

FLORIDA | Board of Clinical Lab Personnel

DRAFT MINUTES

June 12, 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, June 12, 2020, commencing at 9:00 a.m. This meeting was held at the Department of Health, 4042 Bald Cypress Way, Tallahassee, Florida at <https://global.gotomeeting.com/join/208174949>, to which all person 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: 9:02 a.m.

I. CALL TO ORDER (Roll Call):

Carleen P. Van Siclen, MS, MLS (ASCP), Chair
Linda Valdes, MS, MT (ASCP), Vice-Chair (*absence excused*)
Michele Morgan, D.B.A.
Beatriz E. Montoya, MBA, BS, MT, AMT
Yvette McCarter, Ph.D.

Board Staff Present:

Dr. Anthony Spivey, DBA, Executive Director
Kelly Woodard, Regulatory Supervisor
Sherri Carmichael, Regulatory Specialist II
Alisha Mughal, Regulatory Specialist II

Board Counsel:

Timothy Frizzell, Assistant Attorney General

Prosecution Services:

Mary Wessling, Assistant General Counsel

Court Reporter:

For the Record
850-222-5491

Section II began: 9:06 a.m.

II. APPROVAL OF MINUTES:

a. March 6, 2020

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

36 made by Ms. Van Siclen.

37

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

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40 **Section III began: 9:06 a.m.**

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42 **III. PROSECUTION REPORT**

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

46

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

49

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

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52 **Section IV began: 9:07 a.m.**

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54 **IV. PETITION FOR WAIVER/VARIANCE:**

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56 **a. Kim Donadio**

57

58 **Action:** Motion to deny petition made by Dr. McCarter. Second made by Dr.
59 Morgan.

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

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63 **b. Florida Cancer Specialist & Research Institute**

64

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

67

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

69

70 *Beatriz Montoya joined the teleconference.*

71

72 **Section V began: 9:45 a.m.**

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74 **V. PETITIONS WITH APPLICATIONS:**

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76 **a. Constance Modest**

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78 **Action:** Motion to deny the petition made by Dr. McCarter. Second made by Ms.
79 Montoya.

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

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Action: Motion to issue temporary technician license for one year made by Ms. Van Siclen. Second made by Ms. Montoya.

Vote: 4 yeas / 0 opposed. Motion carried.

Section VI began: 10:09 a.m.

VI. APPLICANTS PRESENTED FOR BOARD REVIEW:

a. TRAINEE

Kelsey Baker

Action: Motion to approve the application contingent upon receipt of physician letter indicating ability to practice with reasonable skill and safety made by Ms. Van Siclen. Second made by Dr. Morgan.

Vote: 4 yeas / 0 opposed. Motion carried.

b. TECHNICIAN

Randi Meyer

Action: Motion to approve the application contingent upon receipt of physician letter indicating ability to practice with reasonable skill and safety made by Dr. McCarter. Second made by Dr. Morgan.

Vote: 4 yeas / 0 opposed. Motion carried.

c. TECHNOLOGIST

Maricarmen Sobrino

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

Vote: 4 yeas / 0 opposed. Motion carried.

Action: Motion to deny the application in the Blood Banking category with option to withdraw made by Ms. Van Siclen. Second made by Dr. Morgan.

Vote: 4 yeas / 0 opposed. Motion carried.

Midori Aragaki

128 **Action:** Motion to approve the application made by Dr. McCarter. Second made
129 by Ms. Montoya.

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

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133 **Roxana Romani**

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

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

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140 **Yasmin Morales Piloto**

141
142 **Action:** Motion to deny the application with option to withdraw within fifteen
143 Days made by Dr. McCarter. Second made by Ms. Montoya.

144
145 **Vote:** 4 yeas / 0 opposed. Motion carried.

146
147 **Anne Deprez**

148
149 **Action:** Motion to issue temporary technologist license made by Ms. Van Siclen.
150 Second made by Ms. Montoya.

151
152 **Vote:** 4 yeas / 0 opposed. Motion carried.

153
154 **Michelle Godin**

155
156 **Action:** Motion to allow the withdrawal of the application made by Ms. Van
157 Siclen. Second made by Dr. Morgan.

158
159 **Vote:** 4 yeas / 0 opposed. Motion carried.

