

**Department of State Health Services
Agenda Item for State Health Services Council
August 10, 2005**

Agenda Item Title: Repeal 25 TAC 73.25, Rules Relating To the Certification and Accreditation of Environmental Laboratories. Amend 25 TAC 73.11-73.55, Rules Concerning Fees for Laboratory Testing.

Agenda Number:

Recommended Council Action:

For Discussion Only

For Discussion and Action by the Council

Background: The repeal of §73.25 is necessary because the Texas Commission on Environmental Quality now administers environmental laboratory certification and accreditation. The amendments comply with Health and Safety Code, §§12.031, 12.032, and 12.0122 that allow the department to charge fees to a person who receives public health services from the department, and which is necessary for the department to recover costs for performing laboratory services. Since the last rules revision, the laboratory has experienced increased costs due to changes in technology for laboratory testing, new requirements for shipment of laboratory specimens, and price increases on supplies and test kits. It is necessary to increase fees to offset a portion of the cost of performing laboratory testing.

Government Code, §2001.039, requires that each state agency review and consider for readoption each rule adopted by that agency pursuant to the Government Code, Chapter 2001 (Administrative Procedure Act). Sections 73.11, 73.21, 73.31, 73.41 and 73.51 – 73.55 have been reviewed and the department has determined that reasons for adopting the sections continue to exist because rules on this subject are needed. Section 73.25 was reviewed and the department has determined that reasons for adopting the section no longer exist because the responsibility for this section has been transferred to the Texas Commission for Environmental Quality.

Summary: The proposed changes include editorial changes to existing rules; the deletion of laboratory tests increases to the maximum cap on existing fees and new fees for clinical and environmental testing. Section 73.25 is repealed because the Texas Commission on Environmental Quality now administers the two-tiered program for the certification and accreditation of environmental laboratories. Amendments to §§ 73.11, 73.21, 73.31, 73.41 and 73.51 contain editorial changes to correct the name of the department and the laboratory and to correct spelling errors. Section 73.52 contains proposed maximum limits for fees for certification of milk and shellfish laboratories to replace the existing fees set at an exact amount. Section 73.53 establishes the fee schedule for training of laboratorians. Sections 73.54 and 73.55 contain the fee schedules for clinical testing, newborn screening, environmental testing, and other laboratory services. These sections include proposed new fees, increased caps on some existing fees, and the deletion of some tests.

Summary of Stakeholder Input to Date (including advisory committees): On June 3, 2005 the Section solicited input from stakeholders using a form letter to inform submitters of our intent to raise the maximum cap on existing fees. In this letter, Dr. Neill explained that this rule change does not mean that the fees for all testing will be increased at this time. However, it does give the department the option to raise fees as necessary in the future to match the cost of providing services. The letter was posted on the Section's web site and sent to regional directors, local health department laboratories and DSHS programs. Copies were mailed to medical submitters with test results released during the 3rd week of May 2005.

To date we have received about 50 responses to this letter and approximately half of them were from small water systems. With only one exception every one expressed concern about the effect of increased fees on their costs.

Proposed Motion: Approval of proposed rules concerning laboratory services and fees for publication in the Texas Register for a 30 day comment period.

Agenda Item Approved by: _____

Presented by: Sherry Clay

Title: Quality Control Unit Manager

Program/Division: Laboratory Services Section

Contact Name/Phone: Sherry Clay /458-7318 ext. 2423

**Date
Submitted**
7/20/2005

Rulemaking Notification Form

1. Originating agency completes this form as soon as the agency recognizes the need for a rule change.
2. Originating agency submits this request with **the initial rule packet** to the appropriate HHS Senior Policy Advisor advising the entity after all internal agency development and review processes are completed.
(See Step 1 in Rulemaking Process.)

| | | | |
|---|---|--|--------------------|
| Agency Unit/Section/Division Laboratory Services Section, Prevention and Preparedness Division, DSHS | | | |
| Agency Program Contact Sherry Clay | E-mail Address sherry.clay@dshs.state.tx.us | Telephone No. 512-458-7318 ext. 2423 | Mail Code M1947 |
| Agency Attorney Contact Mike Greenberg | E-mail Address mike.greenberg@dshs.state.tx.us | Telephone No. 512-458-7111 ext. 6916 | Mail Code CEN |

1. This project involves (check all that apply): New Rule Rule Amendment Repeal of a Rule

2. Description (include applicable rule or chapter numbers and a description of planned rule project):

The proposed rule includes amendments to sections 73.11, 73.21, 73.31, 73.41 and 73.51-73.55 concerning fees for laboratory services and the repeal of §73.25 concerning the certification and accreditation of environmental laboratories. This rule is being submitted for consideration at the August 10, 2005 Department of State Health Services Council Meeting.

The amendments include the deletion of tests that are no longer available; the addition of new tests available on a fee for service basis; increases to the maximum fees that can be charged for existing clinical and environmental tests and for the certification of milk laboratories; and minor editorial changes. Section 73.25 is being repealed because the responsibility for this sections has been transferred to the Texas Commission on Environmental Quality.

3. Is this a Medicaid rule? Yes No

4. Rule initiated in response to: (check all that apply)

| Legal Mandate | Citation or Name of Case | External Request | Internal Request |
|--------------------------------------|--------------------------|---|--|
| <input type="checkbox"/> State law | | <input type="checkbox"/> HHSC | <input type="checkbox"/> Executive directive |
| <input type="checkbox"/> Federal law | | <input type="checkbox"/> Advisory Council | <input type="checkbox"/> Policy clarification |
| <input type="checkbox"/> Lawsuit | | <input type="checkbox"/> Advocates | <input type="checkbox"/> Field request |
| | | <input type="checkbox"/> Providers | <input type="checkbox"/> State office program initiative |
| | | <input type="checkbox"/> Other agency: | |

Other: Government Code, §2001.039, requires that each state agency review and consider for re-adoption each rule adopted by that agency pursuant to the Government Code, Chapter 2001 (Administrative Procedure Act). Sections 73.11, 73.21, 73.31, 73.41, and 73.51-73.55 have been reviewed and the department has determined that reasons for adopting the sections continue to exist because rules on this subject are needed. Section 73.25 was reviewed and the department has determined that reasons for adopting the section no longer exist because the responsibility for this section has been transferred to the Texas Commission for Environmental Quality.

5. Provide additional information that would be helpful to understand the issue (business need for the rule, background, need for anticipated public comment, budget implications, etc.):

Since the last rules revision, the laboratory has experienced increased costs due to changes in technology for laboratory testing, new requirements for shipment of laboratory specimens, and price increases on supplies and test kits. It is necessary to increase fees to offset a portion of the cost of performing laboratory testing. The persons, entities or organizations who could be impacted by this rule include: Medical specimen submitters, Texas Medical Association, Texas Hospital Association; Food Manufacturers, Milk Laboratories, Restaurants, School District and University cafeterias, DSHS programs, Public water systems and Physician Office Laboratories. The proposed rules will make additional tests available from our laboratory for a fee for service basis.

Maximum fees for existing clinical and environmental tests and the certification will be increased. Submitters will have to identify a means to pay for the testing and certifications that they request. A copy of the letter sent to our submitters explaining the need to raise the maximum cap on fees is attached. In this letter submitters are requested to let us know how these changes would impact time. To date we have received approximately 50 replies and we have contacted those who requested that we do so.

By establishing new fees for services and increasing maximum fees for existing clinical and environmental tests and the certification of milk laboratories, it is possible that the section will experience a reduction in the number of tests requested.

The proposed rule could be beneficial to Local Health Departments (LHD) in several ways. Tests previously unavailable to LHD will be available from the section on a fee for service basis. It may be more cost effective for LHD to send specimens to our lab for analysis than to perform the test on site. Because more tests will be available to local health departments, they may be able to send all their specimens to our lab, which will simplify the packing and shipment of specimens. There may be an additional administrative burden to submitters related to the payment of fees.

DSHS should experience an increase in revenue because these proposed rules provide an opportunity to recoup the cost of services provided.

6. What other areas (within **originating agency** and **HHS enterprise**) may be affected by this rule project?

NA

7. When should the rule become effective? (*check only one*)

- Required effective date: _____ What authority requires this date? _____
- Preferred effective date: January 1, 2006
- No specific required or preferred effective date. (schedule to be determined)

Originating Agency Program Contact
(original signature on file)

Date

Center for Policy Innovation or HHS Senior Policy Advisor
(original signature on file)

Date

Agency Deputy Commissioner or HHS Deputy Executive Commissioner (for HHSC rules)
(original signature on file)

Date

| | |
|---|---|
| Agency Unit/Section/Division Laboratory Services Section, Prevention and Preparedness Division, DSHS | Council Meeting Date August 25, 2005 |
| Agency Program Contact Sherry Clay, QC Unit Manager | Telephone No. 512-458-7318 ext. 2423 |
| Rule Topic Laboratory Fees | |

1. Rule Summary.

(Briefly summarize the rule change and why the rule may or may not have fiscal implications.)

