

FLORIDA | Board of Clinical Lab Personnel

OFFICIAL MINUTES

March 6, 2020

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, March 6, 2020, 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.

Please Note: To avoid background noises distracting the individuals speaking please mute your phone once you have signed into the meeting. You will be acknowledged to unmute your phone at the proper time.

AGENDA

Section I began: 9:01 a.m.

1 **I. CALL TO ORDER (Roll Call):**

2
3 Carleen P. Van Siclen, MS, MLS (ASCP), Chair
4 Linda Valdes, MS, MT (ASCP), Vice-Chair
5 Michele Morgan, D.B.A.
6 Beatriz E. Montoya, MBA, BS, MT, AMT
7 Yvette McCarter, Ph.D.

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9 **Board Staff Present:**

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11 Dr. Anthony Spivey, DBA, Executive Director
12 Gail Curry, Program Operations Administrator
13 Alisha Mughal, Regulatory Specialist
14 Keri Kilgore, Regulatory Specialist

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16 **Board Counsel:**

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18 Lynette Norr, Assistant Attorney General

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20 **Prosecution Services:**

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22 Mary Wessling, Assistant General Counsel

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24 **Court Reporter:**

25
26 For the Record
27 850-222-5491

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29 **Section II began: 9:03 a.m.**

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II. APPROVAL OF MINUTES:

a. November 22, 2019

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

Vote: 5 yeas / 0 opposed. Motion carried.

Section III began: 9:04 a.m.

III. PROSECUTION REPORT

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

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

Vote: 5 yeas / 0 opposed. Motion carried.

Section IV began: 9:06 a.m.

IV. PETITION FOR VARIANCE/WAIVER

Justine Butler

Present with counsel, Elizabeth Shaw, Esq.

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

Vote: 4 yeas / 0 opposed. Motion carried. Ms. Van Siclen recused.

Section I began: 9:37 a.m.

V. PETITIONS WITH APPLICATIONS:

Mona Wagih Eskandar Hana

Present. Not represented by counsel.

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

76 **Vote:** 5 yeas / 0 opposed. Motion carried.
77
78 **Action:** Motion to approve temporary license upon receipt of exam confirmation
79 made by Ms. Van Sienen. Second made by Dr. McCarter.
80
81 **Vote:** 5 yeas / 0 opposed. Motion carried.
82
83 **Edith Agbor Maliva Achale**
84
85 Not present, nor represented by counsel.
86
87 **Action:** Motion to approve the petition made by Dr. McCarter. Second made by Ms.
88 Montoya.
89
90 **Vote:** 5 yeas / 0 opposed. Motion carried.
91
92 **Action:** Motion to approve the application for licensure made by Dr. McCarter.
93 Second made by Ms. Montoya.
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95 **Vote:** 5 yeas / 0 opposed. Motion carried.
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97 **Elizabeth Morfa Arbolay**
98
99 Present. Not represented by counsel.
100
101 **Action:** Motion to approve the petition made by Dr. Morgan. Second made by Dr.
102 McCarter.
103
104 **Vote:** 5 yeas / 0 opposed. Motion carried.
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106 **Action:** Motion to approve the application for licensure in chemistry only made by
107 Dr. McCarter. Second made by Dr. Morgan.
108
109 **Vote:** 5 yeas / 0 opposed. Motion carried.
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111 **Tina Mostertz**
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113 Present. Not represented by counsel.
114
115 **Action:** Motion to approve the petition for education only (not experience) made by
116 Ms. Van Sienen. Second made by Dr. McCarter.
117
118 **Vote:** 5 yeas / 0 opposed. Motion carried.
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120 **Action:** Motion to approve the application contingent upon submission of five (5)
121 years' experience made by Dr. McCarter. Second made by Ms. Montoya.

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123 **Vote:** 5 yeas / 0 opposed. Motion carried.

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125 **Minal Patel**

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127 Present. Not represented by counsel.

128
129 **Action:** Motion to deny the petition made by Ms. Van Siclen. Second made by Ms.
130 Valdes.

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132 **Vote:** 5 yeas / 0 opposed. Motion carried.

133
134 **Action:** Motion to approve temporary license upon receipt of exam confirmation
135 made by Dr. McCarter. Second made by Ms. Montoya.

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137 **Vote:** 5 yeas / 0 opposed. Motion carried.

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139 **Devbala Solanki**

140
141 Present. Not represented by counsel.

142
143 **Action:** Motion to approve the petition made by Ms. Van Siclen. Second made by
144 Dr. Morgan.

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146 **Vote:** 5 yeas / 0 opposed. Motion carried.

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

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151 **Vote:** 5 yeas / 0 opposed. Motion carried.