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161 **Break 10:46 a.m. to 11:01 a.m.**

162
163 **d. SUPERVISOR**

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165 **Freddy Barrueto Bravo**

166
167 **Action:** Motion to approve contingent upon receiving six credit hours of chemical
168 within sixty days made by Dr. McCarter. Second made by Ms. Van Siclen

169
170 **Vote:** 4 yeas / 0 opposed. Motion carried.

171
172 **Mavis Masuecos**

173

174 **Action:** Motion to approve downgrade of the application from supervisor to
175 technologist made by Ms. Van Siclen. Second made by Ms. Montoya.

176
177 **Vote:** 4 yeas / 0 opposed. Motion carried.

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179 **Lina Ferrer**

180
181 **Action:** Motion to approve the application in hematology only made by Dr.
182 McCarter. Second made by Ms. Montoya.

183
184 **Vote:** 4 yeas / 0 opposed. Motion carried.

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186 **Neema Patel**

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188 **Action:** Motion to allow withdrawal of the application made by Ms. Van Siclen.
189 Second made by Ms. Montoya.

190
191 **Vote:** 4 yeas / 0 opposed. Motion carried.

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193 **Onel Valdes Garcia**

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

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

199
200 **Ricardo Rodriguez**

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202 **Action:** Motion to require applicant's appearance at one of the next two meetings
203 made by Dr. McCarter. Second made by Ms. Van Siclen.

204
205 **Vote:** 4 yeas / 0 opposed. Motion carried.

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207 **Steve Romero**

208
209 **Action:** Motion to deny the application with the option to withdraw within fifteen
210 days made by Dr. McCarter. Second made by Ms. Van Siclen.

211
212 **Vote:** 4 yeas / 0 opposed. Motion carried.

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214 **Nirvika Singh**

215
216 **Action:** Motion to approve the application made by Dr. McCarter. Second made
217 by Ms. Montoya.

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

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Olaya Leyva Pena

Action: Dr. Pena advised that she could supply additional documentation and waived the 90 days in which to act on her application.

Tamar McGregor

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

Vote: 4 yeas / 0 opposed. Motion carried.

Connie Sanders

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

Vote: 4 yeas / 0 opposed. Motion carried.

Section VII began: 12:28 p.m.

VII. PUBLIC COMMENT:

None

Section VIII began: 12:28 p.m.

VIII. RATIFICATION:

a. Licensure

Clinical Laboratory Personnel

Action: Motion to ratify the approval of licensees made by Dr. Morgan. Second made by Ms. Montoya.

Vote: 4 yeas / 0 opposed. Motion carried.

Clinical Laboratory Personnel Trainees

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

Vote: 4 yeas / 0 opposed. Motion carried.

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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 Ms. Montoya.

Vote: 4 yeas / 0 opposed. Motion carried.

Section IX began: 12:30 p.m.

IX. NEW APPLICATIONS:

- a. Clinical Laboratory Personnel Trainee**
- b. Public Health Laboratory Scientist Application**
- c. Clinical Laboratory Personnel Initial & Upgrade Licensure**
- d. Clinical Laboratory Licensure – Adding Specialty**
- e. Clinical Laboratory Personnel Initial & Upgrade (Supervisor)**
- f. Clinical Laboratory Initial Licensure Technician**
- g. Clinical Laboratory Personnel Initial & Upgrade (Technician)**
- h. Clinical Laboratory Personnel Training Program**

Dr. Spivey presented the newly proposed applications. The board commended the Department for their work on the applications.

Action: Motion to approve the applications made by Ms. Van Siclén. Second made by Ms. Montoya.

Vote: 4 yeas / 0 opposed. Motion carried.

Section X began: 12:34 p.m.

X. BOARD COUNSEL REPORT:

a. April Rules Report

Mr. Frizzell presented the monthly rules report.

b. 64B3-3.001

Mr. Frizzell presented the latest renewal application for training programs. Mr. Frizzell presented proposed rule language for the board’s review.

Action: Motion to approve the proposed rule language made by Ms. Van Siclén. Second made by Ms. Montoya.

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

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314 Mr. Frizzell asked whether the proposed rules would have adverse impacts on
315 small business.

316

317 **Action:** Motion to state ‘no’ made by Ms. Van Siclen. Second made by Dr.
318 Morgan.

319

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

321

322 Mr. Frizzell asked whether the proposed rules would have adverse impacts on
323 small business and whether regulatory costs would exceed two hundred thousand
324 dollars within one year of implementation.