Section 73.52 contains proposed maximum limits for fees for certification of milk and shellfish laboratories to replace the existing fees set at an exact amount. Section 73.53 establishes the fee schedule for training of laboratorians. Sections 73.54 and 73.55 contain the fee schedules for clinical testing, newborn screening, environmental testing, and other laboratory services. These sections include proposed new fees, increased caps on some existing fees, and the deletion of some tests.

2. Fiscal Impact.

Does the rule have foreseeable fiscal implications to either costs or revenues of state government for the first five years the rule is in effect?

Yes **No** If yes, complete the following:

- (a) If there are estimated additional costs to the department, explain (1) what new responsibilities will be required; (2) what additional staff will be needed (numbers and classifications); and (3) what other expenses, such as capital or professional services, will be required. Explain any key assumptions that will be needed to reach the figures in the chart in 2(d).

NA

- (b) If there is an estimated reduction in costs, explain how the reductions will be accomplished.

NA

- (c) If there is an estimated increase in revenue, describe the source and amount. If there is an estimated loss of revenue, describe the source and amount.

For each year of the first five-year period the sections are in effect, there will be fiscal implications to the state as a result of administering the sections as proposed. The effect on state government will be an increase in revenue to the state if fees for laboratory testing are raised to the maximum allowable. These revenues will offset the cost of performing the laboratory tests. There will be no effect on existing contracts with other state agencies. Implementation of the proposed sections will not result in any fiscal implication for local governments unless they submit specimens for testing.

Note: Staff may provide the information in (d) on a separate spreadsheet. If spreadsheet is attached, please check here:

| (d) | 1. Fiscal Year <u>2006</u> | 2. Fiscal Year <u>2007</u> | 3. Fiscal Year <u>2008</u> | 4. Fiscal Year <u>2009</u> | 5. Fiscal Year <u>2010</u> |
|--|-------------------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|
| Estimated Additional/Reduction in Cost (specify reduction in parenthesis) | | | | | |
| STATE FUNDS | | | | | |
| FEDERAL FUNDS | | | | | |
| OTHER FUNDS | | | | | |
| TOTAL: | | | | | |
| Estimated Increase/Loss of Revenue (specify loss in parenthesis) | | | | | |
| STATE FUNDS | | | | | |
| FEDERAL FUNDS | | | | | |
| OTHER FUNDS | | | | | |
| TOTAL: | | | | | |

3. Local Government Impact.

Does the rule have foreseeable positive or negative fiscal implications to either costs or revenues of local governments for the first five years the rule is in effect?

Yes No If yes, enter the amounts for each of the five years and explain key assumptions you used to reach the figures.

4. Small Businesses or Micro-Businesses Impact.

Does the rule have ANY adverse economic effect on small businesses or micro-businesses* (regardless of whether it will have an adverse effect on businesses in general)?

Yes No If yes, complete 4B-E. If no, complete 4A.

* A small business is a legal entity, including a corporation, partnership, or sole proprietorship, that is formed for the purpose of making a profit, is independently owned and operated, and has fewer than 100 employees OR less than \$1,000,000 in annual gross receipts.

A micro-business is a legal entity, including a corporation, partnership, or sole proprietorship, that is formed for the purpose of making a profit, is independently owned and operated, and has 20 or fewer employees.

A. If the rule **will not** have an adverse economic effect on either small businesses or micro-businesses, or both, explain why there will be no adverse effect on one or both.

Dr. Susan Neill, Director of the Laboratory Services Section, has determined that there are no anticipated costs to small businesses or micro-businesses (other than to those that submit specimens for testing) required to comply with the sections as proposed. This was determined by interpretation of the rules that small businesses and micro-businesses will not be required to alter their business practices in order to comply with the sections. There are no anticipated economic costs to persons (other than to those that submit specimens for testing) who are required to comply with the sections as proposed. There is no anticipated negative impact on local employment.

Complete (B)-(E) if rule will have an adverse economic effect on small businesses or micro-businesses or both.

Note: You must discuss both small businesses and micro-businesses in your analysis regardless of whether the rule will have an adverse economic effect on either one or both.

B. Explain why there will be an adverse economic effect, such as new fees, reduced revenues, or new regulatory requirements that will increase the cost of doing business.

C. Give an analysis of the cost to small businesses or micro-businesses of complying with the rule. Explain what assumptions you used to calculate these projected costs (for example, a survey of randomly selected assisted living facilities).

D. Compare the cost to small businesses or micro-businesses of complying with the rule with the cost to the largest businesses affected by the rule, analyzing, when possible:

- cost per employee,
- cost per hour of labor, or
- cost per each \$100 of sales.

E. Give an analysis of whether it is legal and feasible to reduce the economic effect of the rule on small businesses or micro-businesses, while still accomplishing the intent of the state or federal law being implemented with the rule.

5. Other Cost Impacts.

If there will be costs to persons who must comply with this rule change, other than costs identified in preceding sections, enter estimated costs for the first five fiscal years of implementation:

| | | | | |
|-------------|-------------|-------------|-------------|-------------|
| FY 1 | FY 2 | FY 3 | FY 4 | FY 5 |
| NA | NA | NA | NA | NA |

Explain assumptions used to arrive at these costs.

NA

6. Fiscal Impact on Local Employment:

Rule **will not** have an impact.

Rule **will** have an impact. You must complete an Economic Impact Request and submit it to TWC at least 30 days before the Council meeting.

7. Takings Impact Assessment.

Does the proposed rule create a burden on private “real property” (i.e. real estate or the buildings and other structures attached to real estate)?

Yes **No** If **yes**, contact Legal **immediately** to determine if you are required to complete a Takings Impact Assessment.

Approvals

| | | |
|--|------|---------------|
| Signature – Budget Analyst (original signature on file) | Date | Telephone No. |
| Signature – Budget Director (original signature on file) | Date | Telephone No. |
| Signature – Chief Financial Officer (original signature on file) | Date | Telephone No. |
| Signature – Deputy Executive Commissioner (as appropriate) (original signature on file) | Date | Telephone No. |

Title 25. Health Services
Part 1. Department of State Health Services
Chapter 73. Laboratories
Repeal §73.25
Amendments §§73.11, 73.21, 73.31, 73.41 and 73.51-73.55

Proposed Preamble

The Executive Commissioner of the Health and Human Services Commission on behalf of the Department of State Health Services (department) proposes the repeal of §73.25 concerning the certification and accreditation of environmental laboratories and amendments to §73.11, §73.21, 73.31, 73.41 and 73.51- 73.55, concerning fees for laboratory services.

BACKGROUND AND PURPOSE

The repeal of §73.25 is necessary because the Texas Commission on Environmental Quality now administers environmental laboratory certification and accreditation. The amendments comply with Health and Safety Code, §§12.031, 12.032, and 12.0122 that allow the department to charge fees to a person who receives public health services from the department, and which is necessary for the department to recover costs for performing laboratory services. Since the last rules revision, the laboratory has experienced increased costs due to changes in technology for laboratory testing, new requirements for shipment of laboratory specimens, and price increases on supplies and test kits. It is necessary to increase fees to offset a portion of the cost of performing laboratory testing.

Government Code, §2001.039, requires that each state agency review and consider for readoption each rule adopted by that agency pursuant to the Government Code, Chapter 2001 (Administrative Procedure Act). Sections 73.11, 73.21, 73.31, 73.41 and 73.51 – 73.55 have been reviewed and the department has determined that reasons for adopting the sections continue to exist because rules on this subject are needed. Section 73.25 was reviewed and the department has determined that reasons for adopting the section no longer exist because the responsibility for this section has been transferred to the Texas Commission for Environmental Quality.

SECTION-BY-SECTION SUMMARY

The proposed changes include editorial changes to existing rules; the deletion of laboratory tests, increases to the maximum cap on existing fees and new fees for clinical and environmental testing. Section 73.25 is repealed because the Texas Commission on Environmental Quality now administers the two-tiered program for the certification and accreditation of environmental laboratories. Amendments to §§ 73.11, 73.21, 73.31, 73.41 and 73.51 contain editorial changes to correct the name of the department and the laboratory and to correct spelling errors. Section 73.52 contains proposed maximum limits for fees for certification of milk and shellfish laboratories to replace the existing fees set at an exact amount. Section 73.53 establishes the fee schedule for training of laboratorians. Sections 73.54 and 73.55 contain the fee schedules for clinical testing, newborn screening, environmental testing, and other laboratory services. These

sections include proposed new fees, increased caps on some existing fees, and the deletion of some tests.

FISCAL NOTE

Dr. Susan Neill, Director, Laboratory Services Section has determined that for each year of the first five year period the sections are in effect, there will be fiscal implications to the state as a result of administering the sections as proposed. The effect on state government will be an increase in revenue to the state if fees for laboratory testing are raised to the maximum allowable. These revenues will offset the cost of performing the laboratory tests. There will be no effect on existing contracts with other state agencies. Implementation of the proposed sections will not result in any fiscal implications for local governments unless they submit specimens for testing.

