

FLORIDA | Board of Clinical Lab Personnel

OFFICIAL MINUTES

March 8, 2019

Department of Health
4042 Bald Cypress Way
Tallahassee, Florida, 32399



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, March 8, 2019, commencing at 9:00 a.m. This meeting was held at the Department of Health, 4042 Bald Cypress Way, Tallahassee, Florida at meet me number (888) 585-9008, participant code 136-103-141, 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, BS, MT, AMT (*Non-Participant*)
Yvette McCarter, Ph.D. (*Absence excused*)

Board Staff Present:

Dr. Anthony Spivey, DBA, Executive Director
Gail Curry, Program Operations Administrator
Kelly Woodard, Regulatory Supervisor
Ashley Cleveland, Regulatory Specialist
Alisha Mughal, Regulatory Specialist
Nicole Wiley, Regulatory Specialist

Board Counsel:

Deborah Loucks, Assistant Attorney General

Prosecution Services:

Mary Iglehart, Assistant General Counsel

Court Reporter:

For the Record
850-222-5491

Section I ended: 9:04 a.m.

Section II began: 9:04 a.m.

34 **II. APPROVAL OF MINUTES:**

35
36 **a. December 7, 2018**

37
38 **Action:** Motion to approve the meeting minutes made by Ms. Valdes. Second
39 made by Ms. Van Siclen

40
41 **Vote:** 3 yeas / 0 opposed. Motion carried.

42
43 **Section II ended: 9:08 a.m.**

44 **Section III began: 9:08 a.m.**

45
46 **III. PROSECUTION REPORT**

47
48 Ms. Iglehart provided statistics regarding the prosecutions currently open in the
49 Department.

50
51 Total cases: 5

52 Under expert review: 1

53 Under Investigation: 3

54 Cases older than 1 year continued for prosecution: 2

55
56 **Action:** Motion to authorize continued prosecution of cases older than one year
57 made by Ms. Van Siclen. Second made by Ms. Valdes.

58
59 **Vote:** 3 yeas / 0 opposed. Motion carried.

60
61 **Section III ended: 9:10 a.m.**

62 **Section IV began: 9:10 a.m.**

63
64 **IV. DECLARATORY STATEMENT**

65
66 **a. Lynnette Chakkaphak**

67
68 **Action:** Deferred to section VIII and advised to call into the teleconference at a
69 later time.

70
71 **Section IV ended: 9:13 a.m.**

72 **Section V began: 9:13 a.m.**

73
74 **V. PETITION FOR WAIVER OR VARIANCE**

75
76 **a. Robert Harlan**

77
78 Present. Not represented by counsel.

Action: Motion to deny the petition for variance/waiver made by Ms. Valdes.
Second made by Ms. Van Siclen.

Vote: 3 yeas / 0 opposed. Motion carried.

b. One Blood Bank Technology Program

Training Coordinator, Marjorie Doty was Present. Not represented by counsel.

Action: Motion to accept the petition for variance/waiver made by Ms. Van Siclen. Second made by Ms. Valdes.

Vote: 3 yeas / 0 opposed. Motion carried.

Section V ended: 9:22 a.m.

Section VI began: 9:22 a.m.

VI. PETITIONS WITH APPLICATIONS:

a. Sunil Joshi

Present. Not represented by counsel.

Action: Motion to deny the petition for variance/waiver made by Ms. Valdes.
Second made by Ms. Van Siclen.

Vote: 3 yeas / 0 opposed. Motion carried.

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

Vote: 3 yeas / 0 opposed. Motion carried.

Section VI ended: 9:45 a.m.

Section VII began: 9:45 a.m.

VII. APPLICANTS PRESENTED FOR BOARD REVIEW:

a. TRAINEE

Brian Santa

Present. Not represented by counsel. Mr. Santa waived the 90 days to take action on his application. Dr. Morgan was delegated to review the requested documentation.

Action: Motion to approve the application contingent upon receipt of a letter from a physician indicating safe practice within 90 days made by Dr. Morgan. Second made by Ms. Valdes.

