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**DEPARTMENT OF HEALTH
MEDICAL QUALITY ASSURANCE
BOARD OF CLINICAL LABORATORY PERSONNEL**

**MINUTES
GENERAL BUSINESS MEETING**

**Marriott Orlando Airport
7499 August National Drive
Orlando, Florida**

December 2, 2011

CALL TO ORDER:

Ms. Brenda Van Der Heyden, Chair, called the meeting to order on Friday, December 2, beginning at 9:01 a.m. Those present for all or part of the meeting included the following:

MEMBERS PRESENT:

Brenda Van Der Heyden, Chair
Judy Norcia, Vice-Chair
Roger Bertholf, Ph.D.
Michele Morgan
Dean Willis, Dr.PH

MEMBER NOT PRESENT:

Nilia Madan (excused)

STAFF PRESENT:

Sharon Guilford, Program Operations Administrator

BOARD COUNSEL:

Deborah Loucks, Assistant Attorney General
Office of Attorney General

APPROVAL OF MINUTES:

September 8-9, 2011 – Full Board Meeting

Ms. Norcia moved to approve the above minutes. The motion was seconded and carried 5/0.

October 18, 2011 – Telephone Conference Call Meeting

Dr. Willis moved to approve the above minutes. The motion was seconded and carried 5/0.

FINAL ORDER ACTIONS:

Motions for Final Order After Hearing Not Involving Disputed Issues of Material Facts and Determination of Respondent's Waiver of Right to Request a Formal Hearing:

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Brendan James-Truman Coulter – Case Number 10-24155
PCP: Donahue/Morgan

Mr. Coulter was neither present nor represented by counsel.

Ms. Schell informed the board that the respondent had violated:

- Section 456.072(1)(q), F.S.

Dr. Bertholf moved to accept the investigative report and case materials into evidence as alleged in the administrative complaint. The motion was seconded and carried 4/0.

Ms. Norcia moved that the respondent was properly served. The motion was seconded and carried 4/0.

Ms. Norcia moved that the respondent waived his rights to a formal hearing. The motion was seconded and carried 4/0.

Ms. Norcia moved to adopt the findings of fact into evidence as alleged in the administrative complaint and adopt the conclusions of law and find that the respondent was in violation as alleged in the administrative complaint. The motion was seconded and carried 4/0.

Ms. Schell recommended the following penalty:

- administrative costs
- revocation

Discussion ensued.

Ms. Norcia moved to accept the department’s recommendation to revocation and administrative costs. The motion was seconded and carried 4/0.

Ms. Loucks stated that the board needed to act separately to the administrative costs and

Ms. Norcia moved to amend the motion to accept the department’s recommendation to revoke the license due to aggregated circumstances of failure to comply with the three other Final Orders. The motion was seconded and carried 4/0.

Ms. Norcia moved to impose administrative costs of \$801.22, payable within 30 days from the filing of the Final Order. The motion was seconded and carried 4/0.

Debra F. Huebschman – Case Number 09-21191
PCP: Donahue/Morgan

Ms. Huebschman was neither present nor represented by counsel.

Ms. Schell informed the board that the respondent had violated:

- Section 456.072(1)(hh), F.S.

1 **Dr. Bertholf moved to accept the investigative report and case materials into evidence as**
2 **alleged in the administrative complaint to impose penalty. The motion was seconded and**
3 **carried 4/0.**

4
5 **Dr. Willis moved that the respondent was properly served and waived her rights to a formal**
6 **hearing. The motion was seconded and carried 4/0.**

7
8 **Dr. Willis moved to adopt the findings of fact into evidence as alleged in the administrative**
9 **complaint and adopt the conclusions of law and find that the respondent was in violation as**
10 **alleged in the administrative complaint. The motion was seconded and carried 4/0.**

11
12 Ms. Schell recommended the following penalty:

- 13 • Administrative fine of \$1,000
- 14 • Reprimand
- 15 • Suspension
- 16 • Suspension may be lifted once in compliance with PRN recommendation and appearance
- 17 before the board

18
19 Discussion ensued.

20
21 **Dr. Willis moved to accept the department's recommendation. The motion was seconded**
22 **and carried 4/0.**

23
24 **Dr. Willis moved to impose an administrative costs of \$1,342.95, payable of both**
25 **administrative fine and costs and to appear before the board prior to the suspension being**
26 **lifted. The motion was seconded and carried 4/0.**

27
28 **Motion for Final Order Based Upon A Voluntary Relinquishment of License:**

29
30 **Thomas P. Gaspa – Case Number 11-07864**
31 **PCP: Waived**

32
33 Mr. Gaspa was neither present nor represented by counsel.

