

FLORIDA | Board of Clinical Lab Personnel

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*

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.

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

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

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.

217 **e. Sallie Hearon**

218
219 **Action:** Motion to deny the petition made by Dr. McCarter. Second made by Ms.
220 Valdes.

221
222 **Vote:** 4 yeas / 0 opposed. Motion carried.

223
224 **Section V ended: 8:38 a.m.**

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

226 **Section III addressed at 8:46 a.m.**

227 **Section VI began: 9:10 a.m.**

228
229 **VI. APPLICANTS PRESENTED FOR BOARD REVIEW:**

230
231 **a. TRAINEE**

232
233 **Randi Meyer**

234
235 Present. Not represented by counsel.

236
237 **Action:** Motion to approve the application for licensure made by Dr. McCarter.
238 Second made by Ms. Montoya.

239
240 **Vote:** 4 yeas / 0 opposed. Motion carried.

241
242 **Brian Santa**

243
244 Present. Not represented by counsel.

245
246 **Action:** Motion to require Mr. Santa's appearance at one of the next two board
247 meetings made by Ms. Van Siclen. Second made by Dr. McCarter.

248
249 **Vote:** 4 yeas / 0 opposed. Motion carried.

250
251 **b. TECHICIAN**

252
253 **Amy Miller**

254
255 Present. Not represented by counsel.

256
257 **Action:** Motion to approve the application for licensure made by Dr. McCarter.
258 Second made by Ms. Valdes.

259
260 **Vote:** 4 yeas / 0 opposed. Motion carried.

261
262 **c. TECHNOLOGIST**

263 **Remon Ayoub**

264
265 Present. Not represented by counsel.

266
267 **Action:** Motion to approve the application for licensure made by Dr. McCarter.
268 Second made by Ms. Montoya.

269
270 **Vote:** 4 yeas / 0 opposed. Motion carried.

271
272 **Ping Chai**

273
274 Not present, nor represented by counsel.

275
276 **Action:** Motion to deny the application for licensure made by Ms. Van Siclen.
277 Second made by Dr. McCarter.

278
279 **Vote:** 4 yeas / 0 opposed. Motion carried.

280
281 **Emad Keleny**

282
283 Not present, nor represented by counsel.

284
285 **Action:** Motion to deny the reconsideration of the application for licensure made
286 by Dr. McCarter. Second made by Ms. Valdes.

287
288 **Vote:** 4 yeas / 0 opposed. Motion carried.

289
290 **Demetrous Miller**

291
292 Not present, nor represented by counsel.

293
294 **Action:** Motion to deny the application for licensure made by Dr. McCarter.
295 Second made by Ms. Valdes.

296
297 **Vote:** 4 yeas / 0 opposed. Motion carried.

298
299 **Shobhana Patel**

300
301 Not present, nor represented by counsel.

302
303 **Action:** Motion to deny the application for licensure made by Dr. McCarter.
304 Second made by Ms. Montoya.

305
306 **Vote:** 4 yeas / 0 opposed. Motion carried.

307
308 **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 Martinez 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.

447 e. **DIRECTOR**

448
449 **Henry Zeidan**

450
451 Not present, nor represented by counsel.

452
453 **Action:** Motion to require Dr. Zeidan's appearance at one of the next two board
454 meetings made by Ms. Valdes. Second made by Ms. Van Siclen.

455
456 **Vote:** 4 yeas / 0 opposed. Motion carried.

457
458 f. **TRAINING PROGRAM**

459
460 **Global Training Center**

461
462 Program Coordinator, Rebecca Kenner; Present. Not represented by counsel.

463
464 Dr. McCarter presented her determination of the training program's renewal
465 application. Ms. Kenner addressed the board with the details of the program.
466 Discussion ensued amongst board members and Ms. Kenner. Dr. McCarter
467 recommended that there be nine months of training. Ms. Kenner waived the 90
468 day requirement in which to take action on the program renewal application.

469
470 **Action:** Motion to direct Dr. McCarter to review additional documentation that
471 should be received by the board no later than January 11, 2019 made by Ms. Van
472 Siclen. Second made by Dr. McCarter.

473
474 **Vote:** 4 yeas / 0 opposed. Motion carried.

475
476 **Section VI ended: 11:58 a.m.**

477 **Section VII began: 11:58 a.m.**

478
479 **VII. PUBLIC COMMENT:**

480
481 None

482
483 **Section VII ended: 11:58 a.m.**

484 **Section VIII began: 11:58 a.m.**

485
486 **VIII. RATIFICATION:**

487
488 a. **Licensure**

489
490 **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.

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.**

607
608 **XIV. COMMITTEE REPORTS:**

609
610 **a. Budget – Dr. Morgan**

611
612 Nothing to report
613

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

615
616 Nothing to report
617

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

619
620 Nothing to report
621

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

623
624 Nothing to report
625

626 **e. Examination – Ms. Montoya**

627
628 Nothing to report
629

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

631

632 Nothing to report

633

634 **g. Legislation – Dr. McCarter**

635

636 Nothing to report

637

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

639

640 Nothing to report

641

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

643

644 Nothing to report

645

646 **j. Rules – Ms. Van Siclen**

647

648 Nothing to report

649

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

651

652 Nothing to report

653

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

655

656 Nothing to report

657

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

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

660

661 **XV. NEXT MEETING DATE:**

662

663 **March 8, 2019**

664

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

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

667

668 **XVI. ADJOURNMENT:**

669

670 Meeting adjourned at 1:00 p.m.