Vote: 3 yeas / 0 opposed. Motion carried.

b. TECHNICIAN

Elena Vaughn

Present. Not represented by counsel.

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

Vote: 3 yeas / 0 opposed. Motion carried.

Bijoy Anand

Present. Not represented by counsel.

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

Vote: 3 yeas / 0 opposed. Motion carried.

Jamie Silva

Present. Not represented by counsel.

Action: Motion to require Ms. Silva's appearance at one of the next two board meetings and require letter from physician indicating safe practice made by Ms. Van Siclen. Second made by Ms. Valdes.

Vote: 3 yeas / 0 opposed. Motion carried.

c. TECHNOLOGIST

Nteh Echa Censor

Present. Not represented by counsel.

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

Vote: 3 yeas / 0 opposed. Motion carried.

172 **Mary Ainslie**

173
174 Present. Not represented by counsel.

175
176 **Action:** Motion to approve the application for licensure under Option 3 made by
177 Ms. Van Siclen. Second made by Ms. Valdes.

178
179 **Vote:** 3 yeas / 0 opposed. Motion carried.

180
181 **Ping Chai**

182
183 Present. Not represented by counsel. Dr. Chai requested reconsideration of his
184 application from the December 2018 meeting.

185
186 **Action:** Motion to vacate the intent to deny made by Ms. Van Siclen. Second
187 made by Ms. Valdes.

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

190
191 **Action:** Motion to approve the application for licensure made by Dr. Morgan.
192 Second made by Ms. Van Siclen.

193
194 **Vote:** 3 yeas / 0 opposed. Motion carried.

195
196 **Kimberley Grieco**

197
198 Not present, nor represented by counsel.

199
200 **Action:** Motion to deny the application and allow the applicant 30 days to
201 withdraw made by Ms. Van Siclen. Second made by Dr. Morgan.

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

204
205 **Charissa Predmore**

206
207 Not present, nor represented by counsel.

208
209 **Action:** Motion to require Ms. Predmore's appearance at one of the next two
210 board meetings; and require letter from physician indicating safe practice made by
211 Ms. Van Siclen. Second made by Dr. Morgan.

212
213 **Vote:** 3 yeas / 0 opposed. Motion carried.

214
215 **Powell Macale**

216
217 Present. Not represented by counsel.

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

Vote: 3 yeas / 0 opposed. Motion carried.

William Glover

Present. Not represented by counsel.

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

Vote: 3 yeas / 0 opposed. Motion carried.

Shaun Davis

Present. Not represented by counsel. Ms. Alexis Polles of Professional Resource Network (PRN) advised that it was their recommendation that Mr. Davis complete a treatment program and that he is not able to practice with reasonable skill and safety.

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

Vote: 3 yeas / 0 opposed. Motion carried.

Diane Rohlf

Present. Not represented by counsel. Ms. Rohlf requested reconsideration of her application from the December 2018 meeting.

Action: Motion to approve the application for licensure under Option 3 made by Ms. Van Siclen. Second made by Ms. Valdes.

Vote: 3 yeas / 0 opposed. Motion carried.

Darryl Pronty

Present. Not represented by counsel.

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

Vote: 3 yeas / 0 opposed. Motion carried.

Mona Dameu Jacquet

264 Present. Not represented by counsel.
265
266 **Action:** Motion to approve the application for licensure made by Ms. Van Siclen.
267 Second made by Dr. Morgan.
268
269 **Vote:** 3 yeas / 0 opposed. Motion carried.
270
271 **George Daoud**
272
273 Present. Not represented by counsel.
274
275 **Action:** Motion to approve the application for licensure made by Ms. Van Siclen.
276 Second made by Dr. Morgan.
277
278 **Vote:** 3 yeas / 0 opposed. Motion carried.
279
280 **Break from 11:15 to 11:32 a.m.**
281
282 **d. SUPERVISOR**
283
284 **Lisette Labrada**
285
286 Present. Not represented by counsel.
287
288 **Action:** Motion to approve the application for licensure made by Ms. Van Siclen.
289 Second made by Ms. Valdes.
290
291 **Vote:** 3 yeas / 0 opposed. Motion carried.
292
293 **Amanda Benton**
294
295 Present. Not represented by counsel.
296
297 **Action:** Motion to approve the application for licensure made by Ms. Valdes.
298 Second made by Ms. Van Siclen.
299
300 **Vote:** 3 yeas / 0 opposed. Motion carried.
301
302 **Cathy Crown**
303
304 Present. Not represented by counsel.
305
306 **Action:** Motion to approve the application for licensure made by Ms. Van Siclen.
307 Second made by Ms. Valdes.
308
309 **Vote:** 3 yeas / 0 opposed. Motion carried.