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153 **Break from 11:02 to 11:21 a.m.**

154 **Section VI began: 11:21 a.m.**

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156 **VI. PETITION FOR REINSTATEMENT**

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158 **Jonathan Edmondson, BS**

159
160 Present. Not represented by counsel.

161
162 **Action:** Motion to approve the reinstatement of the license made by Ms. Van Siclen.
163 Second made by Dr. McCarter.

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165 **Vote:** 5 yeas / 0 opposed. Motion carried.

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167 **Section VII began: 11:27 a.m.**

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VII. APPLICANTS PRESENTED FOR BOARD REVIEW:

a. TRAINEE

Amber Colon

Present. Not represented by counsel.

Action: Motion to approve the application contingent upon receipt of clearance letter from physician and delegate review to Dr. Morgan made by Dr. Morgan. Second made by Ms. Montoya.

Vote: 5 yeas / 0 opposed. Motion carried.

Chelsea Dixon

Not present, nor represented by counsel.

Action: Motion to require attendance at one of the next two board meetings made by Ms. Van Sienen. Second made by Ms. Montoya.

Vote: 5 yeas / 0 opposed. Motion carried.

b. TECHNICIAN

Randi Meyer

Not present, nor represented by counsel.

Action: Motion to require appearance at one of the next two board meetings made by Ms. Van Sienen. Second made by Dr. McCarter.

Vote: 5 yeas / 0 opposed. Motion carried.

c. TECHNOLOGIST

Michel Blanco Amable

Not present, nor represented by counsel.

Action: Motion to deny the application with the option to withdraw within fifteen (15) days made by Ms. Van Sienen. Second made by Dr. McCarter.

Vote: 5 yeas / 0 opposed. Motion carried.

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Melissa Casapao

Present. Not represented by counsel.

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

Vote: 5 yeas / 0 opposed. Motion carried.

Carlos Doria

Not present, nor represented by counsel

Action: Motion to require appearance at one of the next two board meetings and request explanation of positive response to health history made by Ms. Van Siclen.
Second made by Ms. Montoya.

Vote: 5 yeas / 0 opposed. Motion carried.

Ashley Edwards

Present. Not represented by counsel.

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

Vote: 5 yeas / 0 opposed. Motion carried.

Khadijah Kabba

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: 5 yeas / 0 opposed. Motion carried.

Yevgeniya Komarova

Present. Not represented by counsel.

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

Vote: 5 yeas / 0 opposed. Motion carried.

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David Laplante

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

Vote: 5 yeas / 0 opposed. Motion carried.

Martha Mazurek

Present. Not represented by counsel.

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

Vote: 5 yeas / 0 opposed. Motion carried.

Tatiana (Perrera) Mon

Not present, nor represented by counsel

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

Vote: 5 yeas / 0 opposed. Motion carried.

Donna O'Keefe

Not present, nor represented by counsel

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

Vote: 5 yeas / 0 opposed. Motion carried.

Hayley Rafidi

Present. Not represented by counsel.

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

Vote: 5 yeas / 0 opposed. Motion carried.

Cameron Shofner

306 Not present, nor represented by counsel
307
308 **Action:** Motion to approve the application for licensure made by Ms. Valdes. Second
309 made by Dr. McCarter.
310
311 **Vote:** 5 yeas / 0 opposed. Motion carried.
312
313 **Amber Wilkins**
314
315 Not present, nor represented by counsel
316
317 **Action:** Motion to approve the application for licensure made by Ms. Valdes. Second
318 made by Ms. Montoya.
319
320 **Vote:** 5 yeas / 0 opposed. Motion carried.
321
322 **Marjillian Williams**
323
324 Present. Not represented by counsel.
325
326 **Action:** Motion to accept withdrawal of the application made by Ms. Van Siclen.
327 Second made by Ms. Montoya.
328
329 **Vote:** 5 yeas / 0 opposed. Motion carried.
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331 **Break from 12:59 to 1:22 p.m.**
332 **Section VII Cont'at 1:22 a.m.**
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334 **d. SUPERVISOR**
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336 **Elizabeth Angelo**
337
338 Present. Not represented by counsel.
339
340 **Action:** Motion to downgrade application to technologist and approve for licensure
341 made by Ms. Van Siclen. Second made by Dr. McCarter.
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343 **Vote:** 4 yeas / 0 opposed. Motion carried.
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345 **Yatta Bright**
346
347 Present. Not represented by counsel.
348
349 **Action:** Motion to approve the application for licensure made by Dr. McCarter.
350 Second made by Ms. Van Siclen.
351

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

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354 **Yoidan Diaz**

355

356 Present. Not represented by counsel.

357

358 **Action:** Motion to approve the application for licensure made by Dr. McCarter.

359 Second made by Ms. Montoya.

360

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

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363 **Mary Haws**

364

365 Present. Not represented by counsel.

366

367 **Action:** Motion to approve the application for licensure made by Dr. McCarter.

