

STATE OF MAINE

**SCHEDULE OF CHARGES FOR TESTING AND
SERVICES PROVIDED BY THE MAINE HEALTH AND
ENVIRONMENTAL TESTING LABORATORY**

**10-144 CODE OF MAINE RULES
CHAPTER 257**



Maine Department of Health and Human Services
Maine Center for Disease Control and Prevention
11 State House Station
Augusta, Maine 04333-0011

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**10-144: Department of Health and Human Services
Maine Center for Disease Control and Prevention**

Chapter 257: Schedule of Charges for Testing and Services Provided by the Maine Health and Environmental Testing Laboratory

SUMMARY

This rule establishes a schedule of charges for services rendered by the Maine Health and Environmental Testing Laboratory.

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SECTION 1. PURPOSE

Pursuant to 22 MRS §565, the Department of Health and Human Services Maine Center for Disease Control and Prevention (Department) establishes this schedule of analytic testing fees and charges for services rendered by the Maine Health and Environmental Testing Laboratory (HETL), including, but not limited to, the chemical and microbiological testing and examination of water supplies, food products, drinking water, and environmental and forensic samples, and the testing and examination of cases and suspected cases of infectious and communicable diseases. The fees specified in this rule apply to all individuals, agencies and providers seeking services conducted by HETL. This rule includes services that the Department deems essential to public health and the criteria for waiving HETL fees. This rule establishes the combination of tests recommended by the Department for residential private drinking water wells and specifies the fees that may be collected for certain drinking water tests pursuant to 22 MRS §2660-U.

SECTION 2. ANALYTICAL TESTING FEES

A.

Table 1.

CLINICAL MICROBIOLOGY TEST	FEE
Molecular Biology	
Real-Time Polymerase Chain Reaction (PCR)	\$110
Reverse Transcription Real-Time Polymerase Chain Reaction (PCR)	\$110
Standard Electrophoretic Polymerase Chain Reaction (PCR)	\$110
Sanger sequencing for bacterial identification	\$163
Whole Genome Sequencing (<i>Fees will vary based on reagents</i>)	\$0-\$800
Nucleic Acid Amplification Test (NAAT)	\$25
Bacterial Identification by Phenotypic Methodologies	\$50
Mycobacteria	
Smear	\$20
Primary Culture	\$35
Interferon-Gamma Release Assays (IGRA)	\$50
Blood Lead	\$25
Enteric Pathogen Screen: Norovirus, <i>E. coli</i> , <i>Salmonella</i> , <i>Shigella</i> , <i>Campylobacter</i> , and <i>Listeria</i>	\$160
Cerebrospinal Fluid (CSF) Panel: Enterovirus, Herpes Simplex Virus (HSV) 1/2, Varicella Zoster Virus (VZV), <i>Neisseria meningitidis</i>	\$440
Respiratory Pathogen Screen: Influenza, Adenovirus, Rhinovirus, RSV, Respiratory Enterovirus, and Parainfluenza	\$550
Rabies	\$150
Serological Particle Agglutination Assay	
TP-PA Confirmation Test (particle agglutination)	\$20
VDRL Test for <i>Syphilis</i> on Cerebrospinal Fluid (particle agglutination)	\$15
Serological Enzyme Immunosorbent Assays (EIA)	

CLINICAL MICROBIOLOGY TEST	FEE
Vaccine Preventable Diseases (i.e. diseases as recommended by the U.S. CDC at https://www.cdc.gov/vaccines/vpd/vaccines-diseases.html)	\$40
Rapid Plasma Reagin (RPR) 18-mm Circle Card Test	\$15
HIV 1/2 EIA fourth generation	\$22
HIV 1/2 Geenius	\$50
Qualitative serological immunoassays	\$0
Quantitative serological immunoassays	\$22
Serological immunofluorescent assays (IFA)	
Vaccine Preventable Diseases (i.e. diseases as recommended by the U.S. CDC at https://www.cdc.gov/vaccines/vpd/vaccines-diseases.html)	\$40
Serological microsphere immunosorbent assays (MIA)	\$50