310 **Liguo Chen**

311
312 Present. Not represented by counsel.

313
314 **Action:** Motion to approve the application for licensure made by Ms. Van Siclen.
315 Second made by Ms. Valdes.

316
317 **Vote:** 3 yeas / 0 opposed. Motion carried.

318
319 **Grant Henderson**

320
321 Present. Not represented by counsel.

322
323 **Action:** Motion to approve the application for licensure made by Ms. Van Siclen.
324 Second made by Ms. Valdes.

325
326 **Vote:** 3 yeas / 0 opposed. Motion carried.

327
328 **Ratna Karan**

329
330 Present. Represented by counsel, James Bush, Esq. Dr. Karan requested
331 reconsideration of his application from the December 2018 meeting.

332
333 **Action:** Motion to vacate the intent to deny made by Ms. Van Siclen. Second
334 made by Ms. Valdes.

335
336 **Vote:** 3 yeas / 0 opposed. Motion carried.

337
338 **Action:** Motion to approve the application for licensure made by Ms. Van Siclen.
339 Second made by Dr. Morgan.

340
341 **Vote:** 3 yeas / 0 opposed. Motion carried.

342
343 **Petrice Stephens-Felder**

344
345 Not present, nor represented by counsel.

346
347 **Action:** Motion to approve the application for licensure made by Ms. Van Siclen.
348 Second made by Ms. Valdes.

349
350 **Vote:** 3 yeas / 0 opposed. Motion carried.

351
352 **Heidi White**

353
354 Present. Not represented by counsel.

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

Vote: 3 yeas / 0 opposed. Motion carried.

Action: Motion to reconsider Heidi White's application made by Ms. Van Siclen. Second made by Ms. Valdes.

Vote: 3 yeas / 0 opposed. Motion carried.

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

Sallie Hearon

Present. Not represented by counsel. Ms. Hearon requested reconsideration of her application from the December 2018 meeting.

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

Vote: 3 yeas / 0 opposed. Motion carried.

e. DIRECTOR

Henry Zeidan

Not present, nor represented by counsel.

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

Vote: 3 yeas / 0 opposed. Motion carried.

Venus Dookwah-Roberts

Present. Not represented by counsel.

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

Vote: 3 yeas / 0 opposed. Motion carried.

f. TRAINING PROGRAM

Global Training Center

Program Director, Rebecca Kenner was present. Not represented by counsel. Ms. Van Siclen advised that the program had still not complied and must submit additional documentation. Ms. Van Siclen requested a grading scale for the clinical components and criteria of how they assess competency. Ms. Van Siclen recommended that trainees be informed of the criteria.

Action: Motion to grant 30-day extension to submit additional documentation made by Ms. Van Siclen. Second made by Dr. Morgan.

Vote: 3 yeas / 0 opposed. Motion carried.

Section VII ended: 1:23 p.m.

Section VIII began: 1:23 p.m.

VIII. PUBLIC COMMENT:

Ms. Lynette Chakkaphak addressed her concerns with Rule Chapter 64B3-2.003, Florida Administrative Code (FAC) related to medical laboratory assistants, manual pretesting procedures, and the duties that may be performed without a license. Ms. Chakkaphak sought interpretation of the term “*analytic process*” within the rule.

Section VIII ended: 1:27 p.m.

Section IX began: 1:27 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. Morgan.