34
35 Ms. Schell informed the board that the respondent had violated:

- 36 • Section 483.825(1)(a)(w), F.S.

37
38 Ms. Schell stated that the respondent had signed a Voluntary Relinquishment of his license by
39 discipline.

40
41 **Dr. Bertholf moved to accept the Voluntary Relinquishment of license. The motion was**
42 **seconded and carried 5/0.**

43
44 **Prosecution Report:**

45
46 Ms. Schell provided an overview of the Prosecution Report.

47
48 **Ms. Norcia moved to continue the prosecution of any cases that may be over a year old.**
49 **The motion was seconded and carried 5/0.**

1 **PETITION FOR HEARING – NOTICE OF INTENT TO DENY:**

2
3 **Esther Salvat-Cobas**

4
5 Ms. Salvat-Cobas was neither present nor represented by counsel.

6
7 Ms. Van Der Heyden stated that Ms. Salvat-Cobas' application was reviewed and denied at the
8 August 9, 2011 board meeting for failure to meet the educational requirements.

9
10 Discussion ensued.

11
12 **Ms. Norica moved to deny Ms. Salvat-Cobas Petition for Reconsideration and shall adhere**
13 **to the previous Order. The motion was seconded and carried 5/0.**

14
15 **Hector Soto, M.S.**

16
17 Mr. Soto was present, sworn but was not represented by counsel.

18
19 Ms. Van Der Heyden stated that Mr. Soto's application was reviewed and denied at the
20 September 9, 2011 board meeting for failure to meet the examination/certification requirement.

21
22 Ms. Loucks stated that Mr. Soto is applying for a supervisor license but the certification
23 completed was not the appropriate examination but the ASCP will not allow him to take the
24 certification for the Technologist examination. Therefore, he is requesting the board to waive the
25 examination in order to meet the Supervisor qualifications.

26
27 Discussion ensued.

28
29 **Ms. Norcia moved to uphold the denial of Mr. Soto's application for licensure as a**
30 **Supervisor (Cytology) for failure to meet the examination qualifications. The motion was**
31 **seconded and carried 5/0.**

32
33 **LICENSURE EXEMPTION- AHCA – Joseph Roy**

34
35 Mr. Roy was neither present nor represented by counsel.

36
37 Ms. Loucks stated that Mr. Roy had submitted an Exemption Request to receive certification by
38 AHCA and provided an overview of the process.

39
40 Discussion ensued.

41
42 **Ms. Norcia moved to grant the exemption from qualification as a result to the enhanced**
43 **background screening. The motion was seconded and carried 5/0.**

44
45 **REQUEST TO CHANGE APPLICATION – Mary Hill**

46
47 Ms. Hill was neither present nor represented by counsel.

48
49 Ms. Loucks stated that Ms. Hill was addressed at the September 9, 2011 board meeting. The
50 board reviewed her application for licensure as a Supervisor in the

1 Dr. Willis provided an overview of Ms. Hill's application.

2
3 Discussion ensued.

4
5 **Dr. Willis moved to approve Ms. Hill's amended application from Supervisor to**
6 **Technologist in the areas for Microbiology, Immunohematology and Molecular Pathology.**
7 **The motion was seconded and carried 5/0.**

8
9 Further discussion ensued.

10
11 **Ms. Norcia moved to conditionally approve Ms. Hill's application for licensure as a**
12 **Technologist (Microbiology, Immunohematology and Molecular Pathology) upon**
13 **documentation of her completing of an approved training program within six (6) months.**
14 **The motion was seconded and carried 5/0.**

15
16 **APPLICANTS PRESENTED FOR BOARD REVIEW:**

17
18 **Required Appearance:**

19
20 **Hary Estrada – Technologist**

21
22 Mr. Estrada was present, sworn but was not represented by counsel.

23
24 Ms. Van Der Heyden provided an overview of Mr. Estrada's application. She indicated that the
25 applicant submitted an employment verification form stating that he has been working at
26 Biohealth Medical Laboratory Inc., indicating he has worked in the areas of
27 Serology/Immunology, Clinical Chemistry, Hematology, Immunohematology and Molecular
28 Pathology.

29
30 A lengthy discussion ensued regarding his experience.

31
32 Mr. Estrada requested to withdraw of his application for licensure.

