



North Carolina Department of Health and Human Services
Division of Health Service Regulation
Office of Emergency Medical Services

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MEMORANDUM

TO: EMS Systems
EMS Medical Directors
EMS Professionals

FROM: Regina Godette-Crawford, Chief
Office of Emergency Medical Services *Regina*

SUBJECT: Blood and Urine Sampling for DWI Suspects

DATE: July 2, 2012

The Office of Emergency Medical Services (OEMS) continues to receive comments regarding the requirement contained in G.S. § 20-139.1(d2) for Emergency Medical Technicians (EMTs) to obtain blood or urine samples for chemical analysis when directed by law enforcement officers. The OEMS maintains the position that the language contained in this statute creates confusion by (1) describing the sampling of blood and/or urine to be obtained by a credentialing level (EMT) that is inconsistent with their authorized skill set, and (2) ignores the authority assigned to the North Carolina Medical Board (NCMB) and North Carolina Medical Care Commission to establish practice settings for EMS personnel. Even though paragraph (d2) of this statute acknowledges "Notwithstanding any other provision of law...", there seems to be a lack of recognition that the actual "provision of law" that negates this requirement as defined in G.S. § 143-514, whereby the authority to establish the scope of practice for EMS personnel is solely the responsibility of the NCMB.

Another issue that has been brought to our attention is the use by EMS personnel of the TriTechForensics™ Biological Specimen Kit provided by the North Carolina Highway Patrol. The blood sample collection instructions specifically restrict use of this kit to "a physician, registered nurse or trained phlebotomist." Based on research on phlebotomist educational standards in North Carolina, it is the position of the OEMS that EMS educational programs would not qualify an EMT-Intermediate or EMT-Paramedic for phlebotomy certification without additional supplemental education. Therefore, based on this information, the OEMS does not support use of this particular kit by EMS personnel and recommends that EMS systems restrict the performance of blood sample collection to those specimen kits authorized for use by qualified EMS personnel. The OEMS is attempting to resolve this matter with the North Carolina Highway Patrol and other law enforcement groups.



Memorandum – Blood and Urine Sampling for DWI Suspects

July 2, 2012

Page 2

The position of the OEMS regarding this issue is that, until this issue can be resolved, EMS personnel should abide by the directives issued by their local EMS system and medical director. The local EMS system should collaborate with their law enforcement agencies to develop these directives. If personnel are instructed to deny obtaining the blood and/or urine samples, G.S. § 20-139.1(d2) states that a written justification for refusal must be provided to the law enforcement officer at the time of the request. The justification should be consistent with the directives as provided to the EMS professional.

Thank you for your cooperation and support of the North Carolina EMS program. If you require further clarification on this issue, please don't hesitate to contact me.

cc: Colonel Michael Gilchrist, NC SHP
Sheriff Samuel S. Page, NCSA Chairman
Drexdal Pratt, Director, DHSR
Sharnese Ransome, DHHS Legislative Liaison
OEMS Staff

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BLOOD SPECIMEN COLLECTION INSTRUCTIONS

NOTE: Blood Specimen Collector Kits are made available only by a physician, registered nurse or trained phlebotomist.

- MEDICAL PERSONNEL -

- STEP 1** Remove all components from kit box.
- STEP 2** Fill out all information requested on the enclosed CONSENT FORM, then have subject sign form where indicated.
- STEP 3** Cleanse the blood collection site with the alcohol-free prep pad provided. Following normal hospital/clinic procedure and using the multi-sample needle and blood tubes provided, withdraw blood specimens from subject allowing both tubes to fill to maximum volume.

Note: A) Immediately after blood collection, assure proper mixing of anticoagulant powder by slowly and completely inverting the blood tubes at least five times. **Do not shake vigorously!**

B) **Do not** return used needle or prep pad to kit box. Discard using the recommended OSHA guidelines.

- STEP 4** Fill out all information requested on the BLOOD COLLECTOR'S REPORT, then have witness sign where indicated.

- INVESTIGATING OFFICER -

- STEP 1** Fill out all information requested on both Specimen Seals then have collector initial seals where indicated.
- STEP 2** Remove backing from Specimen Seals. Affix center of seals to the blood tube rubber stoppers, then press ends of seals down the sides of the blood tubes.
- STEP 3** Return both filled and sealed blood tubes to holder.
- STEP 4** Fill out all information requested on Investigating Officer's Report on the holder flap, then initial and affix Evidence Seal where indicated on flap.
- STEP 5** Place sealed specimen holder inside the ziplock bag, then squeeze out excess air and close bag.

Note: Do not remove liquid absorbing sheet.
- STEP 6** Return ziplock bag containing sealed specimen holder to the kit box along with completed consent form and Collector's Report, then close lid. Remove backing from the Kit Shipping Seal and affix to box where indicated.
- STEP 7** Fill out all information requested on box top, then either mail or hand deliver sealed kit to laboratory for analysis.