

Status Pending PolicyStat ID 13570194



Origination	N/A	Owner	Lindsey Westerbeck: Executive, Lab Services
Final Approved	N/A	Policy Area	Lab - General
Effective	Upon Approval	Applicability	Sutter Roseville Medical Center
Last Revised	N/A		
Next Review	2 years after approval		

Legal Blood Alcohol Process

PURPOSE

To assist local law enforcement personnel in safely obtaining a blood alcohol specimen from a patient in the emergency room as a legally binding specimen for the purpose of evidence to be presented to a court of law.

POLICY

- The officer must present a completed and signed *Blood Test Request by Peace Officer* form **BEFORE** collecting blood for a legal blood alcohol level.
 - This includes the signed request by law enforcement and patient consent.
- Licensed personnel (Medical Technologists, RNs and physicians) and trained Laboratory Assistants and Phlebotomists in the Emergency Department will cooperate with law enforcement agencies in taking legal blood alcohol samples in the following instances:
 - With patient consent except in the event of severe injury, where the patient does not have mental capacity, a warrant or court order must be obtained.
 - Under the general supervision of a physician.
 - If the patient submits to the test, but refuses to sign the consent, and a search warrant or court order is obtained.
 - NOTE: A patient placed under arrest (or suspected of DUI based on probable cause) cannot legally refuse the draw. A patient may still choose to refuse a blood draw and accept the legal consequences.
 - If the patient requests the test, even though the law enforcement personnel does

not.

- Blood alcohols are not drawn under the following conditions:
 - If the patient is a hemophiliac, or using an anticoagulant.
 - If law enforcement personnel requests the test but refuses to sign the consent.
 - If law enforcement personnel are observed using excessive physical force to make the patient submit to the test and/or sign consent.
 - If the patient is struggling, aggressive, or violent causing the blood draw to be considered dangerous for medical and safety purposes, advise law enforcement personnel no blood will be drawn without a search warrant or court order directing the hospital to collect the sample.
 - If law enforcement personnel is still insistent and demanding of a blood draw in the above examples, contact the Nursing supervisor and the SRMC Risk Management Department.
- Medical personnel may (but are not required to) refuse to participate if the patient is unconscious or refuses to consent, even though s/he does not forcibly resist.
- Patients arm must be prepared for this collection using benzalkonium chloride. **NEVER USE ALCOHOL PREP FOR THIS PROCEDURE.**

EQUIPMENT, REAGENTS AND SUPPLIES

- California Department of Justice Collection Kit
- *Blood Test Request by Peace Officer* Form
- Benzalkonium Chloride Wipe
- Venipuncture Collection Supplies

PROCEDURE

Step Action

1. Obtain supplies needed for procedure:
 - *Blood Test Request by Peace Officer* form
 - Venipuncture Supplies:
 - Tourniquet
 - Benzalkonium chloride wipe
 - Needle
 - Vacutainer hub
 - Tape
 - Gauze
 - California Department of Justice collection kit box containing:
 - Biohazard bag with absorbent material

- California Department of Justice label
 - Two security seals
 - One 10mL Sodium Fluoride/Potassium Oxalate Vacutainer tube
 - Chain of Possession envelope
2. Locate the patient and requesting officer in the Emergency Department.
 3. Ensure that the patient has an ID band and identify patient according to *Patient Identification and Labeling of Specimens*.
 4. Verify with officer that this is the correct patient for this procedure before proceeding.
 5. Provide the requesting officer with the *Blood Test Request by Peace Officer* form and the Chain of Possession envelope to complete.
 6. Once complete, the bottom portion of the *Blood Test Request by Peace Officer* form is to be documented by person **collecting** blood test.
 7.
 - Place an EPIC label on the top right corner of the form.
 - Ask to patient to sign the Consent to Blood Test portion of the *Blood Test Request by Peace Officer* form.
 - If the patient **refuses to sign** the form, the lab staff to check "Refused to sign" box under Consent to Blood Test on the form.
 - Ask officer if the patient is under arrest or is suspected of DUI based on probable cause.

If	Then
Yes	Patient cannot refuse to be drawn if in custody of an officer. Proceed with specimen collection according to <i>Collecting Blood Specimens by Venipuncture</i> . Request officer to complete the Consent to Blood Test portion for witness name/ signature and document the reason. <ul style="list-style-type: none"> • If the patient is hostile, ask the officer for assistance. <ul style="list-style-type: none"> ◦ If officer cannot contain patient to allow for a <u>safe</u> venipuncture, <i>do not proceed</i>. ◦ Call for the Nursing Supervisor. ◦ Inform him/her of situation and our inability to collect. • If safe draw is possible, proceed with venipuncture.
No	Do NOT proceed. SRMC staff are only to draw non-resistant patients who consent. Law enforcement to provide own phlebotomist to draw refusals and incapacitated patients. <ul style="list-style-type: none"> • Document on Legal Blood Alcohol form and return form to laboratory for filing.

8. Place the date, time, your initials and tech code on the label provided and apply label to the sample.
9. Sign your name and tech code, facility and date/time of draw on the California Department of Justice envelope where indicated.
10. Recheck the envelope for completeness and place specimen inside.
11. Seal the envelope and hand it to the requesting officer.
12. Verify the *Blood Test Request by Peace Officer* form is completed and request officer to fill in any information that is missing if necessary.
13. Provide completed *Blood Test Request by Peace Officer* form to registration so that an RV Lab Account Number (Lab CSN) can be created.
14. Registration will tube the completed *Blood Test Request by Peace Officer* form to the laboratory with a new patient EPIC label for the lab account when the registration is complete.
15. Once the *Blood Test Request by Peace Officer* form is received in the laboratory, the computer processor will immediately order the test **LBV** in Sunquest Order Entry.

If	Then
The RV Lab account is listed in Order Entry under the Event Selection	Select the RV Lab account for today's date and proceed to step 16 below.,
The patient is admitted before the RV lab account is created and/or LBV ordered	A new RV Lab account for date of collection cannot be created by registration until after the patient is discharged. <ul style="list-style-type: none"> • EPIC will not allow a patient to have both an inpatient and outpatient account active at the same time.

16. Enter the following information for the order in the designated fields:
 - Collection date and time from *Blood Test Request by Peace Officer* form
 - Ordering Physician: UNKN
 - Tech Code: Collector's phlebotomy code
 - Workload: VP
 - Order Code: LBV
 - Modifier: Law enforcement agency and county
 - Save to assign accession number
17. Document accession number on bottom left corner of form.
18. Place form in "To Be Scanned" tray.
19. Scan in EPIC Media tab under **Legal Documentation**, Description **Blood Test Request by Peace Officer**.

20. Make copy of form and place original in "Scanned" tray.
21. File copy of form in the Legal Blood Alcohol folder in the file cabinet.

Attachments

[Blood Test Request By Peace Officer Form](#)

Approval Signatures

Step Description	Approver	Date
Medical Director	Lindsey Westerbeck: Executive, Lab Services	Pending
Laboratory Director	Lindsey Westerbeck: Executive, Lab Services	4/28/2023

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