

Blood Alcohol Sampling by Hospital Staff

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Clinical/ Patient Services - Medical Treatment

Summary Requirements for taking blood samples from persons injured in accidents.

Note: Additional previous references incorporated into this policy directive are circulars 87/155, 84/171 and 83/73.

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Applies to Area Health Services/Chief Executive Governed Statutory Health Corporation, Board Governed Statutory Health Corporations, Affiliated Health Organisations - Non Declared, Affiliated Health Organisations - Declared, NSW Dept of Health, Public Hospitals

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Policy Manual Not applicable

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Status Active

Director-General

This Policy Directive may be varied, withdrawn or replaced at any time. Compliance with this directive is **mandatory** for NSW Health and is a condition of subsidy for public health organisations.

BLOOD ALCOHOL SAMPLING BY HOSPITAL STAFF

This policy directive replaces circulars 83/73, 84/171, 87/155, 90/43, 91/6, 91/45 and 92/9.

The Road Transport (Safety and Traffic Management) Act 1999 which applies to traffic (motor, horse and pedestrian) accidents; the Marine (Boating and Safety - Alcohol and Drugs) Act 1991 and the Marine Safety Act 1998 which apply to marine accidents authorise the compulsory blood testing of persons of or above the age of fifteen years who attend or are admitted into a hospital for examination or treatment as a result of an accident by any medical practitioner by whom the person is attended.

For clarification this applies to a person who was:

- driving a motor vehicle involved in the accident; or
- occupying the driving seat of a motor vehicle involved in the accident and attempting to put the motor vehicle in motion; or
- a pedestrian involved in the accident; or
- driving or riding a vehicle (not being a motor vehicle) involved in the accident; or
- driving or riding a horse involved in the accident; or
- the holder of a driver's licence and occupying the seat in the motor vehicle next to a holder of a learner's licence who was driving a motor vehicle involved in the accident; or
- involved in an accident while operating a marine vessel.

If there is no medical practitioner present to attend the person at the hospital, the blood or urine sample is to be taken by a Registered Nurse who is attending the person and who is accredited by a hospital as competent to perform the sampling procedure.

The medical practitioner is under a duty to take the sample whether or not the accident patient consents to the taking of the sample.

The blood sample is to be taken for analysis as soon as practicable after the person arrives at the hospital. It is desirable for the sampling procedure to be witnessed by a member of the Police force, but sampling should not be delayed for this reason.

A sample should be taken from any person who meets the abovementioned criteria unless:

- blood sampling would prejudice the proper care and treatment of the person;
- the behaviour of the patient is such that taking a blood sample is not possible; or
- the patient did not attend the hospital until more than 12 hours after the accident occurred.

If a patient meets the abovementioned criteria, and a blood sample is not taken, the reason for not taking the sample and the circumstances should be entered into the patient's health record.

The medical practitioner or nurse taking the sample does not incur any civil or criminal liability in respect to anything properly or necessarily done in the course of taking a blood or urine sample in accordance with the Act. The sample may be taken by a nurse acting under the supervision of a medical practitioner, in which case the sample is deemed for legal purposes to have been done by the medical practitioner.

Sampling Procedure

An approved blood alcohol sampling kit must be used for collecting each blood sample and recording the necessary details. Each kit contains all equipment needed for sampling, packaging, identification of samples and certification by the medical practitioner. A medical certificate must be filled out by the medical practitioner or nurse taking a sample under the Act. Medical certificate forms are provided in quadruplicate.

The medical practitioner or nurse by whom a sample of a person's blood is taken must:

- (a) divide the sample into 2 approximately equal portions; and
- (b) place each portion into a container; and
- (c) fasten and seal each container (see instructions with kits); and
- (d) mark or label each container for future identification.

One sample and the pink copy of the certificate must be returned to the patient. The blue (Police copy) of the certificates should be retained by the hospital for later collection by the Police. The second sample together with the remaining white and yellow copies of the certificates should be appropriately packaged and placed in the Police Security Box for transport to the Blood Sample Unit, Parramatta. The box will be cleared from the hospital at least weekly and an empty replacement box installed.

The Police will clear samples placed in the Security Box and the hospital will have no involvement beyond the initial collection of blood samples.

No extra charge is to be raised for collection of blood samples for alcohol analysis regardless of the insurance status of the patient.

Police will also use the security boxes for depositing samples taken under legislation allowing for intoxicated drivers to be tested for drugs. These samples are normally taken only under Police direction. The Police involved will deposit samples within the security box when such samples are collected and will advise the security box couriers to collect the samples within 24 hours.

Modification of blood alcohol kits

The Road Transport (Safety and Traffic Management) Amendment (Blood Sampling) Act 2000, which is expected to commence in April 2005 and which modifies the Marine Safety Act 1998, will require a sample of a person's blood to be placed into one sample container.

A revised Policy will be issued once a commencement date has been determined for the Road Transport (Safety and Traffic Management) Amendment (Blood Sampling) Act 2000. Advice regarding ordering the new kits will be provided via an Information Bulletin once the kits are available for ordering.