B. **Table 2.**

UNIFORM RECOMMENDATIONS FOR RESIDENTIAL PRIVATE WELLS TESTING*	FEE
RES1 (uniform testing recommendation compliant post-1988): (coliform bacteria & <i>E. coli</i> (pos/neg), radon water, nitrate, nitrite, fluoride, chloride, sodium, hardness, copper, iron, pH, manganese, uranium, lead, arsenic, and magnesium)	\$145
RES2 (uniform testing recommendation compliant pre-1988): (coliform bacteria & <i>E. coli</i> (pos/neg), radon water, nitrate, nitrite, fluoride, chloride, sodium, hardness, copper, iron, pH, manganese, uranium, lead, arsenic, and magnesium) and first draw lead	\$145
* The recommended tests specified in this table must be included in written material related to private drinking water well tests, in accordance with 22 MRS §2660-T. Any entity that performs testing for residential private drinking water samples, provides related outreach or education, or advertises private well testing must update related written material to include these uniform testing recommendations. The advisory committee established by the Department may recommend additional tests for residential private drinking water wells. Testing recommended by the committee that is in addition to the tests listed under RES1 or RES2 above may result in additional charges, based on the cost of the test or service.	

C. **Table 3.**

RESIDENTIAL PRIVATE DRINKING WATER QUALITY TESTS	FEE
TSA – Level 1 – basic safety (coliform bacteria & <i>E. coli</i> (pos/neg), nitrate and nitrite)	\$40
TSFHA – Residential Sales (coliform bacteria & <i>E. coli</i> (pos/neg), nitrate, nitrite, fluoride, chloride, sodium, pH, color, turbidity, hardness, copper, iron, manganese, uranium, lead, arsenic, calcium and magnesium)	\$125
New Well (coliform bacteria & <i>E. coli</i> (count), nitrate, nitrite, fluoride, chloride, pH, hardness, calcium, iron, manganese, magnesium, uranium and arsenic)	\$125
Alkalinity (ALK)	\$30
Ammonia	\$25
Chloride	\$25

RESIDENTIAL PRIVATE DRINKING WATER QUALITY TESTS	FEE
Coliform Bacteria & <i>E. coli</i> (count) (TGS)	\$35
Coliform Bacteria & <i>E. coli</i> (pos/neg) – (Revised Total Coliform Rule/Routine Compliance) - (TG)	\$25
Color	\$20
Conductivity	\$20
Fluoride	\$25
Hardness	\$30
Lead - First Draw (PB1)	\$30
Metals Analysis (<i>See Table 5 below for list of metals</i>)	\$30/metal
Nitrate	\$25
Nitrite	\$25
pH	\$20
Sulfate	\$25
Turbidity	\$20
Radon in Water	\$40

D. Table 4.

PUBLIC WATER QUALITY TEST	FEE
TSA – Level 1 – Basic Safety (coliform bacteria & <i>E. coli</i> (pos/neg), nitrate and nitrite)	\$40
TSBA – Level 2 – Non-residential Basic Safety (coliform bacteria & <i>E. coli</i> (pos/neg), nitrate, nitrite, fluoride, chloride, pH, hardness, calcium, copper, iron, manganese, magnesium, uranium and arsenic)	\$125
Health Inspection Program Safety (coliform bacteria & <i>E. coli</i> (pos/neg) and nitrate and nitrite, fluoride, chloride, hardness, copper, iron, pH, manganese, antimony, uranium and arsenic)	\$125
TE3 (community supplies extended inorganics (phase V): sulfate, antimony, beryllium, nickel, and thallium)	\$165
TE4 (lead and copper)	\$45
TE5 (community supplies corrosion treatment parameters: alkalinity, calcium, conductivity and silica)	\$75
TE6 (nitrate, nitrite, chloride, total hardness, calcium, magnesium, fluoride, sulfate, antimony, uranium, beryllium, nickel, copper, iron, manganese, zinc, arsenic, barium, cadmium, chromium, lead, mercury, silver, selenium, sodium, thallium, color, pH, and turbidity)	\$295
TE6.1 (Same as TE6 without nitrate and nitrite)	\$265
TSF (coliform bacteria & <i>E. coli</i> (count) alkalinity, color, conductivity, nitrate, nitrite, fluoride, chloride, sulfate, ammonia, pH, arsenic, barium, cadmium, calcium, chromium, copper, iron, lead, manganese, magnesium, uranium, potassium, sodium, TDS, hardness, and turbidity)	\$365
NEW PUBLIC (coliform bacteria & <i>E. coli</i> (pos/neg), nitrate, nitrite, fluoride, chloride, pH, hardness, calcium, antimony, iron, manganese, magnesium, uranium and arsenic)	\$125

