Collection of Blood for Alcohol or Drug Forensic Analysis PHC Remote Guideline

<table>
<thead>
<tr>
<th>Target Audience</th>
<th>All Clinical Employees</th>
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<tr>
<td>Jurisdiction</td>
<td>Primary Health Care Remote CAHS; Primary Health Care Remote TEHS</td>
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<tr>
<td>Jurisdiction Exclusions</td>
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<tr>
<td>Document Owner</td>
<td>Kerrie Simpson</td>
</tr>
<tr>
<td></td>
<td>Atlas Development Officer Primary Health Care Remote CAHS</td>
</tr>
<tr>
<td>Approval Authority</td>
<td>Chair</td>
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<td></td>
<td>Remote Executive Leadership Group</td>
</tr>
<tr>
<td>Author</td>
<td>PHC Quality and Safety Team</td>
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The attributes in the above table will be auto-filled from the PGC System. Do not update in this document.

Purpose

To provide Primary Health Care remote staff with a guideline on management and processes related to the collection of blood samples for alcohol or drug forensic analysis.

Guideline

1. General Information

The [Northern Territory Traffic Act](#) (the Act) allows for a Health Practitioner to collect a sample of blood for forensic analysis. A Memorandum of Understanding (MOU) between the Northern Territory Police Force and the Department of Health sets out the methods and protocols to be utilised to facilitate the taking of blood for forensic purposes.

Included in the MOU, Local Operational Arrangements provide the guidelines to be adopted by Remote Health Centre staff and the Police Officers in each district. Such protocols have been designed to ensure that Health Practitioners and the Police are not negatively affected by the implementation of the Act.

Health Practitioners may be in a position to collect a blood sample from a client for forensic analysis when:

- a Police Officer requests a Health Practitioner to collect a blood sample from an individual, or
- when managing clients involved in a Motor Vehicle Accident (MVA) even when there is no police presence.

It is important to note that Police may only make a request to a Health Practitioner. Whether requested by police, or staff attend a client in the absence of police, the Act does not obligate any person to take a sample of blood at a health centre.

Information in this document relates to:

- Collection of Blood Sample at the Request of Police
- Collection of Blood Sample Where Police Are Not Present
- Obtaining a Blood Sample
- Security of the Blood Sample
- Documentation
Refusal to have a Blood Sample
Legal Protection of Staff

Note: Remote Health Branch does not support the collection of urine for drug forensic analysis by Remote Health practitioners.

2. Definitions

Health Practitioner: In accordance with the Act a Health Practitioner is defined as a Medical Practitioner or Registered Nurse. Note, Aboriginal Health Practitioners are exempt from the collection of blood for forensic analysis.

BAC Kit: A sealed kit containing the equipment and documentation necessary for the collection of a blood sample for forensic purposes in the NT. Kits are available from Stores (Item # BLOOD 014).

Form 3 – Blood Test for Forensic Analysis (Certificate): a form under the Traffic Regulations used when:
- a sample of blood is taken from a person under section 29AAK of the Act; or
- a person refuses or fails to submit to the taking of a sample of blood; or
- no sample of blood is taken for a reason mentioned in section 29AAK(5) of the Act.

Police Box: a dedicated, locked box provided to each remote health centre by the Northern Territory Police Force.

3. Responsibilities

3.1 Health Practitioner

- Observe the time-frame restrictions for the collection of blood
- Ensure that the client is over fifteen years of age
- Obtain consent from the client before the collection of blood
- Observe the procedure for the collection of the blood sample
- Secure the blood sample within the Police Box
- File the health centre copy of the certificate as detailed in Section 4.5 Documentation

3.2 Police

- Make arrangements with the health centre to ensure that a Health Practitioner is available and willing to collect a blood sample prior to presenting to the health centre
- Take custody of collected samples when notified by health centre staff

4. Procedure

It is important to note that taking of sample of blood under the Act (Section 29AAK) is inclusive of all persons under section 29AAG, or any person who has apparently attained the age of 15 years and who enters a health centre for examination or treatment of injuries which may have been received in a MVA.

4.1 Collection of Blood Sample at the Request of Police

4.1.1 Request by Police

Police are required to make a request to health centre clinical staff to collect a blood sample for forensic analysis prior to attending the health centre. This ensures that any Health Practitioners, who may have an objection to conducting the procedure, are not called out unnecessarily or placed in a situation where

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1 Technically, under the Act, an Aboriginal Health Practitioner could collect a blood sample for forensic purposes under the direct supervision of a Medical Officer or a Registered Nurse. However, the Act has been written to avoid potential for conflict that may arise for an Aboriginal Health Practitioner in a remote community.
they could be embarrassed by making a public refusal. Health staff retain the right to refuse to collect a blood sample for forensic purposes under Section 29AAK (9) of the Act.

