**10 DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**144 MAINE CENTER FOR DISEASE CONTROL AND PREVENTION**

**Chapter 266** **CERTIFICATION STANDARDS FOR PERSONS CONDUCTING CHEMICAL ANALYSES FOR THE DETECTION AND IDENTIFICATION OF DRUGS**

**SUMMARY:**  These rules set forth the technical qualifications necessary for an individual to be certified by the State of Maine Department of Health and Human Services (Department) to detect and identify drugs in samples submitted for analysis. Included in the rules are criteria pertaining to necessary laboratory facilities and equipment, reference standards, record keeping, security and proficiency testing.

**1. APPLICATION FOR CERTIFICATION:**

Application for certification as an analyst must be initiated by qualified personnel meeting the technical qualification requirements of these rules and regulations.

**2. TECHNICAL QUALIFICATIONS FOR LABORATORY ANALYST**:

Successful completion in an accredited college or university of a course of study which meets all academic requirements for a bachelor’s degree in one of the chemical physical, biological, or pharmaceutical sciences is required. In addition, the analyst must have had experience in seized drug identification or have successfully completed a seized drug training program prescribed by the Department. The analyst must also successfully complete a competency testing program prescribed by the Department.

**3. EVALUATION OF THE LABORATORY AND PERSONNEL**

**A.** No person may be certified unless that person’s work is completed in a well-organized laboratory accredited as a Forensic Testing Laboratory in accordance with International Organization for Standardization (ISO 17025) and possessing a Controlled Substance Registration Certificate as issued by the Drug Enforcement Administration, U.S. Department of Justice.

**B.** For each drug which will be identified, a laboratory must stock a reference standard sample, if commercially available, which has been approved for use, following ISO 17025 standards and procedures set forth by the Department.

**C.** Certification requires satisfactory performance on proficiency testing.

Proficiency testing results must include complete data of all tests used to establish proof of identity, or such other scientific information as may be required for the identification of the particular scheduled drug involved.

Failure to perform satisfactorily on proficiency test samples will result in denial or revocation of certification.

If the Department revokes authorization, it will take remedial action and follow the guidance of ISO 17025 standards.

**D.** Proficiency testing shall be performed annually.

**4. MAINTAINING RECORDS AND REPORTING FOR STATISTICAL PURPOSES**:

Identification of scheduled drug in samples submitted for analysis shall be supported by details of physical and chemical characteristics determined by appropriate tests. Complete data of each test result shall be preserved for a period of at least two years after the date of submittal of the report and shall be available for inspection if required by the certifying agent. Records of laboratory reports shall be filed in a manner which permits ready accessibility and identification. A semiannual report shall be made to the Department, listing totals of samples received and drugs identified on a form provided by the department.

**5. ADDITIONAL REQUIREMENTS - CONTINUITY AND SECURITY**:

Assurance of continuity is of prime importance in forensic work. Each certified analyst will accept and take possession of samples being submitted. If work is not undertaken immediately, sample shall be stored in an area to which the analyst alone has access. Like precautions shall be used to safeguard remaining evidence after test is completed. Records shall also be safeguarded in such a way that results are available only to agencies to which reports may be lawfully submitted.

**6. CERTIFICATION FOR TECHNICALLY COMPETENT ANALYST ONLY**

The Department only grants certification to those analysts who successfully complete a training and competency program prescribed by the Department. Certification allows the analyst to perform examinations and analysis of forensic casework and technically review other certified analysts’ case reports. The Department issues the certification, signed by the Department’s Forensic Technical Laboratory Director and Associate Director of Laboratory Operations.

**7. FAILURE TO COMPLY WITH THESE STANDARDS:**

Failure to comply with the standards set forth in these rules and regulations shall constitute grounds for refusing to certify any person as an analyst or for revoking the certification of any person as an analyst.

**8. CERTIFICATION VALID FOR ONE YEAR:**

Certificates expire one year from date of issuance but may be revoked at any time for cause.

**STATUTORY AUTHORITY:**  17-A M.R.S.A. §1112 (1) and 22 M.R.S.A. §42(1)

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