E. Table 5.

ENVIRONMENTAL INORGANIC TEST	FEE			
Alkalinity (ALK)	\$30			
Ammonia	\$25			
Bicarbonate (Titration + pH)	\$35			
Biochemical Oxygen Demand	\$35			
Chlorophyll (Filtering)	\$25			
Chlorophyll	\$40			
Chloride	\$25			
Coliform Bacteria & <i>E. coli</i> (count) (TGS)	\$35			
Coliform Bacteria & <i>E. coli</i> (pos/neg) – (Coliform rule/routine compliance) - (TG)	\$25			
Color	\$20			
Conductivity	\$20			
Corrected Chlorophyll	\$10			
Cyanide by GC/MS	\$100			
<i>E. coli</i> Swimming	\$35			
Effluent Bacteria (<i>E. coli</i> count)	\$35			
Enterococci Swim	\$35			
Fluoride	\$25			
Fecal Coliform Co-Alert 18	\$35			
Hardness	\$30			
Iron Bacteria (TSI)	\$30			
Heterotrophic Plate Count (HPC)	\$30			
Lead - First Draw (PB1)	\$30			
Metals Analysis (*see below for list of metals)	\$30/metal			
Metals Analysis Prep	\$30			
Metals Dissolved (*see below for list of metals)	\$35/metal			
Nitrate	\$25			
Nitrate (low level)	\$50			
Nitrite	\$25			
Nitrite (low level)	\$50			
Nitrate and Nitrite (TNN)	\$40			
Nitrate/Nitrite Low Level (LNN)	\$70			
Ortho Phosphorus	\$45			
pH	\$20			
Pseudalert	\$35			
Silicon/ Silica	\$25			
Total Solids	\$30			
Total Suspended Solids	\$30			
Total Dissolved Solids	\$30			
Sulfate	\$25			
Total Kjeldahl Nitrogen (TKN)	\$40			
Total Phosphorus	\$45			
Turbidity	\$20			
*Metals testing include:				
Aluminum (Al)	Boron (B)	Copper (Cu)	Molybdenum (Mo)	Silver (Ag)
Antimony (Sb)	Cadmium (Cd)	Iron (Fe)	Nickel (Ni)	Sodium (Na)
Arsenic (As)	Calcium (Ca)	Lead (Pb)	Potassium (K)	Thallium (Tl)
Barium (Ba)	Chromium (Cr)	Magnesium (M)	Selenium (Se)	Vanadium (V)
Beryllium (Be)	Cobalt (Co)	Manganese (Mn)	Silicon (Si)	Zinc (Zn)

F. Table 6.

ENVIRONMENTAL ORGANIC TEST	FEE
Chlorinated Acids - Herbicide Screen	\$250
PEST_CL_PCBS_508 - Chlorinated Hydrocarbon Pesticides and PCB's	\$100
HAA_552 - Haloacetic Acids	\$200
SVO-525 - Semi-volatile Organics Screen	\$240
CARBAMATES 531 - Carbamate Pesticides	\$160
VOC-524 - Volatile Organic Compounds	\$160
TOC-D - Total Organic Compounds - Dissolved	\$65
TOC-T - Total Organic Compounds – Total	\$50
THM_524 - Tri Halomethanes	\$100
Tetrahydrocannabinol (THC) in Hemp (< 0.3% THC)	\$150