Vote: 3 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: 3 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 courses made by Ms. Valdes. Second made by Dr. Morgan.

Vote: 3 yeas / 0 opposed. Motion carried.

Section IX ended: 1:30 p.m.

Section X began: 1:30 p.m.

X. BOARD COUNSEL REPORT:

a. February Rules Report

b. March Rules Report

Ms. Loucks presented the rules reports.

c. Health Care Licensing Application Alternate Testing Site

Ms. Loucks presented the topic for informational purposes. Ms. Valdes advised that the topic was related to point of care testing. Ms. Valdes explained that it addresses individuals who may perform alternate site testing and is now enforced under the hospital's rules which are regulated by the Agency for Healthcare Administration. (AHCA).

d. 64B3-2.003

Ms. Loucks presented revised language for review and approval.

Action: Motion to approve changes as defined in the agenda made by Ms. Van Siclen. Second made by Ms. Valdes.

Vote: 3 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.

Action: Motion to approve responses made by Ms. Van Siclen. Second made by Ms. Valdes.

Vote: 3 yeas / 0 opposed. Motion carried.

e. Clinical Laboratory Personnel Training Program

Ms. Loucks presented revised applications for Initial and Renewal of training programs referenced in Rule Chapter 64B3-3.001, FAC. Ms. Van Siclen advised that the section 3 of the Initial and Renewal application shall include national certification. Ms. Van Siclen advised that instructors need documentation to reflect the coursework that they are teaching and that the coursework shall match their credentials. Ms. Van Siclen advised that the AHCA License number shall be removed from page 5 of the applications.

Action: Motion to approve the applications and open rulemaking with the discussed edits made by Ms. Van Siclen. Second made by Dr. Morgan.

Vote: 3 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.

Action: Motion to approve responses made by Ms. Van Siclen. Second made by Dr. Morgan.

Vote: 3 yeas / 0 opposed. Motion carried.

Section X ended: 1:50 p.m.

Section XI and XII began at: 1:50 p.m.

XI. CHAIR/VICE CHAIR REPORT:

Dr. Spivey advised that the department is seeking veterans to publish in the annual publications and to forward any recommendations to him. Dr. Spivey advised that the annual Chair/Vice Chair meeting will be held in Tallahassee on May 31, 2019. Ms. Van Siclen advised that she would be presenting a laws and rules continuing education course at the Florida Society of Clinical Laboratory Science (FSCLS) meeting on March 15, 2019 and at the Florida State Society of American Medical Technologists (FSSAMT) on April 13, 2019.

XII. EXECUTIVE DIRECTOR'S REPORT:

a. Confidential and Exempt from Public Records Disclosure

b. Health History Questions

Dr. Spivey explained that the department determined that some of the health history questions appear to be too invasive and most boards are replacing the history questions with alternate questions to allow applicants to answer accurately. Ms. Van Siclen asked the status of board appointments.

Action: Motion to approve the proposed health history questions as presented made by Ms. Valdes. Second made by Ms. Van Siclen.

Vote: 2 yeas / 1 opposed. Motion carried.

Action: Motion to open Rule Chapter(s) 64B3-5.002; 64B3-5.003; 64B3-5.007; 64B3-5.004; and 64B3-5.008, FAC made by Ms. Van Siclen. Second made by Ms. Valdes

Vote: 3 yeas / 0 opposed. Motion carried.

Ms. Loucks asked the board to amend their motion to open the rules that address the manner of applications.

Action: Previous motion amended to open Rule Chapter(s) 64B3-6.001 and 64B3-4.001, FAC made by Ms. Van Siclen. Second made by Ms. Valdes.

Vote: 3 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.

Action: Motion to approve responses made by Ms. Van Siclen. Second made by Ms. Valdes.

Vote: 3 yeas / 0 opposed. Motion carried.

Section XI and XII ended: 2:15 p.m.

Section XIII began: 2:15 p.m.

OLD BUSINESS:

None

Section XIII ended: 2:15 p.m.

Section XIV began: 2:15 p.m.

