Texas Forensic Science Commission

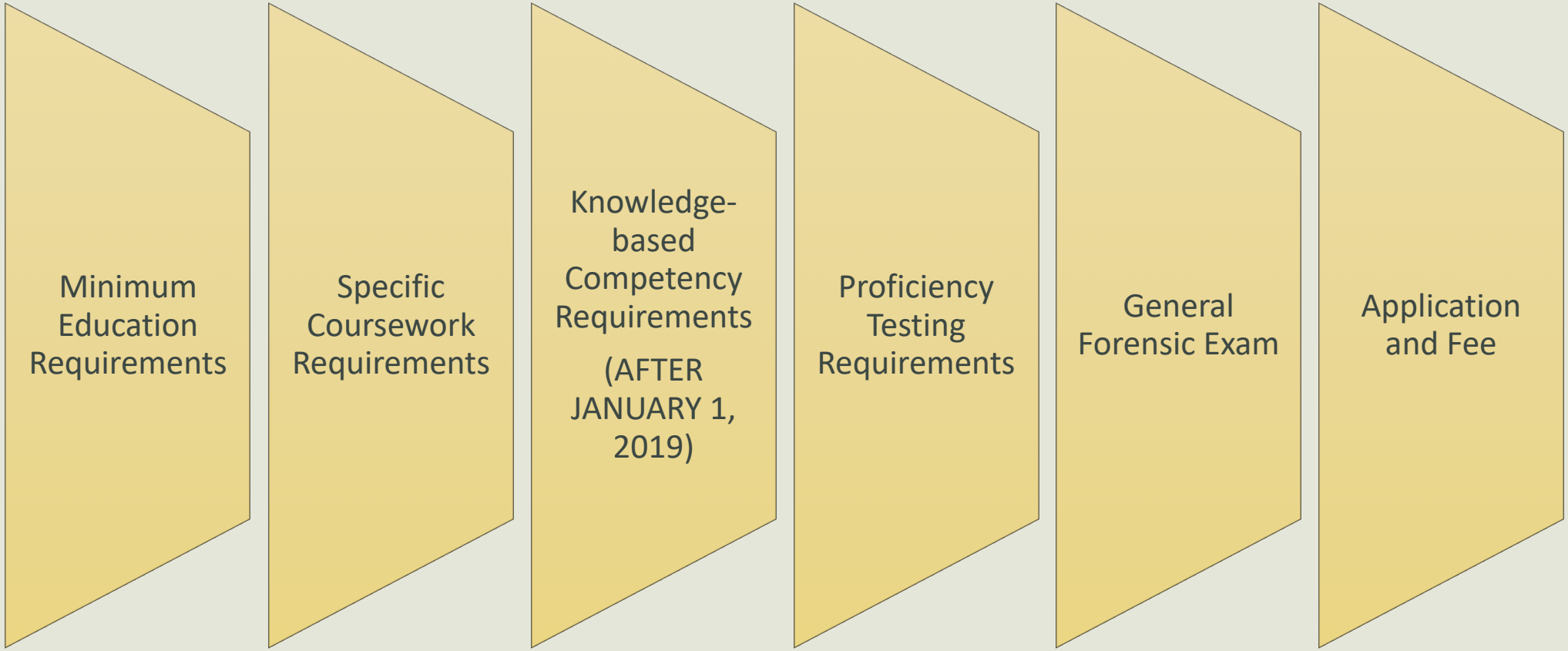
Forensic Analyst Licensing Program
37 Tex. Admin. Code Chapter 651, Subchapter C

Seized Drugs Requirements

Requirements – Prerequisite Qualifications for the License

- Current employment at a Texas-accredited lab.
- Perform forensic analysis in one of the forensic disciplines subject to accreditation and licensing requirements in Texas (Seized Drugs; Toxicology; Forensic Biology; Firearms/Toolmarks; Document Examination; Materials (Trace))
- Meet the definition of a forensic analyst or technician.
- Forensic analyst – “a person who on behalf of a crime laboratory accredited under Article 38.01 §4-d, Code of Criminal Procedure, technically reviews or performs forensic analysis or draws conclusions from or interprets a forensic analysis for a court or crime laboratory.”
- Technician – “an individual who performs basic analytical functions under the supervision of a qualified analyst but does not evaluate data, reach conclusions or sign any report for court or investigative purposes…”

SEIZED DRUGS - What do I need to obtain a Forensic Analyst License? Demonstrate you meet the following:



SEIZED DRUGS CATEGORIES

CATEGORIES OF ANALYSIS MAY INCLUDE ONE OR MORE OF THE FOLLOWING:

Qualitative determination, quantitative measurement, weight measurement, and volume measurement.