33
34 **Ms. Morgan moved to accept Mr. Estrada's withdraw his application for licensure as a**
35 **Technologist (Serology/Immunology, Clinical Chemistry, Hematology, Immunohematology**
36 **and Molecular Pathology). The motion was seconded and carried 5/0.**

37
38 The board directed staff to forward the letter from Hugo Romeu, M.D. as the director of
39 Biohealth Medical Laboratory, Inc.

40
41 **Jefferson Madiam – Technologist**

42
43 Mr. Madiam was neither present nor represented by counsel.

44
45 Ms. Van Der Heyden provided an overview of Mr. Madiam's application. She indicated that the
46 applicant submitted an employment verification form stating that he has been working at Florida
47 Hospital Memorial Medical Center performing in the area of Microbiology. Ms. Van Der
48 Heyden stated that the type of test performed at this location does not require licensure but would
49 accept the experience from Cuba.

50
51 Discussion ensued.

1
2 **Ms. Norcia moved to approve Mr. Madiam's application for licensure as a Technologist**
3 **(Microbiology). The motion was seconded and carried 5/0.**

4
5 Dr. Willis requested Ms. Loucks to send a letter to AMT to modify their letter stating the
6 individual is entitled to practice in the profession.

7
8 Ms. Van Der Heyden stated that Ms. Kate Ferguson would be an excellent contact to work with
9 AMT.

10
11 **Elizabeth Matheny – Technologist**

12
13 Ms. Matheny was present, sworn but was not represented by counsel.

14
15 Ms. Van Der Heyden provided an overview of Ms. Matheny's application. She indicated that the
16 applicant submitted an employment verification form stating that she has been working at 21st
17 Century Oncology Lab performing in the area of Molecular Pathology.

18
19 Discussion ensued.

20
21 **Dr. Bertholf moved to approve Ms. Matheny's application for licensure as a Technologist**
22 **(Molecular Pathology). The motion was seconded and carried 5/0.**

23
24 **Jennifer McCue – Technologist**

25
26 Ms. McCue was not present but was represented by Ms. Monica Rodriguez, Esq.

27
28 Ms. Van Der Heyden provided an overview of Ms. McCue's application. She indicated that the
29 applicant submitted an employment verification form stating that she has been working at
30 University of Miami in the area of Molecular Pathology.

31
32 Discussion ensued.

33
34 The board staff needs to understand that the specialty in Molecular Pathology does not have any
35 training to qualify.

36
37 **Dr. Bertholf moved to approve Ms. McCue's application for licensure as a Technologist**
38 **(Molecular Pathology). The motion was seconded and carried 5/0.**

39
40 **Collington Rickard – Supervisor**

41
42 Mr. Rickard was present, sworn but was not represented by counsel.

43
44 Ms. Loucks provided an overview of Mr. Rickard's application. She indicated that the applicant
45 submitted an employment verification form stating that he has been working at Quest Diagnostic
46 Inc., in the area of (Serology/Immunology, Clinical Chemistry, Hematology,
47 Immunoematology).

48
49 The board addressed Mr. Rickard's education.

1 Dr. Willis stated that if Mr. Rickard could provide a copy of the transcript from Jamaica
2 indicating eight (8) hours of chemistry.

3
4 Discussion ensued.

5
6 **Ms. Norcia moved to conditionally approve Mr. Rickard's application for licensure as a**
7 **Supervisor (Serology/Immunology, Clinical Chemistry, Hematology, Immunochemistry)**
8 **upon demonstrating eight (8) hours of chemistry from Barry University. The motion was**
9 **seconded and carried 5/0.**

10
11 **Douglas Robinson – Supervisor**

12
13 Mr. Robinson was neither present nor represented by counsel.

14
15 Ms. Van Der Heyden provided an overview of Mr. Robinson's application. She indicated that the
16 applicant submitted an employment verification form stating that he has been working at
17 Histology Tech Services, Inc., in the area of (Histology).

18
19 Discussion ensued.

20
21 **Ms. Norcia moved to conditionally approve Mr. Robinson's application for licensure as a**
22 **Supervisor (Histology) upon providing the 48 hours of continuing education within one year**
23 **from the date of the Order. The motion was seconded and carried 5/0.**

24
25 **No Appearance Required:**

26
27 **Whitney E. Bevis – Technician**

28
29 Ms. Bevis was neither present nor represented by counsel.

30
31 Ms. Loucks provided an overview of Ms. Bevis' application. She indicated that the applicant
32 submitted an employment verification form stating that she has been working at Palmetto Fertility
33 Laboratory, in the area of (Andrology and Embryology).

34
35 Discussion ensued.

