

**Surveys and proficiency examinations.**

- (A) Individuals desiring to function as laboratory directors and laboratory technicians who apply for or are issued permits under paragraph (A) of rule 3701-53-09 of the Administrative Code shall be subject to surveys and proficiency examinations by representatives of the director of health. A survey or proficiency examination may be conducted at the director's discretion.
- (1) A survey shall consist of a review of the permit holder's, applicant's or laboratory's compliance with the requirements of this chapter.
  - (2) A proficiency examination shall consist of an evaluation of the permit holder's, applicant's or laboratory's ability to test samples provided by a representative of the director, or has successfully completed a proficiency examination administered by a national program for proficiency testing using the techniques or methods for which the permit is held or sought. Proficiency examination samples may be:
    - (a) Mailed to the facility at which the permit holder or applicant uses or plans to use the permit; or
    - (b) Presented in person by a representative of the director at the facility where the permit holder or applicant uses or plans to use the permit.
- (B) During proficiency examinations, laboratory directors, laboratory technicians and applicants shall accept samples, perform tests, and report all test results to a representative of the director or the national program that administered the proficiency testing. During surveys and proficiency examinations, permit holders, applicants and laboratories shall grant the director's representatives access to all portions of the facility where the permit is used or is intended to be used and to all records relevant to compliance with the requirements of this chapter.
- (C) Individuals desiring to function as senior operators and operators who apply for or are issued permits under paragraph (B) of rule 3701-53-09 of the Administrative Code, shall be subject to surveys and proficiency examinations conducted at the director's discretion.
- (1) A survey shall consist of a review of the permit holder's or applicant's compliance with the requirements of this chapter.
  - (2) A proficiency examination shall consist of an evaluation of the permit holder's or applicant's ability to test samples using the evidential breath testing instrument for which the permit is held or sought.
- (D) Individuals desiring to function as operators who apply for or are issued an operator access card under paragraph (C) of rule 3701-53-09 of the Administrative Code, shall be subject to a proficiency examination once per calendar year conducted at the director's discretion.
- (E) During proficiency examinations, senior operators, operators and applicants shall accept samples, perform tests and report all results to a representative of the director or the proficiency examination administered by a national program for

proficiency testing. During surveys and proficiency examinations, permit holders, applicants and laboratories shall grant the director's representatives access to all portions of the facility where the permit is used or is intended to be used, and to all records relevant to compliance with the requirements of this chapter.

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CERTIFIED ELECTRONICALLY

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Certification

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Date

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