XIV. NEW BUSINESS:

Ms. Van Siclen directed the board to Rule Chapter 64B3-5.004(3) (d), FAC regarding the qualifications of molecular pathology and suggested removing the high school diploma and revising the rule to require an associate degree in medical laboratory science.

Action: Motion to open Rule Chapter 64B3-5.004 (3) (d), FAC made by Ms. Van Siclen. Second made by Ms. Valdes.

Vote: 3 yeas / 0 opposed. Motion carried.

Ms. Van Siclen directed the board to Rule Chapter 64B3-11.001 and suggested revising the rule to allow two, one-hour courses and/or partial credit for medical errors. Ms. Valdes advised that upon her review in CE Broker, the current rules do not cause issues with allowing one-hour courses.

Ms. Loucks asked the board to consider opening Rule Chapter 64B3-5.007 to address a physical science degree as it relates to director qualifications within the statutory language. Ms. Loucks advised that the board may also need to open Rule 64B3-2 to define “*physical science*”.

Action: Motion to open Rule Chapter 64B3-5.007, FAC made by Ms. Van Siclen. Second made by Ms. Valdes.

Vote: 3 yeas / 0 opposed. Motion carried.

Ms. Van Siclen addressed Rule Chapter 64B3-2.003(17), FAC related to manual pretesting procedures. Ms. Van Siclen suggested removal of the language “*provided it does not include any activity that initiates the analytic process*”. Ms. Valdes suggested revising the entire rule as it is subjective. The board agreed to discuss at its next meeting. Ms. Van Siclen asked the board staff if a notice of the discussion could be placed on the website. Dr. Morgan requested that the discussion take place before the review of applications.

a. 2020 Meeting Dates

Ms. Curry advised that she is working with a representative for the Clinical Laboratory Educators Conference which is scheduled for Feb 27-29th, 2020 in Orlando and will coordinate the board meeting during that time. Ms. Van Siclen asked if the meeting could be held on Wednesday instead of Friday.

632 **Section XIV ended: 2:43 p.m.**

633 **Section XV began: 2:43 p.m.**

634
635 **XV. COMMITTEE REPORTS:**

636
637 **a. Budget – Dr. Morgan**

638
639 Dr. Morgan presented the board's expenses.

640
641 **b. Continuing Education – Ms. Valdes**

642
643 Ms. Valdes advised of issues in CE Broker related to the requirements for one
644 hour per specialty area of licensure. Ms. Woodard advised that CE Broker has
645 been provided data and is working on the issue.

646
647 **c. Credentials – Ms. Van Siclen**

648
649 Nothing to report

650
651 **d. Disciplinary Compliance – Ms. Montoya**

652
653 Nothing to report

654
655 **e. Examination – Ms. Montoya**

656
657 Nothing to report

658
659 **f. Healthiest Weight – Dr. McCarter**

660
661 Nothing to report

662
663 **g. Legislation – Dr. McCarter**

664
665 Nothing to report

666
667 **h. Probable Cause – Dr. Morgan**

668
669 Nothing to report. Ms. Van Siclen advised that she consistently recruits
670 individuals to serve as a consumer member. Ms. Woodard advised that should
671 there be a probable cause case to address, Brenda Van Der Heyden has agreed
672 to serve on the panel.

673
674 **i. Professional Association – Ms. Valdes**

675
676 Nothing to report

678 **j. Rules – Ms. Van Sieten**
679
680 Nothing to report
681
682 **k. Training Program – Dr. McCarter**
683
684 Nothing to report
685
686 **l. Unlicensed Activity – Ms. Valdes**
687
688 Nothing to report
689
690 **Section XV ended: 2:50 p.m.**
691 **Section XVI began: 2:50 p.m.**
692
693 **XVI. NEXT MEETING DATE**
694
695 **June 7, 2019**
696
697 **Section XVI ended: 2:50 p.m.**
698 **Section XVII began: 2:50 p.m.**
699
700 **XVII. ADJOURNMENT:**
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702 Meeting Adjourned at 2:50 p.m.