SMALL AND MICRO-BUSINESS IMPACT ANALYSIS

Dr. Neill has also determined that there are no anticipated costs to small businesses or micro-businesses (other than to those that submit specimens for testing) required to comply with the sections as proposed. This was determined by interpretation of the rules that small businesses and micro-businesses will not be required to alter their business practices in order to comply with the sections. There are no anticipated economic costs to persons (other than to those that submit specimens for testing) who are required to comply with the sections as proposed. There is no anticipated negative impact on local employment.

PUBLIC BENEFIT

In addition, Dr. Neill has also determined that for each year of the first five years the sections are in effect, the public will benefit from adoption of the sections. The public benefit anticipated as a result of enforcing or administering the sections will be the availability of tests previously unavailable to local health departments, state agencies and contractors on a fee for service basis.

REGULATORY ANALYSIS

The department has determined that this proposal is not a “major environmental rule” as defined by Government Code, §2001.0225. “Major environmental rule” is defined to mean a rule the specific intent of which is to protect the environment or reduce risk to human health from environmental exposure and that may adversely affect, in a material way, the economy, a sector of the economy, productivity, competition, jobs, the environment or the public health and safety of a state or a sector of the state. This proposal is not specifically intended to protect the environment or reduce risks to human health from environmental exposure.

TAKINGS IMPACT ASSESSMENT

The department has determined that the proposed repeal and amendments do not restrict or limit an owner’s right to his or her property that would otherwise exist in the absence of government action and, therefore, do not constitute a taking under Government Code, §2007.043.

PUBLIC COMMENT

Comments on the proposal may be directed to Mrs. Sherry S. Clay, Manager, Quality Control Unit, Laboratory Services Section, 1100 West 49th Street, Austin, Texas 78756-3199, 512/458-7318 ext. 2423. Comments will be accepted for 30 days following the date of publication of this proposal in the Texas Register.

STATUTORY AUTHORITY

The repeal and amendments are authorized under Health and Safety Code, §§12.031 and 12.032 which allow the department to charge fees to a person who receives public health services from the department, §12.034 which requires the department to establish collection procedures, §12.035 which requires the department to deposit all money collected for fees and charges under §§12.032 and §12.033 in the state treasury to the credit of the department's public health service fee fund, and §12.0122 which allows the department to enter into a contract for laboratory services; and Government Code §531.0055 and Health and Safety Code §1001.075 which authorize the Executive Commissioner of the Health and Human Services Commission to adopt rules and policies necessary for the operation and provision of health and human services by the department and for the administration of Chapter 1001, Health and Safety Code.

The proposed amendments, and repeal affect the Health and Safety Code, Chapters 12, and 1001; and Government Code, Chapter 531.

LEGAL CERTIFICATION

The Department of State Health Services General Counsel, Cathy Campbell, certifies that the proposed rules have been reviewed by legal counsel and found to be within the state agencies' authority to adopt.

Section for repeal.

§73.25. Voluntary Environmental Laboratory Certification and Accreditation.

Legend: (Proposed Amendments)

Single Underline = Proposed new language

[Bold Print and Brackets] = Current language proposed for deletion

Regular Print = Current language

(No change.) = No changes are being considered for the designated subdivision

§73.11. Certification of Milk and Shellfish Laboratories.

(a) (No change.)

(b) Definitions. The following words and terms, when used in this section, shall have the following meanings unless the context clearly indicates otherwise.

(1) Assessment--A fact-finding process performed by the Department of State Health Services **[Texas Department of Health]** (department) in which information and observations are collected and evaluated for the purpose of judging the laboratory's conformance with established certification standards. Assessment includes an onsite inspection.

(2) (No change.)

(c) Certification application.

(1)-(2) (No change.)

(3) Payment may be by check or money order made payable to the Department of State Health Services **[Texas Department of Health]**.

(4)-(6) (No change.)

(d) Standards.

(1) The minimum standards for certification are as specified by the United States Food and Drug Administration (FDA). These specifications are available for review during normal business hours at the department's Laboratory Services Section **[Bureau of Laboratories]**, 1100 West 49th Street, Austin, Texas 78756-3199.

(2) (No change.)

(e)-(f) (No change.)

§73.21. Newborn Screening.

(a) Purpose. This section establishes procedures for the purchase and submission of newborn screening test kits provided by the Laboratory Services Section (section) **[Bureau of**

Laboratories (bureau)] of the Department of State Health Services [**Texas Department of Health**] (department).

(b) Definitions. The following words and terms, when used in this section, shall have the following meanings unless the context clearly indicates otherwise.

(1)-(4) (No change.)

(5) Test kit--The department-designed collection device, demographic information form and envelope used to submit a newborn's blood specimens for screening by the section [**bureau**].

(c) Test kits.

(1) The department through the section [**bureau**] will provide newborn screening test kits upon written request from a provider of newborn screening. A separate test kit is required for each screening panel.

(A)-(B) (No change.)

(2)-(5) (No change.)

§73.31. Specimen Submission.

(a) Specimens submitted to the Department of State Health Services [**Texas Department of Health**] (department) shall be in compliance with the Laboratory Services Section (section) [**Bureau of Laboratories (bureau)**] Manual of Reference Services (manual) and other written instructions established by the section [**bureau**].

(b) (No change.)

(c) The manual and other written instructions may be obtained upon request from the Department of State Health Services, Laboratory Services Section, [**Texas Department of Health, Bureau of Laboratories,**] 1100 West 49th Street, Austin, Texas 78756-3199, (512) 458-7318 or from the section's website, <http://www.dshs.state.tx.us/lab> [<http://www.tdh.state.tx.us/lab>].

§73.41. Sale of Laboratory Services.

(a) Purpose. This section implements the provisions of the Health and Safety Code, §12.0122 concerning the sale of specific laboratory services by the Department of State Health Services (department) Laboratory Services Section (section) [**Texas Department of Health (department) Bureau of Laboratories**].

(b)-(e) (No change.)

§73.51. Fees.

(a) Purpose. This section establishes fees pursuant to the Health and Safety Code, §§12.0122, 12.032 and 12.034 for laboratory services provided by the Laboratory Services Section (section) [Bureau of Laboratories (bureau)] of the Department of State Health Services [Texas Department of Health] (department) and provides for their payment.

(b) Definitions. The following words and terms, when used in this section shall have the following meaning unless the context clearly indicates otherwise.

(1)-(5) (No change.)

(6) Reagent water metal suitability group – cadmium, chromium, copper, iron, lead, manganese, nickel and zinc.

(7) [(6)] Routine water mineral group--Alkalinity, chloride, conductance, fluoride, nitrate, pH, sulfate, and total dissolved solids.

(8) [(7)] Semi-volatile organic compounds in fish--1,2,4,5-Tetrachlorobenzene, 1,2,3-trichlorobenzene, 1,2-dichlorobenzene, 1,3-dichlorobenzene, 1,4-dichlorobenzene, 2,4,5-trichlorophenol, 2,4,6-trichlorophenol, 2,4-dichlorophenol, 2,4-dimethylphenol, 2,4-dinitrophenol, 2,4-dinitrotoluene, 2,6-dinitrotoluene, 2-chloronaphthalene, 2-chlorophenol, 2-methylnaphthalene, 2-methylphenol, 2-nitroaniline, 2-nitrophenol, 3,4-methylphenol, 3,3'-dichlorobenzidine, 3-nitroaniline, 4,5-dinitro-2-methylphenol, 4-bromophenyl-phenylether, 4-chloro-3-methylphenol, 4-chloraniline, 4-chlorophenyl-phenylether, 4-nitroaniline, 4-nitrophenol, acenaphthene, acenaphthylene, aldrin, alpha-bhc, alpha-endosulfan, aniline, anthracene, benzidine, benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(g,h,i)perylene, benzo(k)fluoranthene, benzoic acid, benzyl alcohol, beta-bhc, beta-endosulfan, bis(2-chloroethoxy)methane, bis(2-chloroethyl)ether, bis(2-chloroisopropyl)ether, bis(2-ethylhexyl)adipate, bis(2-ethylhexyl)phthalate, butylbenzylphthalate, chrysene, delta-bhc, dibenz(a,h)anthracene, dibenzofuran, dieldrin, diethylphthalate, dimethylphthalate, di-n-butylphthalate, di-n-octylphthalate, diphenylhydrazine, endosulfan sulfate, endrin, endrin aldehyde, endrin ketone, fluoranthene, fluorene, heptachlor, heptachlor epoxide, hexachlorobenzene, hexachlorobutadiene, hexachlorocyclopentadiene, hexachloroethane, hexachlorophene, indeno-(1,2,3-cd)pyrene, isophorone, lindane, naphthalene, nitrobenzene, n-nitrosodiethylamine, n-nitrosodimethylamine, n-nitroso-di-n-butylamine, n-nitroso-di-n-propylamine, n-nitrosodiphenylamine, p,p'-ddd, p,p'-dde, p,p'-ddt, pentachlorophenol, phenanthrene, phenol, pyrene, pyridine.

