OFFICIAL MINUTES
September 6, 2019

Rosen Plaza Hotel,
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 6, 2019, commencing at 9:00 a.m. This meeting was held at Rosen Plaza Hotel, 9700 International Drive, Orlando, Florida 32819, (407) 996-1715 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: 9:00 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 (*Absence excused*)
Yvette McCarter, Ph.D.

Board Staff Present:

Dr. Anthony Spivey, DBA, Executive Director
Kelly Woodard, Regulatory Supervisor

Board Counsel:

Timothy Frizzell, Assistant Attorney General

Court Reporter:

American Court Reporting
407-896-1813

Section I ended: 9:02 a.m.
Section II began: 9:02 a.m.

II. APPROVAL OF MINUTES:

a. May 29, 2019

Action: Motion to approve the meeting minutes made by Dr. Morgan. Second made by Dr. McCarter.

Vote: 4 yeas / 0 opposed. Motion carried.

Section II ended: 9:02 a.m.
Section III began: 9:02 a.m.

III. PROSECUTION REPORT:

Dr. Spivey presented the prosecution report.

Action: Motion to continue prosecuting cases older than one year made by Ms. Van Siclen. Second made by Dr. McCarter.

Vote: 4 yeas / 0 opposed. Motion carried.

Section III ended: 9:03 a.m.
Section IV began: 9:03 a.m.

IV. PETITION OF VARIANCE/WAIVER

a. Darlene Keppel, BS

Not present, nor represented by counsel.

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

Vote: 4 yeas / 0 opposed. Motion carried.

b. Eric Finkelstein
c. Brandi N. Zofkie
d. Jason Benjamin

Petitioner, Zofkie was not present. Petitioners, Finkelstein and Benjamin were present with counsel, Raquel Rodriguez, Esq. as well as Richard Petriowski, President and CEO of Lung BioEngineering. Discussion ensued regarding the research, experience, and duties of the petitioners.

Action: Motion to deny all three petitions made by Dr. McCarter. Second made by Ms. Valdes.

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

Action: Motion to allow the withdrawal of all three applications made by Ms. Van Siclen. Second made by Dr. McCarter.

Vote: 4 yeas / 0 opposed. Motion carried.

Section IV ended: 9:50 a.m.
Section V began: 9:50 a.m.
V. PETITIONS WITH APPLICATIONS:

a. Louis S. Jean

Not present, nor represented by counsel.

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

Vote: 4 yeas / 0 opposed. Motion carried.

Action: Motion for an intent to deny the application allowing withdrawal of the application within 15 days made by Ms. Van Siclen. Second made by Dr. McCarter.

Vote: 4 yeas / 0 opposed. Motion carried.

b. Curtis W. Rice

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 for an intent to deny the application allowing withdrawal of the application within 15 days made by Ms. Van Siclen. Second made by Ms. Valdes.

Vote: 4 yeas / 0 opposed. Motion carried.

c. Martha Fahim

Present. Not represented by counsel.

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

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.

d. Kimberly A. Johnson, MHSA

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

Vote: 4 yeas / 0 opposed. Motion carried.

Action: Motion to approve the application contingent upon receipt of additional employment verification within 30 days and review by Dr. McCarter made by Ms. Van Siclen. Second made by Dr. McCarter.

Vote: 4 yeas / 0 opposed. Motion carried.

e. Kimarley N. Scarf

Not Present, nor represented by counsel.

Action: Petition and application tabled to December meeting per applicant request. Applicant waived 90 days.

f. Tatiana Perera

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 for an intent to deny the application allowing withdrawal of the application within 15 days made by Ms. Van Siclen. Second made by Dr. McCarter.

Vote: 4 yeas / 0 opposed. Motion carried.

g. Diane M. Young

Present. Not represented by counsel.

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

Vote: 4 yeas / 0 opposed. Motion carried.

Action: Motion to approve the application contingent upon receipt of transcripts within 3 months and review by credentialing committee made by Ms. Van Siclen. Second made by Dr. McCarter.

Vote: 4 yeas / 0 opposed. Motion carried.

h. Maureen Henry
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:** No action on application as the applicant has been issued a temp license while awaiting examination.

**Section V ended:** 10:33 a.m.
**Break:** 10:33 a.m. to 10:47 a.m.
**Section VI began:** 10:47 a.m.

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

a. **TECHNOLOGIST**

   **Tricia Smith**

   Not present, nor represented by counsel.

   **Action:** Motion to deny the application made by Dr. Morgan. Second made by Dr. McCarter.

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

   **Brian Partlow**

   Not present, nor represented by counsel.

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

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

   **Helena Soewardiman**

   Not present, nor represented by counsel.

   **Action:** Motion to approve the application under Option 3 made by Dr. McCarter. Second made by Ms. Valdes.

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

Not present, nor represented by counsel.