CATEGORIES OF LICENSURE:
SEIZED DRUG ANALYST
SEIZED DRUG TECHNICIAN

WAIVER FOR CERTAIN SUPPORT PERSONNEL

Non-proficiency tested laboratory support personnel exemption.

(1) An individual who performs only support functions that do not require participation in proficiency testing in accordance with the laboratory's accrediting body requirements is not required to obtain a Forensic Analyst License.

(b) Proficiency tested laboratory support personnel waiver application.

(1) A laboratory may apply to the Commission for an exemption from the licensing requirement on behalf of personnel who are subject to accrediting body proficiency testing requirements, but perform only support functions so limited in nature (e.g., aliquoting, accessioning, data entry etc.) as to render the licensing requirement overly burdensome and impractical for those employees.

(2) The Licensing Advisory Committee shall review each support personnel waiver application and make a determination as to the applicability of the exemption under this section based on the description in (b)(1) of this section. Any laboratory that is denied a support personnel waiver request may appeal the decision to FSC.

MINIMUM EDUCATION REQUIREMENTS – SEIZED DRUGS

- An applicant for a Forensic Analyst License in seized drug analysis must have a baccalaureate or advanced degree in a chemical, physical, biological science, chemical engineering or forensic science* from an accredited university .

- An applicant for a Forensic Analyst License limited to seized drug technician must have a minimum of an associate's degree or equivalent .

- *Forensic science programs must be either FEPAC-accredited OR meet the minimum curriculum requirements pertaining to *natural science core courses and specialized science courses* set forth in the FEPAC Accreditation Standards. FEPAC website

SPECIFIC COURSEWORK REQUIREMENTS – SEIZED DRUGS

- Seized Drugs Analyst:
  - Before January 1, 2019 (NOW) – Must satisfy the specific coursework requirements of your lab's accrediting body.
  - After January 1, 2019 – a minimum of 16 semester credit hours (or equivalent) in college-level chemistry coursework above general coursework from an accredited university. PLUS a college-level statistics course or statistics course approved by the Commission.
- Seized Drugs Technician: No specific coursework requirements.

KNOWLEDGE-BASED COMPETENCY REQUIREMENTS SEIZED DRUGS (BEGINS AFTER JANUARY 1, 2019)

- Written certification from lab's authorized representative that analyst has been sufficiently trained in all applicable knowledge-based competency subject areas set forth by the Commission.
- Knowledge-based competency requirements by discipline will be published on the Commission's website. Final Certification Form will be accessible in TopClass.

PROFICENCY TESTING REQUIREMENTS
SEIZED DRUGS

- Written certification from your lab's authorized representative that you are proficiency tested ***in accordance with and on the timeline set forth by your lab's accrediting body***.
- Form must be signed by your lab's representative and uploaded to your application in TopClass.
- Final Certification Form will be accessible in TopClass by applicants.

GENERAL FORENSIC EXAM

- Must take and pass either the pilot General Forensic Exam (being offered now through April 13) or the regular General Forensic Exam that will be offered beginning in May 2018.
- DOMAINS/SUBJECT AREAS: Evidence Handling; Brady/MMA; Statistics; Expert Testimony; Professional Responsibility; Human Factors; Root Cause Analysis.
- Modified exam for technicians (Evidence Handling; Brady/MMA; Professional Responsibility; Basic Human Factors; Basic Root Cause Analysis).

GENERAL FORENSIC EXAM

- Access to study materials – Create an account in TopClass
  - To create your account, please click on the following link: Create a TopClass Account
  - Then, click Register Now to create your account username and password.
  - To access the study materials for the General Forensic Licensing Exam, click on View My Learning, then click the +ADD button. In the search bar, you'll search the "Catalog" for "General Forensic" and click ENROLL. The materials will be added to your My Learning materials page and you should be able to access them at this point.

