



MEMORANDUM

TO: STATE'S ATTORNEYS AND DEFENDER GENERAL
FROM: AMANDA BOLDUC, TOXICOLOGY SECTION SUPERVISOR
SUBJECT: PROFICIENCY TEST PERFORMANCE
DATE: 1/3/2019

As part of our accreditation requirements and our in-house Quality Assurance program, each analyst must perform at least one external proficiency test per year for the discipline of Blood Alcohol Analysis. In October of 2018, David Patlak analyzed proficiency test CTS 18-565. Per Vermont Forensic Laboratory (VFL) procedures, a passing result for a quantitative analysis requires that the analyst's results be within 3 standard deviations (SD) of the grand mean of the results provided by the proficiency manufacturer (CTS). On December 18, 2018 the Vermont Forensic Laboratory received the results for CTS 18-565. A review of the data indicated that David's results were at least 8% higher than the grand mean of the CTS results for each of the 4 items tested. Two of the results (Item 1 and Item 3) were between 2SD and 3SD and one result (Item 4) was beyond 3SD. A root cause analysis was initiated and David was temporarily suspended from analyzing blood alcohol samples for casework. All of David's previous proficiency test results met the VFL's acceptance criteria and were deemed passing.

An initial investigation discovered that the technique used by David to pipette blood was different than the technique used by all other VFL blood alcohol analysts. An evaluation of various pipetting techniques was conducted. The results demonstrate that a "wash only" method is the most accurate and will be adopted by all analysts performing blood alcohol analysis (if not already using that technique). David's results were within the acceptable range when using the "wash only" technique so he was approved to return to casework on January 2, 2019. Copies of the Corrective Action Report will be available on the DMT Discovery website under the title "CAR 18-5".

Below please find a list of all samples analyzed by David Patlak between September 21, 2017 (the date of his last passing proficiency) and December 18, 2018 which were positive for ethanol. Cases with negative results have been excluded.

| VFL Lab # | Agency Case # | County |
|-----------|---------------|------------|
| V17-1756 | 17WT005733 | Chittenden |
| V17-1764 | 17A303759 | Washington |
| V17-1977 | 17A504034 | Orleans |
| V17-2058 | 17A205043 | Franklin |
| V17-2191 | 17A405851 | Caledonia |
| V17-2217 | 17B106917 | Windsor |
| V17-2334 | 17B107422 | Windsor |
| V17-2339 | 17A304865 | Washington |
| V17-2342 | 17TF00588 | Orange |
| V17-2351 | 17CT01743 | Rutland |
| V17-2360 | 17BU030186 | Chittenden |
| V18-979 | 18A402550 | Caledonia |
| V18-1021 | 18B202282 | Windsor |

Please feel free to contact the laboratory if there are any questions.