36
37 **Dr. Willis moved to require Ms. Bevis' personal appearance before the board within the**
38 **next two board meetings to discuss her application for licensure as a Technician (Andrology**
39 **and Embryology) detailing information regarding her work experience. The motion was**
40 **seconded and carried 5/0.**

41
42 **Idolka Figal – Technologist**

43
44 Ms. Figal was neither present nor represented by counsel.

45
46 Ms. Van Der Heyden stated that Ms. Figal's application was reviewed at the August 9, 2011
47 board meeting. She indicated that the board directed the applicant to provide the revised
48 experience information by November 1, 2011.

49
50 Discussion ensued.

1 **Dr. Willis moved to approve Ms. Figal' application for licensure as a Technologist**
2 **(Chemistry ONLY). The motion was seconded and carried 5/0.**

3
4 The board requested staff to file a complaint against the licensee acting as her supervisor. Also
5 include the letter submitted from her supervisor to AHCA.

6
7 **Adalberto G. Garcia – Technologist**
8

9 Mr. Garcia was neither present nor represented by counsel.

10
11 Ms. Van Der Heyden provided an overview of Ms. Garcia' application. She indicated that the
12 applicant submitted the education evaluation from Josef Silny and Associates, which states the
13 degree awarded was equivalent to the U.S. Doctor of Medicine awarded by a regionally
14 accredited U.S. Institution of higher learning and additional documents of test performed in Cuba.
15

16 Discussion ensued.

17
18 The board noticed new information that was received after Ms. Van Der Heyden had reviewed
19 the application and documents. This new information could have granted the applicant licensure.
20

21 Further discussion ensued.

22
23 **Dr. Willis moved to approve Mr. Garcia's application for licensure as a Technologist**
24 **(Generalist). The motion was seconded and carried 5/0.**

25
26 **Ivonne L. Gonzalez – Supervisor**
27

28 Ms. Gonzalez was neither present nor represented by counsel.

29
30 Ms. Van Der Heyden provided an overview of Ms. Gonzalez's application. She indicated that the
31 applicant submitted the education evaluation from Josef Silny and Associates, which states the
32 degree awarded was equivalent to the U.S. degree of Associates in Science in Medical Laboratory
33 Technology.
34

35 Discussion ensued.

36
37 **Dr. Willis moved to deny Ms. Gonzalez's application for licensure as a Supervisor**
38 **(Microbiology, Serology/Immunology, Clinical Chemistry, Hematology,**
39 **Immunochemistry, and Molecular Pathology), for failure to meet the educational**
40 **requirements. The motion was seconded and carried 5/0.**

41
42 **Asha H. Mehta – Technician**
43

44 Ms. Mehta was neither present nor represented by counsel.

45
46 Ms. Van Der Heyden provided an overview of Ms. Mehta's application. She indicated that the
47 applicant submitted an employment verification form stating that she has been working at
48 Anderson Mercy Hospital in the areas of (Microbiology, Serology/Immunology, Clinical
49 Chemistry, Hematology, and Immunochemistry/Blood Banking). She also worked at Anderson
50 Mercy Hospital during the periods of December 2001 through December 2003 (Full Time) and

1 also November 2001 through December 2001 and December 2003 through April 2009 (Part
2 Time).

3
4 Discussion ensued.

5
6 **Dr. Willis moved to approve Ms. Mehta's application for licensure as a Technician**
7 **(Microbiology, Serology/Immunology, Clinical Chemistry, Hematology, and**
8 **Immunoematology/Blood Banking). The motion was seconded and carried 5/0.**

9
10 **Jonathan Winklbauer – Technologist**

11
12 Mr. Winklbauer was neither present nor represented by counsel.

13
14 Dr. Willis provided an overview of Mr. Winklbauer's application. He indicated that the applicant
15 submitted an employment verification form stating that he has been working at Cell Sciences
16 Systems in the areas of Serology/Immunology.

17
18 Discussion ensued.

19
20 **Dr. Willis moved to deny Mr. Winklbauer's application for licensure as a Technologist**
21 **(Serology/Immunology), for failure to meet the experience requirements. The motion was**
22 **seconded and carried 5/0.**

23
24 The board directed staff to send the Board's letter to the Cell Science Systems and send the
25 company to AHCA.

26
27 **RATIFICATION OF LICENSURE:**

28
29 **Clinical Laboratory Personnel**

30
31 **Dr. Willis moved to approve the ratification list as presented. The motion was seconded and**
32 **carried 5/0.**

33
34 **Trainees**

35
36 **Dr. Willis moved to approve the ratification list as presented. The motion was seconded and**
37 **carried 5/0.**

38
39 The board directed staff to accept a college or university transcript from any trainee even if the
40 rule requires a high school diploma.