GENERAL FORENSIC EXAM

- The pilot exam has 140 questions. The purpose of the pilot is to identify the “best performing questions” for the regular GFE, which will have 100 questions.
- The exam is multiple choice. Each question is equally weighted (1 point). There is only one correct answer for each question, and none of the questions have “all of the above” or ”none of the above” type answers.
- The questions are randomized throughout the exam. All questions must be answered; examinees may skip questions and go back to answer them at the end.
- The list of “task statements” in TopClass provides a general outline of subjects intended to be tested on the exam. However, if the concept is in the reading, it is fair game for a test question.
- Examinees are not expected to do any studying outside of what is designated in the study materials.

GENERAL FORENSIC EXAM

- Examinees are not expected to do any research or studying outside of the study materials.
- Examinees are provided 4 hours to take the test. Tests are administered in laboratories by proctors. Most people will not need 4 hours.
- People may bring language translation dictionaries but nothing else. Everyone gets scratch paper to make notes but must turn any used paper into proctor at the end of the exam.
- The exam is online and a PIN will be administered to enter the exam when you sit down to take it.
- No discussion of the test is permitted during or after the exam, though analysts are welcome to study together before taking the test. Cheating will result in denial of license.

APPLICATION AND FEE

- Submit your application and documentation of all required components in TopClass – **30 days before January 1, 2019.**

- Pay the required fee in TopClass.
  - $220 (this is for a two-year period and includes the examination)

LICENSE CYCLE AND RENEWAL REQUIREMENTS

- Your license expires 2 years from the date the Commission issues your license.
- You may renew up to 90 days before your license expiration date.
- Biennial Renewal Requirements
  - Pay the required fee - $200
  - Demonstrate Continuing Education requirements (to be specified by the Commission and published on the Commission's website), including completion of Mandatory Legal and Professional Responsibility Training hosted by the Commission.
  - Submit an updated Proficiency Testing Certification form signed by your lab's authorized representative.
  - If your license lapses (beyond the date your license expires) – you must pay the full $220, submit a signed Did Not Practice form, and update continuing education and proficiency testing requirements as outlined below.

NONFULFILLMENT OF REQUIREMENTS
OTHER LICENSE OPTIONS

- Provisional License
  - Unable to meet one or more of the requirements to get a license (can't pass the test; can't meet one of the educational requirements, need more time, etc.)
  - Term – one year
  - Required fee $220
- Procedure for Denial of Initial Application
  - Opportunity for review by Licensing Advisory Committee
  - Requests for reconsideration considered by the Commission
- Waiver of Specific Coursework Requirements for Lateral Hires and Promoting Analysts
  - Five or more years credible experience in an accredited lab in the forensic discipline for which he/she seeks licensure; or
  - Certification by one or more nationally recognized certification bodies: ABFT; ABCC; ABC; IAI; AFTE; and
  - Lab-sponsored training in the subject matter areas addressed by the specific coursework requirements.
- Temporary License is available for those who perform forensic analysis for Texas infrequently (*see* 651.211).

OTHER CONSIDERATIONS

- Criminal Background Checks
  - Convictions or deferred adjudication *above* a Class C misdemeanor may adversely impact your ability to get a license.
  - Outlined procedure for consideration and appeals process provided in Government Code and also published in the Commission's licensing rules.
  - May request pre-consideration of conviction before submitting license application, paying the fee and/or taking the General Forensic Exam.

DISCIPLINARY ACTION

- Once your license is issued, the Commission may take the following actions if you are found to have committed misconduct.
  - Revoke or suspend your license
  - Refuse to renew your license
  - Reprimand you
  - Place your license on a probationary period
  - Opportunity for appeal through State Office of Administrative Hearings
    - Must be filed/requested within 30 business days of written, formal notification of revocation or suspension by the Commission

REQUIREMENTS REVIEW

REQUIREMENT	COMPLETE
Minimum Education Requirements	√
Specific Coursework Requirements	√
Knowledge-based Competency Requirements (*after 1/1/2019*)	
Proficiency Testing Requirements	√
General Forensic Exam	√
Application and Fee	√

- Provisional Option
- Other Considerations
- Renewal

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QUESTIONS? leigh.savage@fsc.texas.gov or 512-936-0770