



Maryland Sexual Assault Evidence Kit Policy and Funding Committee

February 25, 2022

Dear Partners,

The Maryland Sexual Assault Evidence Kit Policy and Funding Committee (SAEK Committee) wishes to advise you of a recent development with the State's supply of Sexual Assault Evidence Collection Kits (kits) and the actions that the Maryland State Police (MSP) has put in place to address the issue.

The current supply of kits used by Forensic Nurse Examiners to perform sexual assault exams at Maryland hospitals expired at the end of January 2022. Notably, this expiration date applies to specific components of the kit and not the kit in its entirety (for more details, please see point 2 below). MSP, which procures and distributes the kits, has placed an order for new kits to supply all hospitals once they are available. MSP immediately brought the situation to the attention of the SAEK Committee. After a thorough discussion, the SAEK Committee agreed that sexual assault forensic exams should continue to be performed with the current supply of State kits as indicated below. Important points to know are as follows:

- 1) The kits contain standardized paperwork for documenting the sexual assault examination along with various supplies and storage envelopes for properly collecting and preserving the physical evidence.
- 2) The kit expiration date is marked on the outside of the kit and is based on the earliest of three expiration dates for three items in the kit. These three items are: (1) sterile swabs for collecting samples from the survivor; (2) a sterile lancet to draw blood from the survivor's finger for a reference sample; and (3) an FTA Micro Card for the long-term storage of the survivor's reference sample.
- 3) The FTA Micro Card is the only item within the current supply of kits that has expired. As noted above, the FTA Micro Card is not used to collect an evidentiary sample, but rather is used to collect a known reference sample from the survivor. The component associated with the FTA Micro Card that expires is a chemical reagent added to filter paper that minimizes degradation of the DNA in the blood sample when stored over extended time at room temperature. This additive provides an extra level of precaution, but in reality, the likelihood of obtaining a full DNA profile from non-treated filter paper is nearly 100%.
- 4) The earliest expiration date for the other items with expiration dates, the swabs and lancet, is the end of 2022.



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- 5) MSP has placed an emergency order of new kits with an estimated shipment date of April 2022. In the meantime, MSP has secured a supply of 800 unexpired FTA Micro Cards to replace the expired FTA Micro Cards within the kits. Any law enforcement agency or hospital in possession of expired kits may immediately contact the MSP Quartermaster Division to arrange for pickup of the new FTA Micro Cards. Please only request the amount needed until the arrival of the new kits. MSP has updated the process for requesting replacement FTA Micro Cards and/or entire evidence collection kits. To submit your request, complete the form located at bit.ly/SAECKit, and an MSP staff person will contact you to schedule the pickup of your order.
- 6) If there is concern that an expired kit has already been used for a sexual assault examination, a letter from the FTA Micro Card manufacturer (Qiagen) is attached stating that empirical data exists that justifies the extension of the FTA Micro Card expiration date from three to five years. This letter provides documentation to support the use of a kit that expired in either 2021 or 2022 due to an expired FTA Micro Card.
- 7) Should a Maryland hospital or Forensic Nurse Examiner encounter any expired kits in the future, please refer to the FDA insert for instructions on how to proceed with replacement items when possible and notify MSP immediately of any supply issues.

For all these reasons, the SAEK Committee believes that the expiration of the FTA Micro Cards has had no impact on the integrity or validity of the evidence resulting from the use of SAEK kits containing the expired cards.

In summary, two options exist for handling kits with expired FTA Micro Cards. For kits that have not been used, the expired FTA Micro Card should be replaced with a non-expired FTA Micro Card. For kits that have been used, the letter from Qiagen should be included with the case documentation to explain that the manufacturer has extended the FTA Micro Card expiration date by two years.

MSP has confirmed that multiple checks and balances are now in place to ensure that there will always be non-expired kits available within the State and that a similar incident never recurs.

Sincerely,

Zenita Wickham Hurley
SAEK Committee Chair