

Bullet #1

Laboratories will direct an approved provider to submit all external proficiency test results to the Department at a minimum of one (1) per year.

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From: Shen, Jennifer [mailto:jshen@pd.sandiego.gov]

Sent: Wednesday, February 29, 2012 12:48 PM

To: Kimsey, Paul (CDPH-OSPHLD-DO)

Subject: Bullets 2 and 4

Paul, here are my suggestions for the bullet points assigned to me...

- **Remove requirements for a laboratory to provide CDPH with records of its activities under the regulations, including notification by a laboratory of its intent to perform forensic alcohol analysis.**

I suggest we address in the following manner:

1216 (a):

Every laboratory performing forensic alcohol analysis will have on record with the Department the following:

- (1) A statement of intent to perform or stop performing alcohol analysis to include notification for breath and fluid analysis specifically;
- (2) The laboratory's address, as well as the name, address, and phone number of the laboratory's point of contact;
- (3) A list of laboratory personnel qualified to do forensic alcohol analysis; and
- (4) A list of instruments used by laboratory personnel for alcohol analysis.

- **Remove CDPH authority to review, approve, and test the qualifications of persons employed by a laboratory;**

1216 (h):

Every laboratory performing forensic alcohol analysis will have on record with the Department the following:

- (1) A copy of the diploma(s) or transcripts of relevant education for each individual performing forensic alcohol analysis for the laboratory. The relevant education includes proof of a baccalaureate or higher degree in any applied physical or natural science;
- (2) A training summary of the topics outlined in 1216.1 (e) (2) with a completion date for each individual performing forensic alcohol analysis for the laboratory;
- (3) Copies of qualifying tests to include written and/or practical examinations for each individual performing forensic alcohol analysis for the laboratory;
- (4) Proof of completion of a competency test which follows the requirements articulated in 1216.1 (e) (3) for each individual performing forensic alcohol analysis for the laboratory.
- (5) Written notification to the Department alerting it that the individual has successfully completed his or her training and is beginning casework; and
- (6) Proof of completion of a proficiency test as outlined in 1216.1 (a) (3) for each analyst performing forensic alcohol analysis for the laboratory.

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From Kenton Wong (November 23, 2011):

CHHS Bullet Point #3: Remove CDPH authority to review and approve training programs intended for persons to qualify under the regulations (e.g., breath instrument operator training); therefore add back in:

Article 4: Training of Personnel

1218. Training Program Approval. Any organization, laboratory, institution, school, or college conducting a course of instruction for persons to qualify under these regulations shall submit a course summary and list of instructors and their qualifications to the Department for approval.

1218.1. Additional Requirements. At the discretion of the Department, any phase or portion of a training program shall be subject to alteration in an effort to update the program as technological advances are made or if a portion has been judged inappropriate.

1218.2. Contracts. The Department may contract with persons it deems qualified to administer such practical tests and oral or oral examinations as may be required under these regulations. This section shall not be construed to authorize the delegation of any discretionary functions conferred on the Department by law, including, but not limited to, the evaluation of tests and examinations.