368 Second made by Ms. Montoya.

369

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

371

372 **Mailet Lago**

373

374 Not present, nor represented by counsel

375

376 **Action:** Motion to approve the application for licensure made by Dr. McCarter.

377 Second made by Ms. Van Siclen.

378

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

380

381 **Angela Laporte**

382

383 Present. Not represented by counsel.

384

385 **Action:** Motion to approve the application for licensure made by Dr. McCarter.

386 Second made by Ms. Montoya.

387

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

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390 **Lester Leal**

391

392 Not present, nor represented by counsel

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394 **Action:** Motion to approve the upgrade to supervisor licensure made by Dr.

395 McCarter. Second made by Ms. Montoya.

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

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Sheriffa Simmonds

Present. Not represented by counsel. Ms. Simmonds waived the 90 days in which to act on her application.

Action: Motion to table action and allow the credentialing committee to review additional documents and either approve or defer to the next meeting made by Ms. Van Siclen. Second made by Dr. McCarter.

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

Ricki Simpson

Present. Not represented by counsel.

Action: Motion to approve the upgrade to supervisor licensure made by Dr. McCarter. Second made by Ms. Valdes.

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

Scott Stoll

Not present, nor represented by counsel

Action: Motion to deny the application with the option to withdraw within fifteen (15) days made by Ms. Van Siclen. Second made by Dr. McCarter.

Vote: 4 yeas / 0 opposed. Motion carried.

Shari Wilson

Not present, nor represented by counsel

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

Vote: 4 yeas / 0 opposed. Motion carried.

Fei Xue

Not present, nor represented by counsel

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

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

445

446 e. **PUBLIC HEALTH TECHNICIAN**

447

448 **Kayla Rodriguez**

449

450 Not present, nor represented by counsel

451

452 **Action:** Motion to deny the application with the option to withdraw within fifteen
453 (15) days made by Ms. Van Siclen. Second made by Dr. McCarter.

454

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

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457 **Section VIII began: 3:16 p.m.**

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459 **VIII. PUBLIC COMMENT:**

460

461 None

462

463 **Section IX began: 3:16 p.m.**

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465 **IX. RATIFICATION:**

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467 a. **Licensure**

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469 **Clinical Laboratory Personnel**

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471 **Action:** Motion to ratify the approval of licensees made by Ms. Van Siclen. Second
472 made by Dr. McCarter.

473

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

475

476 **Clinical Laboratory Personnel Trainees**

477

478 **Action:** Motion to ratify the approval of licensees made by Ms. Van Siclen. Second
479 made by Ms. Montoya.

480

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

482

483 b. **Continuing Education**

484

485 **CE Providers & Courses approved by CE Committee Chair**

486

487 **Action:** Motion to ratify the approval of providers and courses made by Ms. Van
488 Siclen. Second made by Ms. Montoya.

489

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

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492 **Section X began: 3:19 p.m.**

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494 **X. BOARD COUNSEL REPORT:**

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496 **a. 64B3-3.001**

497

498 Ms. Norr presented the update rule language for review and approval.

499

500 **b. DH MQA 5030 (clean)**

501 **c. DH MQA 5030 (coded)**

502

503 Ms. Norr presented the training program renewal form for review and
504 approval of the changes.

505

506 **Action:** Motion to approve changes to 64B3-3.001 and form DH MQA 5030 made
507 by Ms. Van Siclen. Second made by Dr. McCarter.

508

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

510

511 Ms. Norr asked whether the proposed rules would have adverse impacts on
512 small business and whether regulatory costs would exceed two hundred thousand
513 dollars within one year of implementation.

514

515 **Action:** Motion to state ‘No’ made by Ms. Van Siclen Second made by Ms.
516 Montoya.

517

518 **Vote:** 4 yeas / 0 opposed.

519

520 Ms. Norr asked whether the proposed rules would have adverse impacts on
521 small business and whether regulatory costs would exceed one million dollars
522 within five years of implementation.

523

524 **Action:** Motion to state ‘No’ made by Ms. Van Siclen Second made by Ms.
525 Montoya.

526

527 **Vote:** 4 yeas / 0 opposed.

528

529 Ms. Norr asked whether the proposed rules would be subject to a minor
530 violation. Minor violation means that it will not directly affect the public health,
531 safety, or welfare and can be resolved with citation or notice of non-
532 compliance.

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534 **Action:** Motion to state ‘No’ made by Ms. Van Siclen Second made by Ms.
535 Montoya.

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Vote: 4 yeas / 0 opposed.

Ms. Norr asked if there should be a sunset provision within the rule.

Action: Motion to state ‘No’ made by Ms. Van Siclen Second made by Ms. Montoya.

