

FLORIDA | Board of Clinical Lab Personnel

OFFICIAL MINUTES

November 22, 2019

Department of Health
4042 Bald Cypress Way
Tallahassee, Florida 32399



Carleen Van Sicen, 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, November 22, 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: 9:03 a.m.

1 **I. CALL TO ORDER (Roll Call):**
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3 Carleen P. Van Siclen, MS, MLS (ASCP), Chair
4 Linda Valdes, MS, MT (ASCP), Vice-Chair (*Absence excused*)
5 Michele Morgan, D.B.A.
6 Beatriz E. Montoya, MBA, BS, MT, AMT (*Absence excused*)
7 Yvette McCarter, Ph.D.
8

9 **Board Staff Present:**

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11 Dr. Anthony Spivey, DBA, Executive Director
12 Kelly Woodard, Regulatory Supervisor
13 Nicole Wiley, Regulatory Specialist II
14 Alisha Mughal, Regulatory Specialist II
15 Richard Hudson, Regulatory Specialist II
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17 **Board Counsel:**

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19 Timothy Frizzell, Assistant Attorney General
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21 **Prosecution Services:**

22 Rose Garrison, Assistant General Counsel
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25 **Court Reporter:**

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27 For the Record
28 850-222-5491
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30 **Section I ended: 9:05 a.m.**

31 **Section II began: 9:05 a.m.**
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33 **II. APPROVAL OF MINUTES:**

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35 **a. September 6, 2019**

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

Vote: 3 yeas / 0 opposed. Motion carried.

Section II ended: 9:06 a.m.

Section III began: 9:06 a.m.

III. PROSECUTION REPORT

Assistant General Counsel, Ms. Garrison presented the statistics regarding prosecution cases currently open in the department.

Cases older than 1 year continued for prosecution: 3

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

Vote: 3 yeas / 0 opposed. Motion carried.

Section III ended: 9:07 a.m.

Section IV began: 9:07 a.m.

IV. PETITIONS WITH APPLICATIONS:

a. Willie Smith

Not present, nor represented by counsel.

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

Vote: 3 yeas / 0 opposed. Motion carried.

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

Vote: 3 yeas / 0 opposed. Motion carried.

b. Kimarley Scarf

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 approve the application contingent upon completion of

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probation made by Dr. Morgan. Second made by Dr. McCarter.

Vote: 3 yeas / 0 opposed. Motion carried.

Section IV ended: 9:20 a.m.

Section V began: 9:20 a.m.

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

a. **TECHNOLOGIST**

Cherri Lee Hursey

Present. Not represented by counsel.

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

Vote: 3 yeas / 0 opposed. Motion carried.

Justine Butler

Present. Not represented by counsel.

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

Vote: 3 yeas / 0 opposed. Motion carried.

Lee Ann Hallman

Present. Not represented by counsel.

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

Vote: 3 yeas / 0 opposed. Motion carried.

Memy Abdelshahid

Present. Not represented by counsel.

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

Vote: 3 yeas / 0 opposed. Motion carried.

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Edward Rabil

Not present, nor represented by counsel.

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

Vote: 3 yeas / 0 opposed. Motion carried.

Misty Varco

Not present, nor represented by counsel.

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

Vote: 3 yeas / 0 opposed. Motion carried.

Ilya Shigol

Present. Not represented by counsel.

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

Vote: 3 yeas / 0 opposed. Motion carried.

Katelyn Richardson

Present. Not represented by counsel.

Action: Motion to accept the removal of blood banking made by Ms. Van Siclen. Second made by Dr. Morgan.

Vote: 3 yeas / 0 opposed. Motion carried.

Action: Motion to approve the application in microbiology, serology, chemistry, hematology, and immunohematology made by Ms. Van Siclen. Second made by Dr. McCarter.

Vote: 3 yeas / 0 opposed. Motion carried.

Vivian Rosales Clares

Not present, nor represented by counsel.

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

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Vote: 3 yeas / 0 opposed. Motion carried.

Ma Corazon Tejada

Not present, nor represented by counsel.

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

Vote: 3 yeas / 0 opposed. Motion carried.

Mr. Willie Smith presented himself on the conference call. Referred back to Section IV(a).

Lyle Myrick

Present. Not represented by counsel.

Action: Motion to approve the application contingent upon receipt of transcripts from Trident College made by Ms. Van Siclen. Second made by Dr. McCarter.

Vote: 3 yeas / 0 opposed. Motion carried.

Michael Noojin

Not present, nor represented by counsel.

Action: Motion to deny the application with option to withdraw within 30 days made by Dr. McCarter. Second made by Ms. Van Siclen.

Vote: 3 yeas / 0 opposed. Motion carried.

Derek Lussier

Present. Not represented by counsel.

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

Vote: 3 yeas / 0 opposed. Motion carried.