41
42 **CHAIR/VICE CHAIR REPORT:**

43
44 **Update from Chair/Vice-Chair's Meeting**

45
46 No report.

47
48 **Future Agenda Items**

49
50 No future items provided.

1 **EXECUTIVE DIRECTOR'S REPORT**

2
3 No report.

4
5 **BOARD COUNSEL'S REPORT:**

6
7 **Executive Order 11-211**

8
9 Ms. Loucks provided an overview of the Executive Order 11-211.

10
11 Discussion ensued.

12
13 **Dr. Willis moved to continue running the rules concurrent to submitting to OFARR. The**
14 **motion was seconded and carried 5/0.**

15
16 **Rules Status Report**

17
18 Ms. Loucks stated that many of the rules will go into effect December 8th or 9th. She stated that
19 JAPC had responded to the concerns of requiring Public Health back into Rules 64B3-9.001 and
20 9.002, F.A.C.

21
22 **Ms. Norcia moved to incorporate Public Health Technician back into Rule 64B3-9.001,**
23 **F.A.C., and to reduce the fee to \$25.00. The motion was seconded and carried 5/0.**

24
25 **Dr. Willis moved to incorporate Public Health Technician back into Rule 64B3-9.002,**
26 **F.A.C., and to reduce the fee to \$25.00. The motion was seconded and carried 5/0.**

27
28 **Dr. Willis moved that the proposed rule would not have any adverse impacts on small**
29 **businesses and would not be likely to directly or indirectly increase regulatory costs to any**
30 **entity (including government) in excess of \$200,000 in the aggregate in Florida within 1 year**
31 **after the implementation of the rule. The motion was seconded and carried 5/0.**

32
33 **Ms. Norcia moved that the board would not complete a SERC on Rules 64B3-9.001 and**
34 **9.002, F.A.C. The motion was seconded and carried 5/0.**

35
36 **COMMITTEE REPORTS:**

37
38 **Budget – Michele Morgan**

39
40 **Revenue Report**

41 **Expenditures by Function Ending June 30, 2011**

42 **Cash Balance Ending June 30, 2011**

43 **Total Expenditures (Direct and Allocated) Ending June 30, 2011**

44 **Allocations to Boards by Source Organization and Category Ending June 30, 2011**

45
46 Ms. Morgan provided an overview of the above reports. There was no action needed.

47
48 **Continuing Education – Judy Norcia**

49
50 **CE Providers and Courses Approved by CE Committee**

1 Ms. Norcia provided an overview of the continuing education report.

2
3 **Dr. Bertholf moved to approve the CE Providers and Courses as presented. The motion**
4 **was seconded and carried 5/0.**

5
6 The board requested Ms. Meany to send an email to the board members on the number of CE
7 providers approved in CEBroker.

8
9 **Credentials – Brenda Van Der Heyden/Dean Willis, Dr.PH**

10
11 No report.

12
13 **Disciplinary Compliance – Judy Norcia**

14
15 No report.

16
17 **Examination – Dean Willis, Dr.PH**

18
19 No report.

20
21 **Legislation – Roger Bertholf, Ph.D.**

22
23 No report.

24
25 **Probable Cause – Michele Morgan**

26
27 **Stats**

28
29 Informational purposes only.

30
31 **Professional Association – Nilia Madan**

32
33 No report.

34
35 **Rules – Judy Norcia/Roger Bertholf, Ph.D./Brenda Van Der Heyden**

36
37 **Request for Rule Change from Florida Hospital – Rule 64B3-2.003, F.A.C. –**
38 **Definitions**

39
40 Ms. Van Der Heyden tabled discussion until next scheduled meeting.

41 **Approval of Training Program Application and Rule 64B3-3.001, F.A.C.**
42 **– General Requirements of Clinical Laboratory Personnel Training**
43 **Programs**

44
45 The application was withdrawn.

46
47 **Unlicensed Activity – Roger Bertholf, Ph.D.**

48
49 No report.

50
51 **ELECTION OF OFFICERS**

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Ms. Norcia moved to nominate Ms. Van Der Heyden as chair. The motion was seconded and carried 5/0.

Dr. Willis moved to nominate Ms. Norcia as vice-chair. The motion was seconded and carried 5/0.

Ms. Loucks stated that the board had submitted the response addressed the rules review that was submitted to the Governor’s Office.

AHCA is cleaning up their rules and deleting several rules

NEXT MEETING DATE – February 24th – Orlando

ADJOURNMENT:

The meeting was adjourned at 2:16 p.m.