(9) [(8)] Volatile organic compounds (VOC).

(A)-(B) (No change.)

(c) (No change.)

(d) A schedule of all fees is available upon request from the Department of State Health

Services, Laboratory Services Section, [Texas Department of Health, Bureau of Laboratories] 1100 West 49th Street, Austin, Texas 78756, (512) 458-7318. It is also available online in the manual of reference services on the section's [bureaus] web site <http://www.dshs.state.tx.us/lab>. [<http://www.tdh.state.tx.us/lab>.]

(e)-(g) (No change.)

(h) Pursuant to Health and Safety Code, §12.035, the department is required to deposit all money collected for fees and charges under §12.032 and §12.033 in the state treasury to the credit of the Department of State Health Services [Texas Department of Health] Public Health Service Fee Fund.

§73.52. Fees for the Certification of Milk and Shellfish Laboratories. Fees shall not exceed the following amounts.

(a) Antibiotic milk laboratories--\$900. [\$350.]

(b) Milk industry laboratories--\$1300. [\$525.]

(c) Full service milk laboratories--\$1900. [\$685.]

(d) Milk proficiency tests (non-Texas certified laboratories)-- \$500. [\$375.]

(e) Shellfish laboratory--\$1100. [\$500.]

(f) Re-certification or supplemental certification-- \$300. [\$200.]

§73.53. Fee Schedule for Training of Laboratorians. Fees for training of laboratorians shall not exceed the following amounts:

(1) workshops--\$200 [\$150] per day; and

(2) individual, hands-on training--\$200 [\$150] per day.

§73.54. Fee Schedule for Clinical Testing and Newborn Screening. Fees for clinical testing and newborn screening shall not exceed the following amounts.

(1) Human specimens.

(A) Bacteriology.

(i) (No change.)

(ii) Aerobic isolation, definitive I.D.--\$35.

(iii) [(ii)] Anaerobic isolation, comprehensive--\$94.

(iv) Anaerobic isolation, definitive I.D.--\$35.

(v) [(iii)] Bioterrorism:

(I) culture--\$119; and

(II) smear--\$19.

(vi) [(iv)] *Bordetella pertussis*:

(I) culture--\$138; and

(II) molecular testing—\$125.

(vii) [(v)] *C. botulinum* isolation—\$94.

(viii) [(vi)] Diphtheria culture—\$113.

(ix) [(vii)] Drug susceptibility testing:

(I) VRE (vancomycin resistant enterococcus)--\$63;

(II) VRSA (vancomycin resistant *Staphylococcus aureus*)-- \$63;

(III) MRSA (methicillin resistant *Staphylococcus aureus*)-- \$63;

(IV) *Neisseria gonorrhoeae*--\$63; and

(V) One drug susceptibility testing--\$63.

(x) [(viii)] Enteric pathogens--\$88.

(xi) [(ix)] Magnetic bead enrichment for *E. coli*, *Enterohemorrhagic E. coli* (EHEC)--\$50.

[(x) Fatty acid analysis--\$63.]

(xii) Fecal fat screen--\$9.

(xiii) Fecal occult blood--\$7.

(xiv) Fecal WBC smear--\$10.

(xv) [(xi)] Genetic probe:

(I) gonorrhea/chlamydia (GC/CT)--\$31;

(II) amplified probe for gonorrhea--\$31;

(III) amplified probe for chlamydia--\$31; **[and]**

(IV) amplified probe for gonorrhea/chlamydia--\$63; and [.]

(V) amplified probe for human papillomavirus (HPV)--\$52.

(xvi) Gram stain smear with fecal WBC--\$12.

(xvii) [(xii)] Identification and typing:

(I) Immuno method, *Salmonella* and *Shigella*--\$13;

[(I) EHEC only--\$128;]

(II) *Haemophilus influenzae*--\$119;

(III) *Neisseria meningitides*--\$119;

(IV) noncomplex typing (*Vibrio*, *Brucella*, etc.)--\$63;

(V) other complex typing--\$130;

(VI) *Salmonella*--\$119;

(VII) *Shigella*--\$73;

(VIII) *Streptococcus*, Group A (GAS)--\$88; [and]

(IX) *Streptococcus*, typing Groups B, C, D, G--\$88; and [.]

(X) *Legionella*--\$88.

(xviii) KOH exam except for skin, hair and nails--\$10.

(xix) KOH for skin, hair and nails--\$10.

(xx) [(xiii)] Molecular studies:

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(I) pulsed-field gel electrophoresis (PFGE)--\$125; and

(II) polymerase chain reaction (PCR)--\$56.

(xxi) [(xiv)] Mycolic acid studies--\$31.

(xxii) [(xv)] *Neisseria gonorrhoeae* culture--\$56.

(xxiii) [(xvi)] Pure culture identification:

(I) aerobes--\$56;

(II) anaerobes--\$100;

(III) *Campylobacter*--\$69; and

(IV) *Neisseria gonorrhoeae*--\$69.

(xxiv) Routine cultures:

(I) any source except urine--\$22;

(II) blood--\$22;

(III) stool, *Campylobacter* and *E. Coli* 0157--\$34;

(IV) stool, *Salmonella* and *Shigella*--\$34; and

(V) urine--\$20.

(xxv) [(xvii)] *Streptococcus* screen--\$25.

[(xviii) Tissue:]

[(I) Lyme disease--\$75;]

[(II) Rocky Mountain Spotted Fever (RMSF)--\$75; and]

[(III) relapsing fever--\$113.]

(xxvi) [(xix)] Toxin studies:

(I) *Botulinum* toxin--\$163;

(II) *Clostridium difficile* toxin--\$21;

[(II) *Clostridium* toxin--\$44;]

(III) Shiga toxin--\$94;

(IV) Toxic Shock Syndrome Toxin-1 (TSST)-- \$160; [\$88;] and

(V) *Vibrio cholera* toxin--\$88.

(xxvii) [(xx)] *Vibrio* culture--\$88.

(xxviii) Wet mount, vaginal--\$10.

(B) Clinical chemistry.

(i) 5' nucleotidase--\$61.

(ii) Acetone--\$8.

(iii) Albumin, serum, urine or other source--\$9.

(iv) Aldose--\$52.

(v) Alkaline phosphatase isoenzymes--\$37.

(vi) Alkaline phosphatase--\$9.

(vii) ALT (Alanine aminotransferase)--\$9.

(viii) AST (Aspartate aminotransferase)--\$9.

(ix) Amylase, serum--\$11.

(x) Ammonia--\$35.

(xi) B-12--\$12.

(xii) B-12 and folic acid--\$59.

(xiii) Bilirubin direct--\$9.

(xiv) Bilirubin, Total--\$9.

(xv) [(i)] Blood typing:

(I) ABO typing--\$9.00;

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(II) antibody screen (blood type)--\$25;

(III) antigen typing (blood type)--\$13;

(IV) antigen titering--\$13; **[and]**

(V) direct COOMBS--\$54; and

(VI) [(V)] Rh typing--\$13.

(xvi) Blood Urea Nitrogen (BUN)--\$7.

(xvii) Calcium--\$9.

(xviii) Calcium-125--\$42.

(xix) Calcium, ionized--\$80.

(xx) Carbon dioxide (CO2)--\$9.

(xxi) CEA (carcinombryonic antigen)--\$34.

(xxii) Chloride, serum--\$9.

(xxiii) Chloride, urine--\$10.

(xxiv) [(ii)]Cholesterol:

(I) cholesterol and high density lipoprotein (HDL)-- \$9.00; and

(II) cholesterol only--\$8.00.

(xxv) Cholinesterase, RBC--\$14.

(xxvi) Creatine Kinase (CK) assay--\$11.

(xxvii) Creatine Kinase (CK) isoenzymes--\$29.

(xxviii) Creatine Kinase (CK) MB fraction--\$13.

(xxix) Creatinine assay--\$9.

(xxx) Creatinine clearance test--\$16.

(xxxi) Creatinine, urine--\$9.

- (xxxii) Cortisol--\$29.
- (xxxiii) Electrolyte Panel--\$14.
- (xxxiv) Estradiol, serum--\$49.
- (xxxv) Estradiol, free--\$49.
- (xxxvi) Estrogens, total--\$100.
- (xxxvii) Ferritin--\$24.
- (xxxviii) Folate--\$12.
- (xxxix) Folic acid, serum--\$26.
- (xl) Fructosamine--\$26.
- (xli) FSH (follicle stimulating hormone)--\$32.
- (xlii) G-6-PD--\$24.
- (xliii) Gastrin--\$24.
- (xliv) GGT (gamma-glutamyl transferase--\$12.
- (xlv) [(iii)] Glucose:
 - (I) glucose, postprandial, 0 and 2 hours--\$14;
 - (II) glucose, random, fasting--\$7.00;
 - (III) glucose tolerance test, 1 hour--\$14;
 - (IV) glucose tolerance test, 2 hour--\$21; and
 - (V) glucose tolerance test, 3 hour--\$28.
- (xlvi) Heavy metal screen, urine--\$46.
- (xlvii) Hantoglobin--\$25.
- (xlviii) [(iv)] Hemoglobin, total--\$6.00.
- (xlix) Hemoglobin A1C--\$23.