G. Table 7.

RADIATION TEST	FEE
Gross Alpha PPT	\$120
Gross Beta	\$90
Radon in Air	\$40
Radon in Water	\$40
Wipes	\$40
Gamma Scan (non-potable water)	\$125
Gamma Scan (soils)	\$200
Gamma Scan (vegetation)	\$125
Gamma Scan (air filter)	\$45
Gross Alpha (air filter)	\$45
Gross Alpha (non-potable water)	\$125
Gross Beta (non-potable water)	\$125
Gross Beta (air filter)	\$45
Tritium (non-potable water)	\$125

H. Table 8.

LEAD TEST	FEE
Environmental Lead Dust Wipes	\$17
Lead in Paint	\$17
Lead in Soil	\$35

I. Table 9.

FORENSIC TEST	FEE
Controlled/Non-Controlled Substances Analysis	
Identification (powders, plants, tablets, residues)	\$155/sample
Identification with quantification	\$185/sample
Blood Alcohol Analysis	\$70/sample

FORENSIC TEST	FEE
Toxicology (blood and urine analysis w/confirmation)	\$225/sample
Weight Only	\$60/hour
Outsourced samples*	Market rate
<i>*When HETL cannot perform the requested test, HETL will submit the sample to an external accredited, licensed laboratory qualified to complete the analysis. HETL will inform the client of the anticipated charges and obtain the client's permission prior to outsourcing the requested test.</i>	

SECTION 3. ADMINISTRATIVE FEES AND SERVICE CHARGES

A. Adjudication services.

1. Expert witness testimony performed by HETL staff.....\$100/hour
2. Discovery requests: When HETL receives a discovery request, HETL will assess an administrative fee of \$50 for compiling the material and providing requested documents. Requests that require lengthy or complex responses may result in additional charges based upon the required expenditure of HETL resources, including staff time. If it is anticipated that the fee will exceed \$50, HETL will inform the requester of the estimated additional charges and obtain the requester's permission before preparing the response to the request.

B. Administrative fees. HETL may impose charges for administrative services to license applicants and collect unpaid HETL services as set forth below.

1. Licensing. HETL assesses a fee for processing initial applications and license renewals to ensure laboratories conducting testing of employees and applicants for substances of use are compliant.
 - a. Initial Application Fee.....\$600
 - b. Annual License Renewal Fee.....\$400
2. Collection of overdue payment. Accounts with outstanding balances are subject to service charges. HETL assesses a payment collection service charge that is a percentage of the overdue balance. This charge reflects the expenditure of HETL resources, including staff time, required to collect the overdue payment(s).
 - a. 30 days late.....1%
 - b. 60 days late.....2%
 - c. 90 days late.....5%

C. Other service charges.

1. One-time project fee for environmental monitoring. HETL will assess a charge for providing assistance to those entities requesting an environmental monitoring project. Charges will be based on the hourly rate for HETL staff time and in accordance with the setting methodology specified in

Section 3(F) of this rule. HETL will inform the client of the projected cost and obtain the client's permission before performing these services.

2. Analytical data package/research. HETL will assess a fee for fulfilling requests for analytical data packages and related research.....\$100/hour

D. Fee for lab orders. Any human clinical tests submitted by a licensed laboratory on or after January 1, 2022 must be sent electronically to HETL through HL7 messaging in accordance with the standards set forth in the current Public Health Information Network (PHIN) guide accessed at <https://www.cdc.gov/phn/resources/standards/index.html>. This submission must be completed using a bidirectional interface between the licensed laboratory and HETL.

1. Laboratories that submit a limited number of orders may submit a written request to waive this HL7 messaging requirement. HETL may review requests from laboratories with low volume of monthly samples and approve direct entry into STARLIMS through a provider portal.
2. HETL will assess an administrative fee for all clinical submissions requiring manual entry, unless the Department has granted the laboratory a waiver.....\$25/submission
3. Bidirectional messaging failure. A fee will not be charged, if the failure to submit using bidirectional messaging is due to a HETL system malfunction.

