present. Not represented by counsel.

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

Vote: 3 yeas / 0 opposed. Motion carried.

Action: Motion to accept the withdrawal of the application for licensure made by Ms. Van Siclen. Second made by Ms. Montoya.

Vote: 3 yeas / 0 opposed. Motion carried.

c. Angela Maxwell, MT

Present. Not represented by counsel.

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

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

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

Vote: 3 yeas / 0 opposed. Motion carried.

d. Praneetha Muthumani

Present. Not represented by counsel.

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 approve the application for licensure made by Ms. Van Siclen. Second made by Dr. McCarter.

Vote: 4 yeas / 0 opposed. Motion carried.
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 Ms. 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 Ms. Van Siclen. Second made by Dr. McCarter.

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
Remon Ayoub

Present. Not represented by counsel.

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

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

Tatiana Rios
Not present, nor represented by counsel.

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

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

**Kathryn Kulp**

Not present, nor represented by counsel.

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

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

**d. SUPERVISOR**

**Pamela Burrell**

Not present, nor represented by counsel.

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

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

**Liguo Chen**

Not present, nor represented by counsel.

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

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

**Leonel De Jesus Gonzalez**

Not present, nor represented by counsel.

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

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

**Julie Hoffman**
Not present, nor represented by counsel.

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

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

**Sylvena Francis**

Not present, nor represented by counsel.

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

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

**Kristin Kahl**

Present. Not represented by counsel.

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

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

**Ratna Karan**

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.

**Kristi Kollar**

Present. Not represented by counsel.

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

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

**Christopher LaMee**
Present. Not represented by counsel.

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

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

**Waleska Martínez Ramundi**

Not present, nor represented by counsel.

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

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

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

**Xiomara Elsa Olmo-Arroyo**

Not present, nor represented by counsel.

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

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

**Keyla Kilmara Quezada**

Not present, nor represented by counsel.

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

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

**Jennifer Wilson**

Not present, nor represented by counsel.

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

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

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 providers and continuing education courses made by Ms. Van Siclen. Second made by Ms Montoya.

Vote: 4 yeas / 0 opposed. Motion carried.

Section VIII ended: 12:00 p.m.
Section IX began: 12:00 p.m.

IX. BOARD COUNSEL REPORT:

a. November Rules Report

Board counsel, Timothy Frizzell presented the rules reports.

b. 2018-2019 Annual Regulatory Plan

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

c. CE providers reporting time

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

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

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

Section XIII ended: 12:52 p.m.
Section XIV began: 12:52 p.m.

XIV. 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
   Nothing to report

j. Rules – Ms. Van Siclen
   Nothing to report

k. Training Program – Dr. McCarter
   Nothing to report

l. Unlicensed Activity – Ms. Valdes
   Nothing to report

Section XIV ended: 12:59 p.m.
Section XV began: 12:59 p.m.

XV. NEXT MEETING DATE:
March 8, 2019

Section XV ended: 1:00 p.m.
Section XVI began: 1:00 p.m.

XVI. ADJOURNMENT:
Meeting adjourned at 1:00 p.m.