



# MARYLAND Department of Health

Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Robert R. Neall, Secretary

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## Office of Health Care Quality

Spring Grove Center, Bland Bryant Building, 55 Wade Avenue, Catonsville, MD 21228-4663

### NOTICE OF REQUIREMENT FOR "LETTER OF PERMIT EXCEPTION" FOR FORENSIC EXPERTS

**Subject:** Letter of Permit Exception under COMAR 10.51 –  
Forensic Laboratories Regulations

**From:** Renee B. Webster, Assistant Deputy Director  
Non- Long Term Care Federal Programs

**Date:** April 23, 2018

This transmittal is to inform you of the Maryland statutes and regulations regarding the licensure of all forensic laboratories. Analysts who are not associated with a laboratory that performs forensic analyses for a criminal case in the State of Maryland currently are required to obtain from the Office of Health Care Quality (OHCQ) a letter of permit exception to comply with the law. The specific regulations for forensic laboratories and analysts (COMAR 10.51.01-10.51.07) can be viewed online at <http://www.state.md.us/comar>

The specific regulations include:

- COMAR 10.51.01.03, which states:

(54) "Letter of Permit Exception" is defined in the regulations as a letter granting limited authority to an individual not associated with a public or commercial laboratory, who reviews results or conclusions of the original forensic analysis is performed by a licensed forensic laboratory solely for the purpose of assessing the original opinion, interpretation, or conclusion of the licensed forensic laboratory.

(55) "License" means a permit, letter of exception, certificate, or other documents issued by the Secretary granting approval or authority to a forensic laboratory to perform or offer to perform forensic analyses in the State.

- COMAR 10.51.03.01, which states:

#### **.01 License – General.**

##### **A. General Requirements.**

(1) A person shall obtain a license from the Secretary before performing or offering to

perform a forensic analysis in this State.

(2) A person may not perform or offer to perform forensic analysis without first obtaining a forensic laboratory license from the Secretary.

(3) Letter of Permit Exception.

- (a) The Secretary may grant an individual a letter of permit exception if:
  - (i) The individual is not affiliated with a public or commercial laboratory that performs forensic analyses;
  - (ii) The application for the letter of permit exception is limited to an individual performing limited forensic analysis in a discipline or subdiscipline; and
  - (iii) The individual applying for the letter of permit exception has documentation that demonstrates the individual's competency and experience in the specific forensic discipline or subdiscipline in which the forensic analysis will be performed.
  
- (b) The individual who will perform the forensic analysis shall:
  - (i) Submit an application for a letter of permit exception to the Department for approval;
  - (ii) Renew a letter of permit exception every 3 years from the date of issuance, if renewal is desired; and
  - (iii) Be subject to oversight by the Department; and
  - (iv) Be subject to the sanctions set forth in COMAR 10.51.07 .

The Maryland State forensic laboratory regulations require that those who are examining forensic evidence in Maryland for a criminal case must be licensed by the State. For individuals, not affiliated with a licensed laboratory, who are forensic consultants, analysts, examiners, technicians, criminalists, chemists, and/or scientists and are examining, testing, or analyzing forensic evidence for a criminal case, a letter of permit exception must be obtained from the OHCQ by that individual prior to evidentiary examination, testing, and analysis. An application for a letter of permit exception can be obtained from following website at:

<https://health.maryland.gov/ohcq/ForLabs/Pages/Licensure.aspx>

Applications can be mailed to the following address:

Maryland Department of Health  
Office of Health Care Quality  
Forensic Laboratory Programs  
Spring Grove Center, BB Building  
55 Wade Avenue  
Catonsville, MD 21228

Failure to obtain a Letter of Permit Exception may affect a court's decision when considering the admission of the forensic expert's opinions, interpretations, or conclusions. Also, failure to obtain a Letter of Permit Exception may result in imposed sanctions under Health-General Article § 17-2A-11, Annotated Code of Maryland.

For any additional question please contact Tia Tate, Ph.D., the Forensic Laboratories Program Coordinator, at 410-402-8242. We appreciate your attention to this matter.