Mr. Frizzell addressed a request for petition that Mr. Lussier submitted which was not filed. Mr. Frizzell asked Mr. Lussier to withdraw his request for petition.

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

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Vote: 3 yeas / 0 opposed. Motion carried.

b. SUPERVISOR

Taranmeet Kaur

Not present, nor represented by counsel.

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

Vote: 3 yeas / 0 opposed. Motion carried.

Michael Kranik

Present. Not represented by counsel.

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

Vote: 3 yeas / 0 opposed. Motion carried.

Mariana Do Vale

Present. Not represented by counsel.

Action: Motion to approve the application contingent upon completing three total hours of academic science credit (one must be chemical) made by Dr. Morgan.

Second made by Ms. Van Siclen.

Vote: 3 yeas / 0 opposed. Motion carried.

Pooja Ponnusamy

Not present, nor represented by counsel.

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

Vote: 3 yeas / 0 opposed. Motion carried.

Kimberly Johnson

Present. Not represented by counsel.

277 **Action:** Motion to downgrade application to technologist level in the areas of
278 microbiology, serology, chemistry, hematology, immunohematology, and blood
279 banking made by Ms. Van Siclen. Second made by Dr. McCarter.

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281 **Vote:** 3 yeas / 0 opposed. Motion carried.

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283 **Johanna Oliveros**

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285 Present. Not represented by counsel.

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

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290 **Vote:** 3 yeas / 0 opposed. Motion carried.

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292 **Kristin Kahl**

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294 Present. Not represented by counsel.

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

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299 **Vote:** 3 yeas / 0 opposed. Motion carried.

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301 **Lester Leal**

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303 Not present, nor represented by counsel.

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305 **Action:** Motion to deny the application with option to withdraw within 30 days
306 made by Dr. McCarter. Second made by Dr. Morgan.

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308 **Vote:** 3 yeas / 0 opposed. Motion carried.

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310 **Section V ended: 12:06 p.m.**
311 **Section VI began: 12:07 p.m.**

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313 **VI. PUBLIC COMMENT:**

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315 None

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317 **Section VI ended: 12:07 p.m.**
318 **Section VII began: 12:07 p.m.**

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320 **VII. RATIFICATION:**

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322 **a. Licensure**

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324 **Clinical Laboratory Personnel**

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326 **Action:** Motion to ratify the approval of licensees made by Dr. Morgan. Second
327 made by Dr. McCarter.

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329 **Vote:** 3 yeas / 0 opposed. Motion carried.

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331 **Clinical Laboratory Personnel Trainees**

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333 **Action:** Motion to ratify the approval of licensees made by Dr. Morgan. Second
334 made by Dr. McCarter.

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

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338 **b. Continuing Education**

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340 CE Providers & Courses approved by CE Committee Chair

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342 **Action:** Motion to ratify the approval of providers and courses made by Dr.
343 McCarter. Second made by Dr. Morgan.

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345 **Vote:** 3 yeas / 0 opposed. Motion carried.

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347 **Section VII ended: 12:08 p.m.**

348 **Section VIII began: 12:08 p.m.**

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350 **VIII. BOARD COUNSEL REPORT:**

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352 **a. September Rules Report 2019**

353 **b. October Rules Report 2019**

354 **c. November Rules Report 2019**

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356 Mr. Frizzell presented the rules reports and addressed subsection (j) out of order.

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358 **d. 64B3-5.002**

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360 Mr. Frizzell presented proposed language to Rule 64B3-5.002, Florida
361 Administrative Code. Discussion ensued regarding CLIA requirements. The board
362 tabled the approval to the next board meeting.

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364 **e. 64B3-5.003**

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366 Mr. Frizzell presented proposed language to Rule 64B3-5.003, Florida
367 Administrative Code. Discussion ensued regarding CLIA requirements.

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369 **Action:** Motion to approve the language in Rule 64B3-5.003 made by Ms. Van
370 Siclen. Second made by Dr. McCarter.

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Vote: 3 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.

Ms. Van Siclen responded ‘no.’ The board was in agreeance.

Vote: 3 yeas / 0 opposed.

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.

Ms. Van Siclen responded ‘no.’ The board was in agreeance.

Vote: 3 yeas / 0 opposed.

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.

Ms. Van Siclen responded ‘no.’ The board was in agreeance.

Vote: 3 yeas / 0 opposed.

Mr. Frizzell asked if there should be a sunset provision in this rule.

Ms. Van Siclen responded ‘no.’ The board was in agreeance.

Vote: 3 yeas / 0 opposed.

- f. MOA 5030 Renewal**
- g. JAPC letter dated March 28, 2019**
- h. License Renewal Application**
- i. CLP Training Program**

Mr. Frizzell presented edits to language in Rule 64B3-8, Florida Administrative Code and copies of the department’s applications.