(l) [(v)] Hemoglobinopathy--\$15.

(li) Hematology:

(I) CBC with differential--\$14;

(II) CBC complete, automated with differential--\$13;

(III) CBC complete, automated with out differential--\$11;

(IV) Differential, manual--\$7;

(V) Erythropoietin--\$46;

(VI) Platelet count--\$9;

(VII) Prothrombin time--\$9;

(VIII) PTT (partial pthromoplastin time)--\$11;

(IX) Reticulocyte count--\$10; and

(X) Sedimentation rate--\$6.

(lii) Iron binding capacity--\$16.

(liii) Iron panel--\$87.

(liv) Iron, total--\$11.

(lv) Lactic acid--\$74.

(lvi) LDH (lactic acid dehydrogenase) isoenzymes--\$41.

(lvii) LDH total--\$10.

(lviii) lead, blood--\$31.

(lix) [(vi)] Lead screen--\$11.

(lx) [(vii)] Lipid profile, includes cholesterol; triglycerides; HDL; and low-density lipoprotein (LDL)--\$28.

(lxi) LH (leutenizing hormone)--\$32.

- (lxi) Lipase--\$14.
- (lxiii) Liver (hepatic) function panel--\$14.
- (lxiv) Magnesium--\$12.
- (lxv) Osmolality, blood--\$63.
- (lxvi) Osmolality, urine--\$87.
- (lxvii) Parathyroid antibody, c-terminal, mid-mole--\$92.
- (lxviii)[(viii)] Phenylalanine--\$38.
- (lxix) Phosphorus--\$9.
- (lxx) Phosphorus, urine--\$9.
- (lxxi) Potassium, urine--\$9.
- (lxxii) Pregnancy test, serum--\$13.
- (lxxiii) Pregnancy test, urine (HCG-qualitative)--\$13.
- (lxxiv) Prolactin--\$34.
- (lxxv) Protein, total--\$7.
- (lxxvi) Protein, total, 24 hour--\$10.
- (lxxvii) PSA (Prostatic specific antigen)--\$26.
- (lxxviii) Rheumatoid factor--\$10.
- (lxxix) Serum, protein electrophoresis--\$24.
- (lxxx) Sodium--\$9.
- (lxxxii) T3 (Tri-iodothyronine) uptake--\$11.50.
- (lxxxiii) T3, reverse--\$45.
- (lxxxiii) T3, total--\$45.
- (lxxxiv) Testosterone, total--\$51.

(lxxxv) Thyriod peroxidate AB--\$37.

(lxxxvi) Thyroxin, T4, total--\$12.

(lxxxvii) Transferrin--\$42.

(lxxxviii) Triglycerides--\$10.

(lxxxix) Uric acid--\$8.

(lxxxx) Urinalysis with microscopic--\$9.

(lxxxxi) Urinalysis without microscopic--\$7.

(lxxxxii) Urinalysis, auto, without microscopic--\$9.

(lxxxxiii) Valprroic acid--\$31.

(lxxxxiv) VMA, (vanillylmandelic acid)--\$39.

[(ix) Phenylalanine/Tyrosine--\$38.]

[(x) Tyrosine--\$38.]

[(xi) Thyroid profile includes total thyroxine (T4); free T4; and thyroid stimulating hormone (TSH)--\$63.]

[(xii) TSH--\$31.]

[(xiii) Free T4--\$19.]

[(xiv) Total T4--\$16.]

(C) Cytology:

(i) Fine needle aspiration, evaluation--\$100;

(ii) Liquid based pap smear--\$33;

(iii) Non-Gyn, smear, routine--\$56;

(iv) Pap smear--\$12;

(v) Pap smear with hormone evaluation--\$112;

(vi) Pap smear, pathologist--\$12; and

(vii) Pneumocystis, over 5 slides--\$112.

(D) [(C)] DNA (Deoxyribonucleic acid) analysis:

- (i) Beta-Globin 6 mutation panel (HbS, HbC, Hb E, HbD, Beta-Thalassemiias-29 and -88)--\$150;
- (ii) Beta-Globin 5 mutation panel (HbS, HbC, Hb E, Beta-Thalassemiias-29 and -88)--\$138;
- (iii) Hemoglobin S and C mutation Test--\$88;
- (iv) Hemoglobin E mutation test—\$88;
- (v) Beta-Thalassemia-29 and -88 mutation test--\$100;
- (vi) Beta-Thalassemia-29 mutation test--\$63;
- (vii) Beta-Thalassemia-88 mutation test--\$63;
- (viii) Hemoglobin D mutation test--\$63;
- (ix) Beta-Globin sequencing (from 105 of cap site to IVS-1-60)--\$188;
- (x) Beta-Globin sequencing (from 105 of cap site to IVS-1-60) added to another test--\$100;

[(xi) Congenital adrenal hyperplasia—\$538;]

[(xii) Congenital adrenal hyperplasia, DNA carrier analysis of family member--\$206;]

(xi) [(xiii)] Galactosemia--\$506;

(xii) [(xiv)] Galactosemia, DNA carrier analysis of family member--\$206;

(xiii) [(xv)] Phenylketonuria--\$600; and

(xiv) [(xvi)] Phenylketonuria, DNA carrier analysis of family member--\$206.

(E) Drugs:

(i) Amikacin level--\$155;

(ii) Blood alcohol--\$19;

(iii) DHEAs--\$82;

(iv) Dioxin drug level--\$23;

(v) Dilantin (phenytoin) drug level--\$23;

(vi) Drugs of abuse screens, urine:

(I) 1 drug--\$19;

(II) 3 drugs--\$58; and

(III) 7 drugs--\$135.

(vii) Gentamicin level--\$29;

(viii) Insulin level--\$20;

(ix) Isoniazid (INH), urine test, qualitative--\$62;

(x) Lithium level--\$13;

(xi) Phenobarbital level--\$20;

(xii) Procainamide, NAPA drug level--\$66;

(xiii) Quinidine level--\$25;

(xiv) Salicylate level--\$18;

(xv) Tegretol (Carbamazepine) level--\$17;

(xvi) Theophylline (aminophylline) level--\$25.

(xvii) Tobramycin level--\$29; and

(xviii) Vancomycin level--\$31.

(F) [(D)] Genetics:

(i) alpha fetoprotein (AFP)--\$31;

(ii) β -human chorionic gonadotropin (β -HCG)--\$16;

(iii) unconjugated estriol-3 (UE3)--\$22; and

(iv) triple screen, includes β -HCG, UE3, and AFP--\$63.

(G) [(E)] Mycobacteriology/mycology.

(i) Acid fast bacillus (AFB):

(I) amplification only--\$69;

(II) concentration, any source--\$12;

(III) culture, any source--\$26;

(IV) culture probe only--\$44;

(V) drug susceptibility studies:

(-a-) direct susceptibility, each drug--\$10;

(-b-) disk method--\$23;

(-c-) indirect susceptibility, each drug--\$10;

(-d-) level 1 drugs:

(-1-) Ciprofloxacin--\$100;

(-2-) Ethionamide--\$100;

(-3-) Isoniazid--\$100;

(-4-) Ofloxacin--\$100;

(-5-) PAS (p-aminosalicylic acid) --\$100;

(-6-) Pyrazinamide--\$100; and

(-7-) Rifampin--\$100.

(-e-) level 2 drugs:

(-1-) Azithromycin--\$100;

(-2-) Clofazamine--\$100;

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(-3-) Cycloserine--\$100;

(-4-) Ethambutol--\$100;

(-5-) Kanamycin--\$100; and

(-6-) Streptomycin--\$100.

(-f-) level 3 drug, Capreomycin--\$100;

(-g-) MIC (minimum inhibitory concentration)--\$35;

(-h-) primary panel--\$75; and

(-i-) secondary panel--\$163.

(VI) [(II)] identification, referred isolates--\$31.

[(III)] primary drug panel--\$56;]

[(IV) probe only--\$44;]

[(V) Pyrazinamide (PZA) only--\$19;]

[(VI) secondary drug panel--\$163;]

(VII) smear and culture--\$56.

(VIII) smear only--\$19. **];and]**

[(IX) smear, culture and fungal culture--\$131.]

(ii) Direct High Performance Liquid Chromatography (HPLC), only \$31.

(iii) Fungus:

(I) reference:

(-a-) [(I)] culture--\$75;

(-b-) [(II)] identification--\$69; **and]**

(-c-) identification, gen probe--\$51; and

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(-d-) ~~[(III)]~~ probe only--\$44.

