



Ohio Administrative Code Rule 3701-53-09 Surveys and proficiency examinations.

Effective: January 23, 2023

(A) Laboratory directors and laboratory technicians who apply for or are issued permits under paragraph (A) of rule 3701-53-10 of the Administrative Code are subject to surveys and proficiency examinations by representatives of the director. A survey or proficiency examination may be conducted at the director's discretion.

(1) A survey consists of a review of the permit holder's, applicant's or laboratory's compliance with the requirements of this chapter.

(2) A proficiency examination consists 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 the successful completion of 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 where 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 will 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 will 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 this chapter.

(C) Senior operators and operators who apply for or are issued permits under paragraph (B) of rule 3701-53-10 of the Administrative Code, are subject to surveys and proficiency examinations



conducted at the director's discretion.

- (1) A survey consists of a review of the permit holder's or applicant's compliance with this chapter.
 - (2) A proficiency examination consists 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) Operators who apply for or are issued an operator access card under paragraph (D) of rule 3701-53-10 of the Administrative Code, are subject to a proficiency examination at least once per calendar year conducted at the director's discretion. A calendar year means the period of twelve consecutive months, as indicated in section 1.44 of the Revised Code, beginning on the first day of January, and ending on the thirty-first day of December.
- (E) During proficiency examinations senior operators, operators, and applicants accept samples or test their own breath or breath samples from a volunteer, perform tests and report all results to a representative of the director. Operators, senior operators, and law enforcement agencies will 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 this chapter.