

## **Department of State Police Office of Alcohol Testing Regulations for Blood Analysts**

### **Section 1.0 – Certification Requirements**

The following requirements must be met to obtain certification as a blood analyst in accordance with 501 C.M.R. § 2.29, as amended 12/28/96.

The candidate must:

1. Have a bachelor's degree in chemistry, biochemistry, biology or a related science as deemed appropriate by the Director of the Office of Alcohol Testing.
2. Have completed a six-month probationary period in the Department of State Police Crime Laboratory or a laboratory certified by the Department of Public Health.
3. Have completed a minimum of three hundred (300) alcohol analyses on biological fluids.
4. Successfully complete a test administered by the Director of the Office of Alcohol Testing, which shall include, but not be limited to:
  - a. The effects of alcohol on the human body;
  - b. Legal aspects of blood testing under Massachusetts statutes and regulations;
  - c. The quantitation of blood alcohol;
  - d. Knowledge of standard laboratory protocol for analyzing blood for alcohol and drugs; and
  - e. Knowledge of written laboratory protocol for blood analyses as prescribed in these regulations.

Upon successful documentation of the certification requirements and successful completion of the test, the blood analyst will be certified in accordance with 501 C.M.R. § 2.29 for a period of two years.

### **Section 2.0 – Recertification Requirements**

Prior to the expiration of the blood analyst's certification, the blood analyst must successfully complete the recertification requirements as prescribed by the Director of the Office of Alcohol Testing.

The recertification requirements shall include, but not be limited to:

- a. Update on statutes and regulations on blood testing;
- b. Update on instrumentation and methods;

- c. Successful completion of a written test; and
- d. Successful analysis of unknown solutions.

Upon successful completion of the recertification requirements and successful completion of the test, the blood analyst will be recertified for a period of two years in accordance with 501 C.M.R. § 2.30.

### **Section 3.0 – Laboratory Procedures**

Each blood analyst must submit to the Office of Alcohol Testing standard alcohol procedures, which shall include, but not be limited to:

- a. Methods of preparation of standards;
- b. Instrument parameters including detectable limits;
- c. Sample preparation procedures;
- d. Calibration procedures; and
- e. Method of quantitation.

### **Section 4.0 – Preparation of Blood Samples**

The following protocol is to be followed when testing submitted samples for alcohol:

- a. If the submitted sample consists of two or more tubes containing a powdered anticoagulant, one sample from each of the two tubes is to be tested.
- b. If the submitted sample consists of only one tube containing a powdered anticoagulant, two samples from the one tube are to be tested.
- c. If the submitted sample consists of one or more test tubes containing a powdered anticoagulant and one or more test tubes containing either a liquid anticoagulant or clotted blood, only the tube(s) containing a powdered anticoagulant shall be tested as prescribed in a and b above.
- d. If the submitted sample consists of one or more test tubes of clotted blood only, one test tube shall be homogenized and two samples shall be tested from the homogenized tube.
- e. If the submitted sample consists of one or more test tubes containing a liquid anticoagulant, two samples shall be tested from one of the tubes. The following statement must appear with the results: "The submitted blood sample contained a liquid anticoagulant. The blood alcohol is higher than the reported result."

f. If the submitted sample consists of one test tubes of serum, two samples from the one tube must be tested. If the submitted sample consists of two or more test tubes of serum, one sample from two tubes must be tested. The following statement must appear with the results: "The serum alcohol result obtained is higher than the blood alcohol. Refer to the attached serum conversion chart."

g. If the submitted sample consists of tubes drawn at different times, the submitting officer will be called. The submitting officer and the blood analyst will decide what tube(s) to analyze. If the two parties cannot agree, the determination of the Director of the Office of Alcohol Testing will control.

### **Section 5.0 – Calibration of Instrument**

Prior to running any blood test on defendant's blood samples, a calibration standard must be run in triplicate. The results of the calibration standard must agree within +/- 0.003 percent of the known standard value. Results will be kept in the Calibration Log.