E. Private well water test fee collection. Pursuant to 22 MRS §2660-U, HETL collects a separate fee for a water test ordered for residential private drinking water wells and deposits this amount into the Private Well Safe Drinking Water Fund. HETL will collect a fee equal to \$2 for a water test ordered for a residential private drinking water well. This mandated fee is in addition to charges for the total cost of the test(s).

F. Rate setting methodology. For tests not listed in Section 2, or for services not listed in this section, HETL will charge at a rate consistent with the cost of the test or service. Charges are based on test methods, calibration, quality control, and proficiency testing materials, along with the level of scientific and technical knowledge, and reflective of one or more of the following factors:

1. Test complexity. Test systems are assigned a moderate or high complexity category based on the test categorization criteria set forth at 42 C.F.R. §493.17. The categorization contributes to the price, with higher complexity tests contributing to a higher price.
 - a. Highly complex test requires multiple and/or significant steps in preparation, processing, and interpretation.
 - b. Moderately complex test requires basic laboratory knowledge and training of personnel performing the tests. Moderately Complex Tests (MCT's) may require reagent preparation, limited pretreatment of specimens, quality control, calibration, proficiency testing, some skill in troubleshooting and maintaining equipment, and some skill or judgement in interpretation of results.
2. HETL's hourly rates are calculated based on the compensation of HETL staff appropriate to perform the test or service.
3. Instrumentation. Test method is manual or automatic, along with the level of required decision-making and direct intervention to interpret results.

4. Reagents. Stability, reliability, preparation, and whether there is a requirement for special handling, precautions or storage conditions.
5. Supplies. Whether the supplies are prepared in the lab or prepackaged, or premeasured, or there is a requirement for special handling, precautions or storage conditions.
6. Comparable test. The rate of a closely related existing test available through another laboratory.

When the cost of the test or service is not listed, HETL will inform the client of the total estimated cost based on the methodology described in this rule and obtain the client's permission prior to accepting the sample from the client or beginning the requested services. Prices for tests conducted by HETL and not listed in this rule will be subject to future rulemaking.

SECTION 4. FEE WAIVER AND REMITTANCE

A. Service fee waiver. The Department may waive charges for services conducted by HETL under certain circumstances. Examples of testing conducted by HETL for which the fee may be waived include, but are not limited to, the following services, which the Department deems essential to the public health:

1. Laboratory Response Network Bioterrorism and Select Agent testing per the HHS and USDA Select Agents and Toxins 7 CFR Part 331, 9 CFR Part 121, and 42 CFR Part 73.
2. All required samples submitted in accordance with 10-144 CMR, Chapter 258, Rules For the Control of Notifiable Diseases and Conditions.
3. Any samples assigned an outbreak number by the Department.
4. Rabies specimens for which a public health risk exists as determined by an epidemiologist or veterinarian.
5. Serotyping of *Neisseria meningitidis* and *Haemophilus influenzae* from sterile sites.
6. Confirmation and serotyping of *E. coli*, *Salmonella*, and *Shigella* bacterial isolates.
7. Whole genome sequencing of *E. coli*, *Salmonella*, *Shigella*, *Campylobacter*, and *Listeria* bacterial isolates.
8. Whole genome sequencing of bacterial isolates associated with hospital-acquired infections submitted with prior authorization from the Department.
9. Whole genome sequencing and subsequent metagenomic analysis to determine the potential causative infectious agent(s) of an environmental sample submitted with prior authorization from the Department.
10. Identification of vector borne diseases in mosquitoes and ticks with prior authorization from the Department or vector borne biologists.
11. Reverse transcription real-time polymerase chain reaction (PCR) for the detection and genotyping of Influenza virus.
12. Tuberculosis (TB).

