

Board of Clinical Laboratory Personnel

February 2021 Conference Call Draft Meeting Minutes

February 12, 2021 at 9:00 A.M. ET

Meet Me #:

888-585-9008

Participation Code:

136-103-141



**Carleen P. Van Siclen, MSHA, MLS(ASCP)
Chair**

**Linda Valdes, MS, MT(ASCP)
Vice Chair**

**Anthony B. Spivey, DrBA
Executive Director**

Board Members:

Carleen P. Van Siclen, MSHA, MLS(ASCP) - Chair
Linda Valdes, MS, MT(ASCP) - Vice Chair
Beatriz Montoya, MBA, BS, MT, (AMT)
Michele Morgan, DBA
Sandra Powell, BS, HTL (ASCP), HTL (FL) QIHC

Board Staff:

Anthony B. Spivey, DrBA- Executive Director
Dontavia Wilson, Program Operations Administrator

Board Counsel:

Timothy Frizzell, Assistant Attorney General
David Flynn, Assistant Attorney General

Court Reporter:

For the Record – (850) 222-5491

Participants in this public meeting should be aware that these proceedings are being recorded. An audio file of the meeting will be posted on the Florida Board of Optometry website.

Please mute your telephone upon entering the meeting site to remove background noises. You will be recognized by the Chair when it is your turn to speak. Thank you in advance for following these instructions to ensure a smooth meeting process.

Call to Order

The meeting was called to order by the Executive Director at 9:00 a.m.

Roll Call

Board Members:

Carleen P. Van Siclen, MSHA, MLS(ASCP) - Chair
Linda Valdes, MS, MT(ASCP) - Vice Chair
Beatriz Montoya, MBA, BS, MT, (AMT)
Michele Morgan, DBA
Sandra Powell, BS, HTL (ASCP), HTL (FL) QIHC

Board Staff:

Anthony B. Spivey, DrBA- Executive Director
Dontavia Wilson, Program Operations Administrator
Gail Curry, Regulatory Supervisor Consultant

Attorneys:

Timothy Frizzell, Assistant Attorney General
David Flynn, Assistant Attorney General
Chase Den Beste, Assistant General Counsel

Dr. Van Siclen welcomed the newest Board member, Ms. Sandra Powell.

Approval of Minutes

November 20, 2020- Dr. Van Siclen made a motion to approve the minutes. Dr. Morgan seconded the motion and it passed unanimously.

Prosecutor's Report

February 2021 Prosecutor's Report

Mr. Den Beste with the Prosecution Services Unit (PSU) asked that the Board permit the Department of Health to continue to prosecute the year old and older cases. Dr. Van Siclen made a motion to allow PSU to continue prosecuting cases that are a year old and older. Dr. Morgan seconded the motion and it passed unanimously.

Final Order Action

Informal Hearing

Recused: Michelle Morgan

Ronessa L. Young, C.L.P.- Not present. Mr. Den Beste presented the case. Dr. Van Siclen made a motion to accept the investigative report into evidence, find the respondent was properly served and requested an informal hearing, and adopt the findings of fact in the administrative complaint. Dr. Valdes seconded the motion and it passed unanimously. Dr. Van Siclen made a motion to adopt the conclusions of law as set forth in the administrative complaint and find that this constitutes a violation of Florida Statutes. Dr. Valdes seconded the motion and it passed unanimously.

Dr. Van Siclen made a motion to impose a suspension until a PRN evaluation showing the respondent is reasonably safe to practice and to pay costs in the amount of \$835.57, payable within 1 year of the final order. Dr. Valdes seconded the motion and it passed unanimously.

Petition for Application

Lillian Torres; 6601/46289- Present. Dr. Van Siclen made a motion to deny the petition for variance. Dr. Valdes seconded the motion and it passed unanimously. Ms. Montoya made a motion to approve the application. Dr. Valdes seconded the motion and it passed unanimously.

Craig Maschmann; 6601/54254- Present. Dr. Morgan made a motion to deny the petition for variance. Dr. Van Siclen seconded the motion and passed unanimously. Dr. Van Siclen made a motion to approve the application. Ms. Montoya seconded the motion and it passed unanimously.

Jenny Kick; 6601/54006- Present. Dr. Van Siclen made a motion to approve the petition for variance. Dr. Morgan seconded the motion and it passed unanimously. Dr. Van Siclen made a motion approve the application for supervisor. Dr. Valdes seconded the motion and it passed unanimously.

Applications Presented for Board Review

Trainee

Deirdre Dancy; 6601/11449- Present. Mr. Frizzell provide a legal opinion that Ms. Dancy will not be eligible for licensure until November 2023 based on statute. Ms. Dancy made a request to withdraw her application. Dr. Van Siclen made a motion to accept the withdrawal. Ms. Montoya seconded the motion and it passed unanimously.

Technologist

Alina Valdes; 6601/53269- Present. Dr. Van Siclen made a motion to appear at one of the next two board meetings to provide additional documentation. Ms. Valdes waiver her 90 days. Ms. Montoya seconded the motion and it passed unanimously.

Andysley Cubas Galan; 6601/53910- Not present. Dr. Van Siclen made a motion to deny the application with 15 days to withdraw the application. Ms. Montoya seconded the motion and it passed unanimously.

Carolyn Niesz; 6601/50164- Not present. Board staff indicated that Ms. Niesz made a request to withdraw her application. Dr. Van Siclen made a motion to deny the request to withdrawal the application. Dr. Valdes seconded the motion and passed unanimously. Dr. Van Siclen made a motion to deny the application for failure to disclose information on the application. Dr. Valdes seconded the motion and it passed unanimously.

Supervisor

Curtis Wade; 6601/49542- Present. Dr. Valdes made a motion to approve the application. Ms. Montoya seconded the motion and it passed unanimously.