### **Section 6.0 – Testing Sequence**

All blood and serum tests for alcohol shall be run in the following sequence:

- a. Blank
- b. Defendant's blood or serum
- c. Blank
- d. Calibration standard
- e. Blank
- f. Defendant's blood or serum
- g. Blank

To obtain a valid test the following parameters must be met:

- a. The defendant's blood or serum alcohol results must agree within +/- 0.005 percent.
- b. The calibration standard must agree with +/- 0.003 percent of the known standard value.

The blood analyst is required to preserve all test data, including the blanks, in the original file.

All sample results will be reported in the three decimal mode. Any additional significant figures will be truncated.

Blood samples, whenever possible, shall be tested within 72 hours of their arrival at the laboratory.

### **Section 7.0 – Method of Testing**

Each blood analyst must submit a blood testing procedure to the Director of the Office of Alcohol Testing for approval. Each blood analyst is responsible for following the submitted testing procedure.

When a blood analyst requests a modification to a procedure on file at the Office of Alcohol Testing, the request must be in writing. The request must indicate what is being modified. The blood analyst must submit the modified procedure.

The Director will issue a letter of approval for use once the procedure meets the requirements of Section 3.0.

### **Section 8.0 – Reporting Blood and Serum Results**

All blood and serum results will be logged into the Blood Analyst Log as provided by the Office of Alcohol Testing.

All maintenance and repairs to the instrument(s) used in analyzing the blood must be noted in the Blood Analyst Log on a form provided by the Office of Alcohol Testing.

All calibration records referred to in Section 5.0 will be kept in the Calibration Log on a form provided by the Office of Alcohol Testing.

All blood analyst results on defendant's charged under [G.L. c. 90 § 24\(1\)\(f\)\(2\)](#) shall be reported to the submitting officer on Form C, page 2, section 2, RMV Form. The completed form shall be returned to the submitting agency.

Verbal results can be given to the submitting department and the district attorney's office where the charges are pending only upon completion of the testing sequence for a valid test in Section 6.0.

Upon suspension or revocation of the defendant's license by the court at a [G.L. c. 90, § 24N](#) hearing, the submitting officer or the court will notify the Registry of Motor Vehicles by mail and/or by the OUI screens found in the CJIS system. The blood analyst has no authority to submit the results to the RMV.

### **Section 9.0 – Preservation of Samples**

All blood samples will be kept frozen after testing for a period of six months from the date of the test.

### **Section 10.0 – Court Ordered Testing**

If a sample is to be analyzed by the defense, the blood analyst will, in the presence of the defense, divide the sample in two. Half will be given to the defense. Half will

be reanalyzed by the blood analyst as soon as practicable, but will be done within seven (7) days of dividing the sample.

If the sample is reanalyzed and a discrepancy is found, the blood analyst will report to the Director, the submitting officer and the defense as to the corrected value of the submitted sample.

The remaining blood will be kept frozen until the pending charges are adjudicated.

### **Section 11.0 – Records for Court**

Any requests for documents shall be handled in the following manner. If the request is from the district attorney's office, the chemist shall send a copy of the file with a business record affidavit attached to the district attorney's office and to the clerk of courts office where the charges are pending. A copy of the file and the affidavit will be placed in the chemist's court file or in the court files in the Office of Alcohol Testing.

If the request is from the defense, a copy of the file with a business record affidavit attached will be sent to the defense, the prosecution and the clerk of courts office where the charges are pending. A copy of the file and the affidavit will be placed in the chemist's court file or in the court files in the Office of Alcohol Testing.

If the chemist must appear in court as a witness on the case, the original file will be taken along with the chemist's court file or the court file in the Office of Alcohol Testing. The original file may be examined in full by the defense. The file sent to the clerk's office will be the file in evidence, not the original file. Upon completion of the chemist's testimony, the original file will be returned to the office it was removed from.

Amended July 1, 1999.