(II) clinical:

\$21; (-a-) culture, fungi, blood (isolation and presumptive I.D.)--

(-b-) culture, fungi, definitive I.D., mold--\$25;

(-c-) culture, fungi, definitive I.D., yeast--\$25;

(-d-) culture, fungi, definitive I.D., mold--\$25;

presumptive I.D.--\$20;

presumptive I.D.--\$19; and

(-g-) India ink smear--\$15.

(-h-) PAS, fungal smear--\$17.

(iv) *M. kansasii* susceptibility, Rifampin--\$13.

(H) [(F)] Newborn screening test kit, including screening panel--\$40. [\$38.]
(Fees are based on the newborn screening test kits described in §73.21 of this title (relating to Newborn Screening), which includes the costs of the screening panel.)

(I) [(G)] Parasitology.

(i) Blood/tissue parasites--\$156.

(ii) *Cryptosporidium* preparation acid fast smear--\$12.00.

[(ii) *Giardia/Cryptosporidium* antigen screen--\$94.]

(iii) *Cryptosporidium* screen, stool--\$13.

(iv) [(iii)] Intestinal parasites--\$119.

(v) [(iv)] Parasite culture--\$169.

(vi) [(v)] Pinworm swab--\$31.

(vii) [(vi)] Worm identification--\$44.

(J) [(H)] Serology.

(i) Amoebic antibody--\$31.

(ii) Anti-DNA, double stranded--\$34.

(iii) ANA (antinuclear antibody)--\$28.

(iv) [(i)] Arbovirus:

(I) immunoglobulin G (IgG)--\$63;

(II) immunoglobulin M (IgM)-\$88; and

(III) panel--\$150.

(v) [(ii)] *Aspergillus*--\$31.

(vi) ASO (antistreptolysin O)--\$21,

(vii) ASO (antistreptolysin O)titer--\$21,

(viii) [(iii)] *Brucella*--\$16.

(ix) C4 compement, quantitative,--\$29.

(x) [(iv)] Cat scratch fever (*Bartonella*)--\$50.

(xi) CH 50 Complement, total qualitative--\$29.

(xii) C-reactive protein, quantative--\$11.

(xiii) Culture typing, immunofluorescent method--\$12.

(xiv) [(v)] Cytomegalovirus (CMV):

(I) IgG--\$38;

(II) IgM--\$44; and

(III) panel--\$44.

(xv) Epstein-Barr panel--\$156.

(xvi) Epstein-Barr virus antibody--\$63.

(xvii) [~~(vi)~~] *Ehrlichia*—\$50.

(xviii) [~~(vii)~~] FTA (fluorescent triponemal antibody) only--\$38.

(xix) [~~(viii)~~] Fungus:

(I) identification--\$69; and

(II) panel--\$88.

(xx) [~~(ix)~~] Hantavirus, IgG/IgM--\$94.

(xxi) *Helicobacter pylori*--\$48.

(xxii) [~~(x)~~] Hepatitis A:

(I) IgM--\$56; and

(II) total--\$13.

(xxiii) [~~(xi)~~] Hepatitis B:

(I) core total antibody--\$38;

(II) core IgM antibody--\$56;

(III) [~~(II)~~] surface antibody (Ab)--\$19; and

(IV) [~~(III)~~] surface antigen (Ag)-- \$20. [~~\$13.~~]

(xxiv) [~~(xii)~~] Hepatitis B e Ab--\$25.

(xxv) [~~(xiii)~~] Hepatitis B e Ag--\$19.

(xxvi) [~~(xiv)~~] Hepatitis C (HCV)--\$15.

(xxvii) [~~(xv)~~] Hepatitis C (RIBA)--\$175.

(xxviii) Acute (comprehensive) hepatitis panel--\$63.

(xxix) Herpes test, rapid method--\$31.

(xxx) HSV (Herpes Simplex Virus) I, IgG AB--\$128.

(xxxi) HSV I and II, IgG AB--\$128.

(xxxii) HSV igM AB with reflex titer--\$128.

(xxxiii) HSV II IgG AB--\$128.

(xxxiv) [(xvi)] Human immunodeficiency virus (HIV):

(I) confirmation--\$44;

(II) oral HIV, Orasure--\$62;

(III) [(II)] screen--\$13; and

(IV) [(III)] viral load--\$175.

(xxxv) [(xvii)] HIV/HCV panel--\$28.

(xxxvi) Immunoglobulins, quantitative, IgG, IgA, IgM--\$54.

[(xviii) Influenza A and B--\$50.]

(xxxvii) [(xix)] Legionella--\$69.

(xxxviii) [(xx)] Lyme (*Borrelia*) IgG/IgM panel--\$60. [**\$38.**]

(xxxix) Malaria antibody--\$31.

(xl) [(xxi)] Miscellaneous serological tests--\$38.

(xli) Mononucleosis screen--\$18.

(xlii) [(xxii)] Mumps:

(I) IgG--\$38; and

(II) IgM--\$38.

(xliii) Mycoplasma antibody panel--\$26.

(xliv) [(xxiii)] Parvovirus B-19, IgG/IgM--\$75.

(xlv) [(xxiv)] Plague (*Yersinia*)--\$19.

[(xxv) Poliomyelitis (polio) I, II, III--\$88.]

(xlvi) [(xxvi)] Q-fever--\$63.

(xlvii) Rheumatoid factor--\$11.

(xlviii) [(xxvii)] *Rickettsia* Panel--\$69.

(xlix) [(xxviii)] *Rickettsia/Ehrlichia* Panel--\$119.

(l) [(xxix)] RPR (rapid plasma reagent test)--\$6.00.

(li) [(xxx)] RPR/syphilis confirmation--\$16.

(lii) [(xxxii)] Rubella:

(I) IgG--\$19;

(II) IgM--\$38; and

(III) screen--\$9.00.

(liii) [(xxxiii)] Rubeola:

(I) IgG--\$38; and

(II) IgM--\$44.

(liv) [(xxxiiii)] Toxoplasmosis:

(I) IgG--\$50; and

(II) IgM--\$50.

(lv) [(xxxv)] Tularemia (*Francisella*)--\$56.

(lvi) [(xxxvi)] *Varicella zoster*--\$56.

(lvii) [(xxxvii)] VDRL (venereal disease research laboratory) test--\$28.

[(xxxviii) West Nile virus (WNV)--\$19.]

(K) Surgical pathology:

(i) Level I, Global--\$24;

(ii) Level II, Global--\$60;

(iii) Level III, Global--\$74;

(iv) Level IV, Global--\$112;

(v) Level V, Global--\$156; and

(vi) Level VI, Global--\$227.

(L) [(I)] Virology.

(i) *Chlamydia* culture--\$100.

(ii) *Dengue* isolation--\$100.

(iii) Electron microscope studies only--\$356.

(iv) Herpes simplex isolation--\$106.

(v) Influenza:

(I) surveillance--\$156; and

(II) subtyping--\$131.

(vi) Virus:

(I) viral detection by PCR-- \$125; [**\$313;**]

(II) virus identification on submitted isolate (reference specimen)--\$313;

and

(III) virus isolation, comprehensive--\$263.

(2) Non-human specimens.

(A) (No change.)

(B) Entomology.

(i)-(ii) (No change.)

(iii) Mosquito identification:

(I) adult, per carton--\$63; and

[(II) egg paddle, per paddle--\$8.00; and]

(II) [(III)] larvae, per vial--\$56.

[(iv) Tick examination:]

[(I) Lyme disease, *Borrelia* and Rocky Mountain Spotted Fever (RMSF)--\$44;]

[(II) relapsing fever--\$44; and]

[(III) tick identification, per vial--\$31.]

(C)-(D) (No change.)

(E) Virology.

(i) Arbovirus isolation:

(I) (No change.)

(II) mosquito--\$75; and [.]

(III) equine--\$44.

(ii) (No change.)

[(iii) Avian serology:]

[(I) arbovirus--\$69; and]

[(II) arbovirus (chicken)--\$38.]

(iii) [(iv)] Rabies testing--\$81.

(iv) [(v)] Rabies virus typing:

(I) molecular--\$156; and

(II) monoclonal--\$44.

(3) Handling fees.

(A) Clinical specimens and environmental samples--\$38; and

(B) Pathogenic agents--\$75.

[(F) Handling fees.]

[(i) Pathogenic agents--\$75;]

[(ii) Clinical specimens and environmental samples--\$38.]

(4) Service charges.

(A) A service charge of \$15 will be added for work performed after hours (Monday- Friday 5:30 p.m. – 6:00 a.m. and Saturday and Sundays 12:00 p.m. to 7:00 a.m.).

(B) An additional charge of \$15 will be added for after hours STAT analysis.

(C) A fee not to exceed \$5 will be charged for venipuncture.

§73.55. Fee Schedule for Chemical Analyses **[Testing of Environmental Samples.]** Fees for chemical analyses and physical testing **[testing of environmental samples]** shall not exceed the following amounts.

(1) (No change.)

(2) The following fees apply to the analysis of drinking water (including bottled water) samples.

(A) Inorganic parameters.

(i) Individual tests:

(I) (No change.)