Action: Motion to approve the application in the area of Hematology made by Ms. Van Siclen. Second made by Ms. Valdes.

Vote: 4 yeas / 0 opposed. Motion carried.

Rebekah Lynn Serge

Present. Not represented by counsel.

Action: Motion to approve the application under Option 3 made by Ms. Van Siclen. Second made by Dr. McCarter.

Vote: 4 yeas / 0 opposed. Motion carried.

Kalliopi L. Relenc

Not present, nor represented by counsel.

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

Vote: 4 yeas / 0 opposed. Motion carried.

Amber Hopkins-Smith

Not present, nor represented by counsel.

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

Vote: 4 yeas / 0 opposed. Motion carried.

Grace Forrester

Not present, nor represented by counsel.

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

Vote: 4 yeas / 0 opposed. Motion carried.

Rose Devarel
Present. Not represented by counsel.

**Action:** Motion to approve contingent upon receipt of letter from physician indicating safe practice made by Dr. Morgan. Second made by Dr. McCarter.

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

**Kimberley Grieco**

Not present, nor represented by counsel.

**Action:** Motion to deny the application made by Dr. McCarter. Second made by Dr. Morgan.

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

**Jason Birbal**

Not present, nor represented by counsel.

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

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

**Liudmila Chaviano Hernandez**

Not present, nor represented by counsel.

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

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

**Maritza Fernandez Castrillo**

Present. Not represented by counsel.

**Action:** Motion to reconsider the application made by Ms. Van Siclen. Second made by Dr. Morgan.

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

**Action:** Motion to approve the application contingent upon receipt of credential evaluation within six months made by Dr. Morgan. Second made by Ms. Van Siclen.
Vote: 4 yeas / 0 opposed. Motion carried.

Marielvys Graveran Almaran

Present. Not represented by counsel.

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

Vote: 4 yeas / 0 opposed. Motion carried.

Lee Ann Hallman

Not present, nor represented by counsel.

Action: Motion to require 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.

Claudia Tonsul

Not present, nor represented by counsel.

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

Vote: 4 yeas / 0 opposed. Motion carried.

Roanak Shah

Present. Not represented by counsel. Applicant withdrew application.

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

Vote: 4 yeas / 0 opposed. Motion carried.

Justine Butler

Not present, nor represented by counsel.

Action: Motion to require appearance at one of the next two meetings made by Ms. Van Siclen. Second made by Ms. Valdes.
b. TECHNICIAN

Christopher Ramos

Present. Not represented by counsel.

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

Vote: 4 yeas / 0 opposed. Motion carried.

Nicole L. Robinson

Present. Not represented by counsel.

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

Vote: 4 yeas / 0 opposed. Motion carried.

c. SUPERVISOR

Lindsey McKendree

Not present, nor represented by counsel.

Action: Motion to approve the application contingent upon receipt of additional academic science courses (4 hours) within eight months made by Dr. Morgan. Second made by Dr. McCarter.

Vote: 4 yeas / 0 opposed. Motion carried.

Kimberlee Blake

Present. Not represented by counsel.

Action: Motion to approve one-year temporary supervisor license contingent upon receipt of additional academic sciences (13 hours; to include 3 chemical hours) made by Dr. Morgan. Second made by Dr. McCarter.

Vote: 4 yeas / 0 opposed. Motion carried.

Bridget Canady
Not present, nor represented by counsel.

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

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

**Olive Wilson**

Present. Not represented by counsel. Applicant withdrew application.

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

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

**Leon Escutia**

Not present, nor represented by counsel.

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

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

**Stanley Christian**

Present. Not represented by counsel. Applicant withdrew application.

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

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

**Jennifer Wilson**

Present. Not represented by counsel.

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

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

d. **TRAINEE**

**Brian Santa**
Present. Not represented by counsel.

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

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

**Madison Bouchard**

Present. Not represented by counsel.

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

**Vote:** 3 yeas / 0 opposed. Motion carried. Ms. Valdes recused.

e. **DIRECTOR**

**Jiyeon Lee**

Not present, nor represented by counsel.

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

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

f. **TRAINING PROGRAM**

**Mayo Clinic Histology**

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

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

**University of North Dakota Histotechnician Program**

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

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

**Section VI ended: 1:08 p.m.**

**Section VII began: 1:08 p.m.**
VII. PUBLIC COMMENTS

None

Section VII ended: 1:08 p.m.
Break 1:08 p.m. to 1:47 p.m.
Section VIII began: 1:47 p.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 Dr. Morgan.

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 courses made by Dr. McCarter. Second made by Dr. Morgan.

Vote: 4 yeas / 0 opposed. Motion carried.

Section VIII ended: 1:49 p.m.
Section IX began: 1:49 p.m.