325

326 **Action:** Motion to state ‘no’ made by Ms. Van Siclen. Second made by Dr.
327 McCarter.

328

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

330

331 Mr. Frizzell asked whether the proposed rules would be subject to a minor
332 violation. Minor violation means that it will not directly affect the public health,
333 safety, or welfare and can be resolved with citation or notice of non-
334 compliance.

335

336 **Action:** Motion to state ‘no’ made by Ms. Van Siclen. Second made by Dr.
337 Morgan.

338

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

340

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

342

343 **Action:** Motion to state ‘no’ made by Ms. Van Siclen. Second made by Dr.
344 Morgan.

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

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348 **c. 64B3-5.002**

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350 Ms. Van Siclen requested to table this rule for another meeting.

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352 **d. 64B3-12.001**

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

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356 **Action:** Motion to approve the proposed rule language made by Ms. Van Siclen.
357 Second made by Ms. Montoya.

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Vote: 4 yeas / 0 opposed. Motion carried.

Mr. Frizzell asked whether the proposed rules would have adverse impacts on small business.

Action: Motion to state ‘no’ made by Ms. Van Siclen. Second made by Dr. Morgan.

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.

Action: Motion to state ‘no’ 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 can be resolved with citation or notice of non-compliance.

Action: Motion to state ‘no’ made by Ms. Van Siclen. Second made by Dr. Morgan.

Vote: 4 yeas / 0 opposed. Motion carried.

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

Action: Motion to state ‘no’ made by Ms. Van Siclen. Second made by Dr. Morgan.

Vote: 4 yeas / 0 opposed. Motion carried.

e. Annual Regulatory Report

Mr. Frizzell presented the Annual Regulatory Plan.

Action: Motion to delegate authority to Chairperson to sign and approve the regulatory plan and bring back before the board for approval made by Ms. Van Siclen. Second made by Ms. Montoya.

Vote: 4 yeas / 0 opposed. Motion carried.

404 Section XI began: 12:50 p.m.

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406 **XI. CHAIR/VICE CHAIR REPORT:**

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408 **a. MQA 3007 – Initial Training Program Application**

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410 Ms. Van Siclen recommended adding NAACLS requirements to the application.

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412 Section XII began: 1:12 p.m.

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414 **XII. EXECUTIVE DIRECTOR’S REPORT:**

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416 Nothing to report.

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418 Section XIII began: 1:12 p.m.

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420 **XIII. OLD BUSINESS:**

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422 Ms. Van Siclen asked Dr. Spivey about the status of board appointments.

423

424 Section XIV began: 1:14 p.m.

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426 **XIV. NEW BUSINESS:**

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428 **a. 64B3-5.003 – Andrology/Embryology**

429

430 Ms. Van Siclen stated that the technician and supervisor rules needed to be
431 updated and agreed to work with board counsel to draft language.

432

433 Ms. Van Siclen reminded the board members to complete their annual ethics and
434 disclosures.

435

436 Ms. Van Siclen advised that the board may begin to see petitions from ambulatory
437 services to perform high complexity testing.

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439 Section XV began: 1:16 p.m.

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441 **XV. COMMITTEE REPORTS:**

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443 **a. Budget – Dr. Morgan**

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445 Nothing to report.

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

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449 Nothing to report.

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c. Credentials – Ms. Van Siclen

Ms. Van Siclen commended the staff on their efforts to decrease the amount of credential files.

d. Disciplinary Compliance – Ms. Montoya

Nothing to report

e. Examination – Ms. Montoya

Ms. Van Siclen asked that this committee be eliminated.

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

Nothing to report.

j. Rules – Ms. Van Siclen

See Section XIV. Nothing else to report.

k. Training Program – Dr. McCarter

Nothing to report.

l. Unlicensed Activity – Ms. Valdes

Nothing to report.

Ms. Van Siclen referred to Section X. regarding Rule 64B3-5.002, Florida Administrative Code. Mr. Frizzell suggested that the board define the educational requirements in the rule definitions. Mr. Frizzell advised that he would draft language for the board's review.

496 **Section XVI began: 1:27 p.m.**

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498 **XVI. NEXT MEETING DATE**

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500 **August 21, 2020**

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502 **XVII. ADJOURNMENT:**

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504 The meeting adjourned at 1:27 p.m.

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