Vote: 4 yeas / 0 opposed.

d. 64B3-5.002

Ms. Norr presented proposed rule language. Ms. Van Siclen expressed concerns of the language and its correlation with CLIA requirements. Discussion ensued regarding CLIA requirements. Ms. Van Siclen requested to table the discussion on the rule to involve board counsel, Mr. Frizzell.

e. 64B3-12.001

Ms. Norr presented proposed language and standardized format. Discussion ensued regarding telehealth and disciplinary guidelines. Ms. Van Siclen praised Mr. Frizzell for drafting the new format.

f. February Rules Report

Ms. Norr presented the rules report.

Section XI began: 3:37 p.m.

XI. CHAIR/VICE CHAIR REPORT:

Nothing to report

Section XII began: 3:37 p.m.

XII. EXECUTIVE DIRECTOR’S REPORT:

Dr. Spivey re-announced the addition of the department’s division director. Ms. Van Siclen asked about board appointments and Dr. Spivey advised that there were not any being considered at this time.

Section XIII began: 3:41 p.m.

XIII. OLD BUSINESS:

Nothing to report

582 **Section XIV began: 3:41 p.m.**

583

584 **XIV. NEW BUSINESS:**

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586 **Senate Bill 714**

587

588 Ms. Van Siclen asked the board if they had any concerns regarding pharmacists
589 conducting flu testing. The board agreed that the bill should specify that it is
590 appropriate for waived testing only.

591

592 Ms. Norr advised that she would notify Mr. Frizzell of the concerns.

593

594 **CE Broker**

595

596 Ms. Valdes shared concerns of mistakes being made on licensee transcripts in CE
597 Broker. Ms. Valdes noted that some licensee’s transcripts are showing is complete
598 when in fact, the licensee is incomplete. Ms. Kilgore provided an update of how CE
599 Broker is working to correct the issues.

600

601 Ms. Van Siclen addressed Rule Chapter 64B3-2.001, Florida Administrative Code
602 regarding the definition of “pertinent lab experience” and discussed potential
603 exemptions for the categories of andrology and embryology. Ms. Van Siclen
604 suggested opening rulemaking for rule 64B3-2.001, F.A.C.

605

606 Ms. Van Siclen shared concerns of laboratory supervisors inaccurately documenting
607 or verifying laboratory experience. Ms. Van Siclen suggested that there be a penalty
608 for these scenarios. Ms. Van Siclen suggested opening rulemaking to include a
609 penalty in the disciplinary guidelines; and requested that board counsel provide
610 guidance on the board’s authority to do so.

611

612 Ms. Van Siclen indicated that many NAACLS approved MLS training programs
613 were not requiring academic science degrees. Discussion ensued regarding the
614 educational requirements of CLIA. The board agreed to table discussion until
615 research of the requirements was conducted.

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617 **Section XV began: 4:03 p.m.**

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619 **XV. COMMITTEE REPORTS:**

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621 **Budget – Dr. Morgan**

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623 Dr. Spivey presented the report on behalf of Dr. Morgan.

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625 **Continuing Education – Ms. Valdes**

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627 Nothing to report

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Credentials – Ms. Van Siclen

Ms. Van Siclen praised board staff for their hard work in reviewing credential files.

Disciplinary Compliance – Ms. Montoya

Nothing to report

Examination – Ms. Montoya

Nothing to report

Healthiest Weight – Dr. McCarter

Nothing to report

Legislation – Dr. McCarter

Nothing to report

Probable Cause – Dr. Morgan

Nothing to report

Professional Association – Ms. Valdes

Ms. Valdes announced that the American Medical Technologist (AMT) was conducting a continuing education lecture on April 4, 2020 at Keiser University in Orlando, FL. Ms. Van Siclen announced that the Florida Society of Clinical Laboratory Science (FSCLS) is holding a meeting on March 27, 2020 at Nemour’s Children’s Hospital in Orlando, FL and that the American Association of Bioanalysts’ (AAB) annual meeting will be held May 9-12th in Orlando, FL

Rules – Ms. Van Siclen

Ms. Van Siclen expressed that she would like the board to continue process improvement with board rules to ensure the safety of all Floridians.

Training Program – Dr. McCarter

Nothing to report

Unlicensed Activity – Ms. Valdes

Ms. Van Siclen and Ms. Valdes suggested that board staff send experience

674 for review if there are any doubts of its validity.

675

676 **Section XVI began: 4:12 p.m.**

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678 **XVI. PROPOSED 2021 MEETING DATES**

679

680 The board agreed to all proposed dates.

681

682 **Section XVII began: 4:12 p.m.**

683

684 **XVII. NEXT MEETING DATE**

685

686 **June 12, 2020**

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688 **XVIII. ADJOURNMENT:**

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690 Meeting adjourned at 4:14 p.m.

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