IX. BOARD COUNSEL REPORT:

a. August Rules Report

Mr. Frizzell presented the rules report.

b. Recommendations Related to 64B3-2.003
c. **64B3-2.003 (17)**

Mr. Frizzell presented proposed rule language for the board’s review as well as a recommendation of language from outside source. Discussion ensued amongst the board members regarding other potential changes to the language.

**Action:** Motion to approve the proposed language made by Ms. Van Siclen. Second made by Dr. McCarter.

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

Mr. Frizzell 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. The board agreed there would not be adverse impact or increase of costs.

**Action:** Motion approve the board’s response made by Ms. Van Siclen. Second made by Dr. McCarter.

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

Mr. Frizzell asked whether the proposed rules would have adverse impacts on small business and whether regulatory costs would exceed one million dollars within five years of implementation. The board agreed there would not be adverse impact or increase of costs.

**Action:** Motion approve the board’s response made by Ms. Van Siclen. Second made by Dr. McCarter.

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

Mr. Frizzell 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. The board agreed there would not be any minor violations.

**Action:** Motion approve the board’s response made by Ms. Van Siclen. Second made by Dr. McCarter.

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

d. **64B3-5.002**
e. **64B3-5.003**
Mr. Frizzell presented concerns relating to unpromulgated rules. Discussion ensued amongst the board members to determine potential adjustments to the matrices in the rules.

f. **64B3-5.0011 (36)**

Mr. Frizzell presented proposed language for the board’s review.

**Action:** Motion to approve the proposed language made by Ms. Van Siclen. Second made by Dr. McCarter.

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

Mr. Frizzell 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. The board agreed there would not be adverse impact or increase of costs.

**Action:** Motion approve the board’s response made by Ms. Van Siclen. Second made by Dr. McCarter.

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

Mr. Frizzell asked whether the proposed rules would have adverse impacts on small business and whether regulatory costs would exceed one million dollars within five years of implementation. The board agreed there would not be adverse impact or increase of costs.

**Action:** Motion approve the board’s response made by Ms. Van Siclen. Second made by Dr. McCarter.

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

Mr. Frizzell 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. The board agreed there would not be any minor violations.

**Action:** Motion approve the board’s response made by Ms. Van Siclen. Second made by Dr. McCarter.

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

g. **Annual Regulatory Plan**

Mr. Frizzell presented the annual regulatory plan for the board’s review.
Action: Motion to ratify the approval of the annual regulatory plan made by Ms. Van Siclen. Second made by Dr. McCarter.

Vote: 4 yeas / 0 opposed. Motion carried.

Section IX ended: 3:05 p.m.
Section X began: 3:05 p.m.

X. APPLICATION REVIEW:

a. Clinical Laboratory Personnel – Adding Specialty
b. Clinical Laboratory Personnel - Technologist
c. Clinical Laboratory Personnel – Director
d. Clinical Laboratory Personnel Trainee
e. Clinical Laboratory Personnel – Technician
f. Clinical Laboratory Personnel – Supervisor
g. Public Health Laboratory Scientist Application

Dr. Spivey presented the proposed licensure applications for review and approval. Review and discussion ensued amongst the board members. The board commented that the applications appeared to be much more efficient and commended staff for working to create them.

Section X ended: 3:13 p.m.
Section XI began: 3:13 p.m.

XI. CHAIR/VICE CHAIR REPORT:

Nothing to report.

Section XI ended: 3:13 p.m.
Section XII began: 3:13 p.m.

XII. EXECUTIVE DIRECTOR’S REPORT:

Dr. Spivey presented the annual delegation of authority for the board’s review and approval.

Action: Motion to approve the annual delegation of authority made by Ms. Van Siclen. Second made by Dr. McCarter.

Vote: 4 yeas / 0 opposed. Motion carried.

Section XII ended: 3:16 p.m.
Section XIII began: 3:16 p.m.
XIII. **OLD BUSINESS:**

None to report.

Section XIII ended: 3:16 p.m.
Section XIV began: 3:16 p.m.

XIV. **NEW BUSINESS:**

Ms. Van Siclen requested revision to the training program applications. Dr. McCarter mentioned the application on the website was outdated. Ms. Woodard advised that the website was recently updated; and reminded the board that the training program applications had already been revised and effective as of 8/19/2019.

Section XIV ended: 3:23 p.m.
Section XV began: 3:23 p.m.

XV. **COMMITTEE REPORTS:**

a. **Budget – Dr. Morgan**

Dr. Morgan directed the board’s attention to the budget 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**
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 XV ended: 3:27 p.m.
Section XVI began: 3:27 p.m.

XVI. NEXT MEETING DATE:
December 13, 2019

Section XVI ended: 3:28 p.m.
Section XVII began: 3:28 p.m.

XVII. ADJOURNMENT:
Meeting adjourned at 3:28 p.m.