(II) ammonia, SM, 20th edition, 4500-NH3G--\$35.00;

(III) [(II)] bicarbonate-carbonate, with alkalinity, SM, 18th edition, 2320B--\$19;

(IV) [(III)] bicarbonate-carbonate, without alkalinity, SM, 18th edition, 2320B--\$29;

[(IV) boron, SM, 18th edition, 4500B--\$66;]

(V) bromate, Environmental Protection Agency (EPA) method 300.1--\$69 [138];

(VI)-(XVII) (No change.)

[(XVIII) hardness, EPA method 130.1--\$54;]

(XVIII) [(XIX)] nitrate and nitrite as nitrogen, EPA method 353.2--\$28;

(XIV) [(XX)] nitrate as nitrogen, EPA method 353.2--\$28;

~~(XX)~~ ~~(XXI)~~ nitrite as nitrogen, EPA method 353.2--\$28;

~~(XXI)~~ ~~(XXII)~~ odor, EPA method 140.1, 2150B--\$63;

~~(XXII)~~ ~~(XXIII)~~ perchlorate, EPA method 314.0--\$69;

~~(XXIII)~~ ~~(XXIV)~~ perchlorate, Unregulated Contamination Monitoring Regulation (UCMR), EPA method 314.0--\$76;

~~(XXIV)~~ ~~(XXV)~~ pH, EPA method 150.1--\$24;

~~(XXV)~~ ~~(XXVI)~~ phenolics, total recoverable, EPA method 420.1--\$60;

~~(XXVII)~~ **residue, total, SM, 18th edition, 2540B--\$28;**

~~(XXVI)~~ ~~(XXVIII)~~ silica, dissolved, SM, 18th edition, 4500Si F--\$30;

~~(XXVII)~~ ~~(XXIX)~~ solids, suspended, volatile or fixed, SM, 18th edition, 2540G--\$39;

~~(XXX)~~ **solids, total dissolved, calculated, SM, 18th edition, 1030F--\$18;**

~~(XXVIII)~~ ~~(XXXI)~~ solids, total dissolved, determined, SM, 18th edition, 2540C--\$39;

~~(XXIX)~~ ~~(XXXII)~~ solids, total suspended, SM, 18th edition, 2540D--\$39;

~~(XXX)~~ ~~(XXXIII)~~ sulfate, EPA method 300.0--\$24; and

~~(XXXI)~~ ~~(XXXIV)~~ turbidity, EPA method 180.1--\$25.

(ii) Routine water mineral group, EPA methods 150.1, 300.0, and 353.2, and SM, 18th edition, 2320B, 2510B, and 2540C--\$214.

(B) Metals analysis. A preparation fee applies to all drinking water samples analyzed by inductively coupled plasma (ICP) or by inductively coupled plasma-mass spectrometry (ICP-MS) with turbidity greater than or equal to 1 Nephelometric Turbidity Unit (NTU) or that contains visible particles. The total analysis cost includes the **[sample preparation fee and the]** per-element or per-group fee and any required sample preparation fee.

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(i) Sample preparation fee, [--] total recoverable metals digestion, EPA method 200.2--\$36.

(ii) Per-element analysis fees:

(I)-(III) (No change.)

(iii) Group fees:

(I) all metals drinking water group, EPA methods, 200.7, 200.8, and 245.1 and SM 19th edition 2340B--\$330;

(II) ICP/ICP-MS metals drinking water group, EPA methods 200.7 and 200.8 and SM 19th edition 2340B--\$238; [~~-\$206~~; and]

(III) lead/copper, EPA method 200.8--\$30;[.]

(IV) hardness, SM, 19th edition 2340B --\$38; and

(V) reagent water metal suitability group, EPA methods 200.7 and 200.8--\$145.

(C) Organic compounds:

(i) (No change.)

(ii) chlorophenoxy herbicides, [**EPA method 515.1 or**] EPA method 515.4--\$275;

[(iii) chlorophenoxy herbicides, UCMR, EPA method 515.1 or EPA method 515.4--\$303;]

(iii) [(iv)] diquat and paraquat EPA method 549--\$303;

(iv) [(v)] ethylene dibromide (EDB) and dibromochloropropane (DBCP), EPA method 504.1--\$195;

(v) [(vi)] endosulfan, EPA method 548.1 [**548**]-\$446;

(vi) [(vii)] glyphosate, EPA method 547—\$211;

(vii) [(viii)] haloacetic acids and dalapon, EPA method 552.2--\$275;

(viii) [(ix)] chlorinated disinfection-by-products (haloacetonitriles) EPA method 551.1--\$235;

(ix) **[(x)]** methylcarbamoyloximes and n-methylcarbamates (carbamate) pesticides, EPA method 531.1--\$250;

(x) **[(xi)]** organochlorine pesticides, EPA method **[methods 505 and]** 508--\$230;

[(xii) phenols, UCMR List 2, EPA method 528.1--\$263;]

[(xiii) phenylurea, UCMR List 2, EPA method 532.1--\$263;]

[(xiv) PHA and phthalates, UCMR, EPA method 525.2--\$396;]

(xi) **[(xv)]** PCB screening by perchlorination, EPA method 508A--\$366;

[(xvi) polynuclear aromatic hydrocarbons (PHA) and phthalates, EPA method 525.2--\$360;]

(xii) **[(xvii)]** semi-volatile organic compounds, EPA method 525.2--\$360;

[(xviii) semi-volatile organic compounds, UCMR List 2, EPA method 526.1--\$263;]

(xiii) **[(xix)]** trihalomethanes, EPA method 502.2--\$84;

(xiv) **[(xx)]** trihalomethanes, EPA method 524.2--\$84; and

(xv) **[(xxi)]** VOCs, EPA method 524.2--\$183. **[; and]**

[(xxii) VOCs, UCMR, EPA method 524.2--\$223.]

(D) Radiochemicals:

[(i) alpha spectrometry preparation, DOE-RESL A-20 Pyrosulfate Fusion--\$165;]

[(ii) carbon-14, Liquid Scintillation--\$123;]

(i) **[(iii)]** gross alpha and beta, EPA method 900.0--\$113;

(ii) **[(iv)]** gross alpha or beta, EPA method 900.0--\$100;

(iii) **[(v)]** gamma emitting isotopes, EPA method 901.1--\$94;

[(vi) plutonium isotopes, DOE-RESL A-20 Alpha Spectrometry--

\$90;]

(iv) **[(vii)] radium-226, EPA method 903.1--\$83;**

(v) **[(viii)] radium-228, EPA method 904.0--\$118;**

[(ix) radon, EPA method 903.1--\$83;]

(vi) **[(x)] strontium-89 or 90, EPA method 905.0--\$126;**

(vii) **[(xi)] thorium isotopes, DOE-RESL A-20 Alpha Spectrometry--\$90;**

[(xii) total alpha emitting radium, EPA method 903.0--\$90;]

(viii) **[(xiii)] tritium, EPA method 906.0--\$64;**

(ix) **[(xiv)] uranium isotopes, DOE-RESL A-20 Alpha Spectrometry--\$95; and**

(x) **[(xv)] Composite/storage fee--\$19.**

(3) The following fees apply to the analysis of food and food products.

(A) Inorganic analyses:

[(i) added substances, Association of Official Analytical Chemists (AOAC) calculation--\$16;]

(i) **[(ii)] added water, AOAC calculation--\$16;**

[(iii) benzoate, AOAC method 960.38--\$101;]

[(iv) cereal, USDA CRL method--\$80;]

(ii) **[(v)] deterioration, canned products, AOAC chart--\$30;**

[(vi) fat, dairy products, AOAC method 46.616--\$44;]

(iii) **[(vii)] fat, paly screen, AOAC method 46.616--\$44;**

(iv) **[(viii)] fat, soxhlet extraction, USDA method Fat-1--\$101;**

[(ix) filth, AOAC methods--\$44;]

[(x) filth, beverages, AOAC method 965.38--\$44;]

[(xi) filth, cereal foods, AOAC method 971.32--\$44;]

(v) **[(xii) filth, AOAC method 941.16--\$44;**

[(xiii) filth, spices, AOAC method 945.83--\$44;]

[(xiv) food coloring, AOAC method 988.13--\$73;]

[(xv) fumonisin in corn products by high performance liquid chromatography (HPLC)-- \$250;]

(vi) **[(xvi) insect identification, Food and Drug Administration (FDA) Technical Bulletin #2--\$44;**

[(xvii) maximum internal temperature, USDA ICT 2 method--\$101;]

(vii) **[(xviii) meat protein, AOAC calculation--\$19;**

(viii) **[(xix) moisture (total water), USDA M01 method--\$21;**

[(xx) moisture-protein ratio, AOAC calculation--\$40;]

[(xxi) package exam for rodent contamination, AOAC method 973.63--\$30;]

(ix) **[(xxii) pH of food products, AOAC method 981.12--\$25;**

(x) **[(xxiii) protein, total, USDA protein block digestion--\$73;**

[(xxiv) rodent pellet, identification, FDA Microscope Analytical Methods in Food and Drug Control--\$44;]

(xi) **[(xxv) salt, USDA method SLT--\$131;**

(xii) **[(xxvi) soy protein concentrate, USDA SOY1 method--\$80; and**

[(xxvii) soya, USDA SOY1 method--\$80;]

[(xxviii) sulfite, AOAC method 980.17--\$83;]

(xiii) **[(xxix) water activity, AOAC method 978.18-- \$44. [; and]**

[(B) Organic analysis, tetracycline in milk, FDA/AOAC methods--\$125.]