Action: Motion to approve the language in Rule 64B3-8 made by Ms. Van Siclen. Second made by Dr. McCarter.

Vote: 3 yeas / 0 opposed. Motion carried.

418 Mr. Frizzell asked whether the proposed rules would have adverse impacts on
419 Small business and whether regulatory costs would exceed two hundred thousand
420 dollars within one year of implementation.

421
422 Ms. Van Siclen responded ‘no.’ The board was in agreeance.

423
424 **Vote:** 3 yeas / 0 opposed.

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426 Mr. Frizzell asked whether the proposed rules would have adverse impacts on
427 small business and whether regulatory costs would exceed one million dollars
428 within five years of implementation.

429
430 Ms. Van Siclen responded ‘no.’ The board was in agreeance.

431
432 **Vote:** 3 yeas / 0 opposed.

433
434 Mr. Frizzell asked whether the proposed rules would be subject to a minor
435 violation. Minor violation means that it will not directly affect the public health,
436 safety, or welfare and is able to be resolved with citation or notice of non-
437 compliance.

438
439 Ms. Van Siclen responded ‘no.’ The board was in agreeance.

440
441 **Vote:** 3 yeas / 0 opposed.

442
443 Mr. Frizzell asked if there should be a sunset provision in this rule.

444
445 Ms. Van Siclen responded ‘no.’ The board was in agreeance.

446
447 **Vote:** 3 yeas / 0 opposed.

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449 **j. Governor’s Correspondence**

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451 Mr. Frizzell presented letter from Governor Desantis regarding review of board
452 rules and explained the new “sunset” provision. The sunset provision in a rule or
453 statute is a provision states that a rule will “become of no effect” on a specified
454 date. Mr. Frizzell advised that he is still awaiting clarification.

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456 **Section VIII ended: 12:47 p.m.**
457 **Section IX began: 12:47 p.m.**

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459 **IX. CHAIR/VICE CHAIR REPORT:**

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461 Ms. Van Siclen discussed the Chair/Vice Chair meeting held in October and
462 announced upcoming changes to the Department’s resources of communication
463 such as “Licensing Lucy” and “ELI” (Enforcement, Licensure, and Information).

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Section IX ended: 12:48 p.m.

Section X began: 12:48 p.m.

X. EXECUTIVE DIRECTOR’S REPORT:

Dr. Spivey announced the changes in leadership of MQA.

Ms. Van Siclen asked the status of board appointments and board elections.

Section X ended: 12:53 p.m.

Section XI began: 12:53 p.m.

XI. OLD BUSINESS:

None

Section XI ended: 12:53 p.m.

Section XII began: 12:53 p.m.

XII. NEW BUSINESS:

Ms. Van Siclen announced that Lab CE now has disclaimer stating “Florida is the only state that does not accept P.A.C.E. credits for Florida Board of Clinical Laboratory Personnel license renewal...”

Ms. Van Siclen asked why Florida does not accept PACE credits. Ms. Van Siclen asked if Ms. Kilgore (board staff) could research the following information: **1)** How many Florida approved CE providers there are? **2)** What is the current CE Provider renewal fee? **3)** What are the long term budgetary effects if the Board decided to accept P.A.C.E credit?

Section XII ended: 12:55 p.m.

Section XIII began: 12:55 p.m.

XIII. COMMITTEE REPORTS:

a. Budget – Dr. Morgan

Dr. Morgan directed the board to the budget reports.

b. Continuing Education – Ms. Valdes

Nothing to report

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c. Credentials – Ms. Van Siclen

Ms. Van Siclen thanked the board for their proficiency in processing credential files.

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

Ms. Van Siclen announced several upcoming meetings in the Spring of 2020 which include: Clinical Laboratory Educators meeting on February 27-29th at the Hilton in Lake Buena Vista, FL; Florida Society of Clinical Laboratory Science meeting on March 27th at Nemours Children’s Hospital in Orlando, FL; American Association of Bioanalysts’ annual conference on May 6-9th at the Rosen Plaza in Orlando; and American Medical Technologists has yet to schedule their spring meeting.

j. Rules – Ms. Van Siclen

Nothing to report

k. Training Program – Dr. McCarter

Nothing to report

l. Unlicensed Activity – Ms. Valdes

Nothing to report

556 **Section XIII ended: 12:58 p.m.**
557 **Section XIV began: 12:59 p.m.**

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559 **XIV. NEXT MEETING DATE**

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561 **March 6, 2020**

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563 Dr. Spivey advised that staff is attempting to move the board meeting to correlate
564 with the Association meeting in February.

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566 Ms. Van Siclen asked that board elections be addressed at the next meeting.

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568 **Section XIV ended: 12:59 p.m.**
569 **Section XV began: 1:00 p.m.**

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571 **XV. ADJOURNMENT:**

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573 Meeting adjourned at 1:00 p.m.