Sonia Rincon; 6601/52020- Present. Ms. Powell made a motion to approve the application. Ms. Montoya seconded the motion and it passed unanimously.

Public Health Technician

Don M. Brewer; 6601/54349- Present. Dr. Van Siclen made a motion to approve the application. Ms. Montoya seconded the motion and passed unanimously.

Christopher Roemer; 6601/53912- Present. Mr. Roemer made a request to withdraw his application. Dr. Van Siclen made a motion to accept the withdrawal. Ms. Montoya seconded the motion and it passed unanimously.

Syed Qadri; 6601/53959- Present. Ms. Montoya made a motion to approve the application. Dr. Van Siclen seconded the motion and it passed unanimously.

Director

Brett Reggio; 6601/54442- Present. Dr. Valdes made a motion to approve the application. Ms. Montoya seconded the motion and it passed unanimously.

Fariborz Rashid-Kolvear; 6601/54347- Present. Dr. Van Siclen made a motion to approve the application. Ms. Montoya seconded the motion and it passed unanimously.

Jadwiga Szymanska; 6601/52979- Not present. Dr. Valdes made a motion to approve the application. Dr. Van Siclen seconded the motion and it passed unanimously.

Shonetta Smith; 6601/51448- Present. Dr. Valdes made a motion to approve the application in Chemistry limited to the sub-specialty of toxicology. Ms. Montoya seconded the motion and it passed unanimously.

Mary Long; 6601/54382- Not present. Dr. Van Siclen made a motion to require a personal appearance at one of the next meetings. Ms. Montoya seconded the motion and it passed unanimously. Board staff informed the Board that Dr. Long had submitted a request to remove Microbiology from her application. Dr. Van Siclen made a motion to rescind the previous motion and to approve the application in Chemistry. Ms. Montoya seconded the motion and it passed unanimously.

Ratification

Licensure

Clinical Laboratory Personnel- Dr. Van Siclen made a motion to ratify the list found on pages 853-859. Ms. Montoya seconded the motion and it passed unanimously.

Clinical Laboratory Personnel Trainee- Dr. Van Siclen made a motion to ratify the list found on pages 860-863. Ms. Montoya seconded the motion and it passed unanimously.

Continuing Education

Report of CE Providers & Courses Approved by CE Chair- Dr. Valdes made a motion to approve the list found on page 865. Dr. Van Siclen seconded the motion and it passed unanimously.

Course List- Dr. Valdes made a motion to approve the list on page 866. Ms. Montoya seconded the motion and it passed unanimously.

Provider List

Public Health Technician

Agnieszka Dymowska- Dr. Van Siclen made a motion to ratify the application. Ms. Montoya seconded the motion and it passed unanimously.

Genomic Testing

Tony Nolen- Discussion ensued. No action was taken.

Board Counsel Report

Florida Society for Histotechnology- Gerry Santiago from the Florida Society for Histotechnology was present. Discussion ensued about grossing. The Board will proceed with the changes to 64B3-10 and leave histology as is.

64B3-10- Dr. Van Siclen made a motion approve the language change. Ms. Powell seconded the motion and it passed unanimously.

Mr. Frizzell asked the Board “Will the proposed rule amendments have an adverse impact on small business?” Dr. Van Siclen made a motion that no it would not, and it passed unanimously.

Mr. Frizzell asked the Board “Will the proposed rule amendments be likely to directly or indirectly increase regulatory costs to any entity including government in excess of \$200,000.00 in the aggregate in Florida within one year after implementation?” Dr. Van Siclen made a motion that no it would not, and it passed unanimously.

Mr. Frizzell asked the Board “Should a violation of this rule or any part of this rule be designated as a minor violation?” Dr. Van Siclen made a motion that there did not need to be a minor violation and it passed unanimously.

Mr. Frizzell asked the Board “*Should there be a Sunset provision be placed within the rule?*” Dr. Van Siclen made a motion that there should not be a Sunset provision placed within the rule, and it passed unanimously.

Delegation of Authority

Dr. Spivey explained what the Delegation of Authority is and does. He explained that is the same as the previous year, that there had been no changes. Dr. Van Siclen asked about the “require a personal appearance” category and if it should have an “X” mark in it. Discussion ensued. Dr. Van Siclen made a motion to approve the Delegation of Authority as is with the addition of adding a “X” in #4 “require a personal appearance” delegating authority to the credentialing committee and the Board Chair. Ms. Montoya seconded the motion and it passed unanimously.

Chair/Vice Chair Report- Dr. Van Siclen said that she would draft language that define “ABMGEE” to be added to the director qualification matrix.

Mr. Frizzell informed the Board that this is his last Board meeting and that Mr. David Flynn has been assigned to take over the Board. Mr. Flynn introduced himself and provided information on his experience.

Executive Director’s Report

Dr. Spivey explained that this will be his last meeting as he is retiring at the end of March.

Old Business- None

New Business- None

Committee Reports-

Dr. Montoya was assigned to the Training Program and Legislation committees.

Ms. Powell was assigned to the Disciplinary Compliance and Healthiest Weight committees.

Budget- Dr. Spivey reviewed the budget report that is in the agenda with the Board.

Continuing Education- None

Credentialing Committee- Dr. Van Siclen gave props to the Board staff for their work and that the number of applications had gone down by about 70% since she began on that committee.

Probable Cause Panel- Dr. Morgan said that they have not met in a while and that the cases are making their way through.

Professional Associations- None

Rules Committee- Will be working on wording as discussed earlier in the agenda.

Training Program- None
Unlicensed Activity- None

Public Comment- None

Next Meeting Date
May 7, 2021

Adjournment

Dr. Van Sicen adjourned the meeting at 1:02 pm.

DRAFT