(B) **[(C) Metals analyses. A sample preparation fee applies to all food samples**

analyzed by FLAA, GFAA, GHAA, ICP or ICP-MS techniques. The total analysis fee includes the sample preparation fee and the per-element fee. The fee for analysis of multiple metals by a single method includes a single sample preparation fee and the appropriate per-element fees.

(i) Sample preparation fee – total recoverable metals digestion, EPA methods 200.2, 200.3, or SW-846 method 3050B--\$46.

(ii) Per-element fees:

(I) mercury, EPA methods 245.1, 245.5, and 245.6, and SW-846 methods 7470A and 7471A-- \$40;

(II) single metal, FLAA or ICP, EPA 200 series methods and EPA SW-846 methods 6010 or 7000 series-- \$24;

(III) single metal, GFAA or GHAA, EPA 200 series methods and EPA SW 846 methods 7000 series, and SM, 18th edition, 3114--\$38; and

(IV) single metal, ICP-MS, EPA method 200.8, EPA SW-846 method 6020--\$31.

(4) The following fees apply to the analysis of soil and solids:

[(A) pH, Soil, EPA method 9045B--\$28.]

(A) [(B)] Metals analysis. A sample preparation fee applies to the analysis of all solid (soil, sediment, etc.) samples. The total cost of the analysis will be the sample preparation fee plus the per-element fee. The fee for analysis of multiple metals by a single method includes a single sample preparation fee and the appropriate per-element fees.

(i) Sample preparation fee - acid digestion of sediments, sludges, and soils, EPA SW-846 Method 3050B--\$44.

(ii) Per-element fee:

(I) lead in paint by FLAA--\$44;

(II) lead in pottery leachate by FLAA--\$33;

(III) lead and cadmium in pottery leachate by FLAA --\$59;

(IV) lead in soil by FLAA--\$46;

(V) lead in solids by FLAA--\$44;

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(VI) mercury, sediment, EPA method 245.5 and EPA SW-846 method 7471A--\$40;

(VII) non-routine single metal, EPA 200 series methods and EPA SW-846 methods: 6010B, 6020, and 7000's--\$60;

(VIII) silver, EPA method 200.7, and EPA SW-846 methods 6010B, 7760A, and 7761--\$60;

(IX) single metal, FLAA or ICP, EPA 200 series methods, 200.7, and EPA SW-846 6010B and 7000 series methods--\$26;

(X) single metal, graphite furnace atomic absorption spectrometry (GFAA) or gas hydride atomic absorption spectrometry (GHAA), EPA 200 series methods and EPA SW-846 methods 7000 series, 7062, and 7742, and SM, 18th edition, 3114--\$38; and

(XI) single metal, ICP-MS, EPA method 200.8 and EPA SW-846 method 6020--\$31.

(B) [(C)] Radiochemistry:

(i) alpha spectrometry preparation, DOE-RESL A-20 Pyrosulfate Fusion--\$154;

(ii) gross alpha and beta, EPA method 900.0--\$101;

(iii) gross alpha or beta, EPA method 900.0--\$81;

(iv) gamma emitting isotopes, EPA method 901.1--\$140;

(v) plutonium isotopes, DOE-RESL A-20 Alpha Spectrometry-- \$90;

(vi) radium-226, DOE-RESL A-20/EPA method 903.1--\$133;

(vii) radium-228, DOE-RESL A-20/EPA method 904.0--\$110;

(viii) strontium-89 or 90, EPA method 905.0--\$147;

(ix) thorium isotopes, DOE-RESL A-20 Alpha Spectrometry--\$88;

(x) tritium, EPA method-Azeotropic Distillation--\$99; and

(xi) uranium isotopes, DOE-RESL A-20 Alpha Spectrometry--
\$86.

(5) The following fees apply to the analysis of tissue and vegetation samples. A tissue preparation (homogenization) fee applies to all seafood tissue samples analyzed for organic compounds and/or metals. The total analysis cost includes the tissue preparation fee, any analyte specific sample preparation fee, and the per-element or per-group test fee.

(A) (No change.)

(B) Metals analyses. A sample preparation fee applies to all tissue samples analyzed by ICP or ICP-MS. The total analysis cost includes **[the sample preparation fee and] the per-element or per-group fee plus any required sample preparation fee.**

(i)-(iii) (No change.)

(C) (No change.)

(D) Radiochemistry:

(i)-(vi) (No change.)

[(vii) radium-228, DOE-RESL A-20/EPA method 904.0--\$98;]

(vii) **[(viii)]** strontium-89 or 90, EPA method 905.0--\$149;

(viii) **[(ix)]** thorium isotopes, DOE-RESL A-20 Alpha Spectrometry--\$88;

(ix) **[(x)]** tritium, EPA Method 906.0 Azeotropic Distillation--\$99; and

(x) **[(xi)]** uranium isotopes, DOE-RESL A-20 Alpha Spectrometry--\$85.

(6) The following fees apply to the analysis of water and wastewater.

(A) Inorganic parameters:

(i) odor, EPA method 140.1--\$65; and

(ii) phenolics, total recoverable, EPA method 420.1--\$60, **[; and]**

[(iii) UV 254, SM 19th edition, 5910--\$69.]

(B) (No change.)

(C) Radiochemistry:

(i) (No change.)

[(ii) carbon-14, Liquid Scintillation--\$123;]

[(ii)] [(iii)] gross alpha and beta, EPA method 900.0--\$113;

[(iii)] [(iv)] gross alpha or beta, EPA method 900.0--\$100;

[(iv)] [(v)] gamma emitting isotopes, EPA method 901.1--\$94;

[(v)] [(vi)] plutonium, isotopes, DOE-RESL A-20 Alpha Spectrometry--\$90;

[(vi)] [(vii)] radium-226, EPA method 903.1--\$101;

[(vii)] [(viii)] radium-228, EPA method 904.0--\$85;

[(ix) radon, EPA method 903.1--\$83;]

[(viii)] [(x)] strontium-89 or 90, EPA method 905.0--\$126;

[(ix)] [(xi)] thorium isotopes, DOE-RESL A-20 Alpha Spectrometry--\$88;

[(xii) total alpha emitting radium, EPA method 903.0--\$88;]

[(x)] [(xiii)] tritium, EPA method 906.0--\$64; and

[(xi)] [(xiv)] uranium isotopes, DOE-RESL A-20 Alpha Spectrometry--\$90.

(7) The following fees apply to the analysis of wipes/filters/cartridges.

(A) (No change.)

(B) Radiochemistry:

(i)-(vii) (No change.)

[(viii) radium-228, DOE-RESL A-20/EPA method 904.0--\$98;]

[(viii)] [(ix)] strontium-89 or 90 EPA method 905.0--\$148;

(ix) ~~[(x)]~~ thorium isotopes, DOE-RESL A-20 Alpha Spectroscopy--\$88;

(x) ~~[(xi)]~~ tritium, Azeotropic Distillation--\$64; and

(xi) ~~[(xii)]~~ uranium isotopes, DOE-RESL A-20 Alpha Spectroscopy--\$85.

(8) Identification of feces and urine stains: [Other chemical testing:]

[A) blood identification, Source Book Forensic Serology--\$31;]

[B) dust identification--\$58;]

(A) ~~[(C)]~~ identification of feces stains, AOAC method 981.22--\$159; and

(B) ~~[(D)]~~ identification of urine stains, [stain identification,] AOAC methods 963.28, and 959.14--\$44.

(9) Additional charges.

(A) Analysis of trip and field blank samples will be billed at the same rate as the requested sample analysis.

(B) If the submitter requires specific samples within their batch to be analyzed and reported as laboratory fortified matrix (FM) or matrix spike (MS), and laboratory fortified matrix duplicate (LFMD) or matrix spike duplicate (MSD), a fee for two additional samples will be charged.

(C) A fee of \$8 per sample will be charged for samples submitted but not analyzed at the submitters request, including samples on hold, and then voided.

(D) The preparation fee (or 20% of the analysis fee if there is no separate preparation fee) will be charged for any sample prepared but not analyzed at the clients request.

(E) A fee equal to 3% of the analysis fee will be charged for a summary of the quality control data routinely generated during the analysis. This summary may include data for method blanks, duplicate, matrix spike recovery, laboratory control samples, and surrogate recovery.

(F) Additional copies of reports and raw data packages will be provided at a cost of \$0.10 per page for each request in excess of 50 pages. An additional fee of \$15 will be charged for each hour in excess of one hour to prepare the request.