

TITLE 177 HEALTH/LABORATORY SERVICES

CHAPTER 5 FEES FOR DEPARTMENT LABORATORY TESTS AND SERVICES

5-001 SCOPE AND AUTHORITY: These regulations establish formulas for fees for laboratory tests and services and responsibility for payment. The authority is found in Neb. Rev. Stat. §§ 71-2619 to 71-2621, 71-5301, and 71-5306.

5-002 DEFINITIONS

Chain of Custody means the documentation and other activities done to ensure the identity of a sample and to ensure that no substantial change has taken place in the sample to make it misleading. It includes all those activities that protect the integrity of the sample.

Department means the Department of Health and Human Services Regulation and Licensure.

Elective test means a drinking water sample test which is performed for a reason other than to meet the public water system testing requirements found in Title 179.

Equipment means any tool, instrument, appliance, or utensil necessary to perform the task of analyzing laboratory samples which has a life expectancy greater than two years.

Person means any individual, firm, partnership, limited liability company, association, company, corporation, political subdivision, or other entity.

Public water system has the definition found in the Nebraska Safe Drinking Water Act, Neb. Rev. Stat. §71-5301.

Sample means a representative portion of any substance submitted to the laboratory for testing.

Shipping means conveying from one location to another.

Test means the application of prescribed procedures designed to identify or measure the microbiological, chemical, radiological, or physical characteristics of materials and substances.

5-003 COMPONENTS OF FEES IN THE FORMULAS

Where: Cost of Labor = 3 times the cost of the average salary and benefits of Department Laboratory employee(s) who conduct the analysis for the period of time required to complete the test. The multiplier is used to account for employee time spent

on laboratory related tasks such as professional training and certification, quality assurance, documentation and reporting, and equipment calibration and cleaning.

$$\text{Equipment Cost} = \frac{\text{Cost of Equipment}}{\text{Life Expectancy of Equipment}} + \text{Maintenance} + \text{Repairs}$$

Materials cost includes disposable equipment, reagents and other items having a life expectancy of less than 2 years.

Overhead costs are the business expenses not chargeable to a particular part of the work or product, such as rent, utilities, travel, administration and computers.

Sample collection kit cost means all costs associated with the container and chemicals for preservation of samples required to take samples relating to testing of drinking water, environmental samples and blood alcohol.

Shipping cost includes all costs associated with the sample collection kits, mailing containers, sample collection forms and instructions, labor, cost of postage or transportation, and mailroom equipment and anything else necessary to carry out the function of shipping.

Chain of Custody costs include all costs associated with the special documentation and maintenance of samples.

5-004 FORMULA FOR DETERMINING SAMPLE COLLECTING FEES

$$\text{Fee} = \text{Shipping Cost} + \text{Overhead}$$

5-005 FORMULA FOR DETERMINING BLOOD ALCOHOL SAMPLES TESTING

$$\text{Fee} = \frac{\text{Labor Cost} + \text{Materials Cost} + \text{Equipment Cost} + \text{Overhead} + \text{Chain of Custody}}{\text{Estimated Number of Tests}}$$

5-006 FORMULA FOR ESTABLISHING FEES FOR ROUTINE DRINKING WATER SAMPLES

$$\text{Fee} = \frac{\text{Labor Cost} + \text{Materials Cost} + \text{Equipment Cost} + \text{Overhead} + \text{Chain of Custody}}{\text{Estimated Number of Tests}}$$

5-007 FORMULA FOR ESTABLISHING FEES FOR ENVIRONMENTAL SAMPLES TESTING

$$\text{Fee} = \frac{\text{Labor Cost} + \text{Materials Cost} + \text{Equipment Cost} + \text{Overhead} + \text{Chain of Custody}}{\text{Estimated Number of Tests}}$$

5-008 OTHER FEES

5-008.01 Elective Test Fees: These fees are determined using the formula(s) established for other like samples.

5-008.02 Additional Fees: Special requests, such as requests for samples to be tested at another laboratory to obtain a second opinion, will be charged at actual costs incurred by the Laboratory.

5-008.03 Fees for Contracted Tests: If the Department Laboratory contracts with another laboratory to perform certain tests, the fee will be the contracted cost plus any related expenses the Department Laboratory incurs.

5-008.04 Expedited Service Fee: If a request is made to assign higher priority to testing specific samples, and the laboratory workload is rescheduled to accommodate this request, any extra cost will be added to the listed fee. Extra cost may include overtime work and/or the cost of referring work to another laboratory.

5-009 RESPONSIBILITY FOR PAYMENT: Each sample submitted for analysis shall identify the person responsible for paying the appropriate fee.

5-010 OWNER RESPONSIBILITY: The owner of the public water system is responsible for collecting and transmitting samples in containers provided by the laboratory and at times prescribed by the laboratory. Delay or damage occurring prior to receipt of the samples by the laboratory will require submission of an additional sample.