- a. All testing on patient samples that are submitted with prior authorization from the Department's TB Control Program.
- b. All testing on patient samples identified as mycoplasma tuberculosis complex (MTBC) positive.
- c. All MTBC rule-out testing on specimens submitted for tuberculosis suspects reported to the TB Control Program in advance of samples being submitted and who meet the Department's TB Control Program's definition for a MTBC suspect.

B. Residential water supply fee waiver for fees over \$150. Any fees in excess of \$150 for testing a private residential water supply will be waived when:

1. Initial testing or screening indicates the need for additional testing at a cost of more than \$150 to determine whether the private residential water supply contains contaminants potentially hazardous to human health, and the Department's Maine CDC determines that the additional testing is essential to the maintenance of public health; or
2. The Department's Maine CDC Drinking Water Program or Epidemiology Program has reason to suspect that the private residential well may be contaminated and that additional testing is essential to the maintenance of public health. In making this determination, this Maine CDC staff will consider:
 - a. The proximity of the private residential water supply well to a known or suspected source of contamination;
 - b. The proximity of the private residential water supply well to another private well or water supply known to be contaminated;
 - c. Documentation from a physician who has seen or treated a person and has identified contaminated drinking water as a possible cause of the person's condition or symptoms; and/or
 - d. Information provided by the owner or user of the private residential water supply voluntarily or in response to the Department's request for information.

As authorized by 22 MRS §2609, the Department will seek to recover the costs of testing in excess of \$150 from the person responsible for contaminating the residential water supply, or from the recipient of any compensation for contamination of the residential water supply.

C. Residential water supply fee waiver for all fees. In addition to the considerations in subsection B above, the Department may consider the following, as applicable, in determining whether to waive fees less than \$150 for a private residential water supply testing:

1. A statement from a code enforcement officer documenting potential contamination of a private residential water supply.
2. A statement from a licensed healthcare provider who has seen or treated a person and has identified contaminated drinking water as a possible cause of the person's condition or symptoms.

3. Any information provided by any agency of the Department, or by the Department of Environmental Protection (DEP), that would support a finding of a need to test the private water supply in order to protect the public health.
 4. Whether more than one test listed in Section 2 is conducted for a water sample from the same residential private drinking well. When test results for the private residential water supply warrant additional testing, the Department may waive payment of testing fees if the additional testing is conducted within one year subsequent to the initial testing.
 5. Indigency of the owner of the private residential water supply. For the purpose of this rule, financial need, or indigency, is determined by HETL, based on gross household income and household size, consistent with federal poverty guidelines calculations. Minimally, the applicant must show evidence of gross household income that is under 130% of the federal poverty guidelines. Evidence of indigency may include demonstration of SNAP eligibility or qualification for fuel assistance, or other documentation requested by HETL to determine financial need.
- D. Fee reduction for public agencies.** Upon request, HETL may reduce or waive the fee for certain tests requested by or on behalf of a public agency. Public agencies are governmental units and non-profit health agencies receiving financial support from the Department for public health testing or services. In considering a request for the reduction or waiver of a fee, HETL may consider factors including, but not limited to, whether the testing is requested to meet a public health need, the volume of tests submitted by the public agency, and whether the test is available through another laboratory.
- E. Right to appeal.** The decision to deny an applicant's request to waive a fee for service or test performed by HETL is considered final agency action as defined in 5 MRS §8002, sub§-4. The decision to deny a request for a waiver will state the reason for the denial and the applicant's right of appeal. The applicant whose request is denied may appeal to a court of competent jurisdiction, in accordance with 5 MRS §11001.
- F. Payment submission.** Payment of HETL fees and service charges must be in the form of a check and remitted to:
- Treasurer, State of Maine
 - Health and Environmental Testing Laboratory (HETL)
 - DHHS Maine CDC
 - 12 State House Station
 - Augusta, Maine 04333-0012

STATUTORY AUTHORITY:

22 M.R.S. §§ 565(3), 2602, 2602-A, 2609, 2660-T, 2660-U, 2660-V and 2660-X

EFFECTIVE DATE (NEW):

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