During normal business hours, police are to contact the health centre directly. At other times they must contact the staff member on call.

4.1.2 Transport of Client

In accordance with Section 29AAG (3) of the Act a Police Officer must also make the arrangements for the person to be transported to a health centre for the collection of a blood sample taken for the purpose of forensic analysis.

The requesting Police Officer must transfer the person to be tested to the health centre and not make a request for staff to attend the Police Station.

4.1.3 Triage of clients

Police are not to influence triage processes conducted by staff at the health centre. The time limit for Blood Alcohol testing will be taken into consideration during the triage process. Every attempt should be made to accommodate a request to take a blood alcohol test sample wherever possible to comply with the requirements of the Act.

4.1.4 Traffic Operations

Police Officers are to notify health centre staff in a timely manner of planned traffic operations (eg Random Breath Testing and Drug Testing). Health centre staff will maintain confidentiality at ALL times of those operations.

4.2 Collection of Blood Sample Where Police Are Not Present

To comply with the Act, a sample of blood should be taken from a person who enters a health centre for examination or treatment of injuries, which may have been received in a MVA. This only applies to a person who has apparently attained the age of fifteen years.

A blood sample for alcohol level testing is not required should the Health Practitioner believe on reasonable grounds that (Section 29AAK(5) of the Act):

- the concentration of alcohol in the client’s blood is already known, or
- the taking of the sample would be detrimental to the client’s medical condition; or
- the injuries of the client were not received in a MVA, or the MVA happened more than twelve hours before the person entered the health centre, or
- the client has been in the health centre for more than four hours.

The requirement to collect a blood sample for forensic purposes must be explained to the client. Notwithstanding, where a client refuses to give consent for a blood sample collection this should not be carried out. Any refusal should be documented.

4.3 Obtaining a Blood Sample

The Health Practitioner must explain to the client:

- the procedure for venipuncture,
- that two samples of the blood taken will be given to the Police for forensic analysis
- that the person is entitled to have one sample of the blood sample for their own independent analysis.

It is the responsibility of the family to organise the analysis.

To collect the blood sample, use the BAC kit, adhering to the procedure contained in the kit. A larger syringe than that provided in the BAC kit can be used (Note: a total of 15ml is required for the blood sample).
4.4 Security of the Blood Sample

The collected blood sample and accompanying paperwork should be placed in the Police box for safekeeping. Police are responsible for the collection and transfer of the specimen to the relevant pathology laboratory.

Where the blood sample has been collected without the physical presence of the police, health centre staff should notify the nearest police station of samples for collection.

A separate register recording specimens that are placed in the box is not required providing details regarding use of the box are included in the client medical record. This may necessitate a separate entry where collection of the box by police occurs at a later time.

4.5 Documentation

A clear record relating to the collection of the blood sample should be made in the client’s health record. This includes notation regarding the specimen’s chain of custody until it leaves the health centre.

Complete the certification paperwork contained in the BAC kit. A separate pathology request slip is not required. The certificate is effectively the request form and is a carbon-copy document of four pages: yellow, pink, white and blue. These are distributed as follows 2:

- yellow and pink copies kept with the two police samples of blood
- white copy given to the client with their sample of blood
- blue copy retained for health centre records and should be filed in the client's medical record. This should be scanned into the client’s electronic record (PCIS) and the original blue copy must be filed in a dedicated folder for completed certificates 3.

Complete the Blood Sample Chain of Custody – Form providing evidence of the chain of custody for the blood sample from the health centre to the police.

As noted above, the police are responsible for the transfer of the specimen to the laboratory.

Where the client is evacuated to a hospital for ongoing treatment, ensure a clear notification that a blood sample has been collected for forensic analysis, to avoid repeated collection.

Note: a pathology result will not be returned to the health centre. The result is not required for the ongoing clinical record, but solely for use in legal proceedings.

4.6 Refusal to have a Blood Sample

When a person refuses to have a blood sample taken staff are to complete the certificate stating that the person has refused to have blood taken and the reason for the refusal. The certificate must be placed in the secure box for collection by the police.

4.7 Legal Protection of Staff

No action or proceedings for assault whether inside or outside the Territory, lie against a person who takes a blood sample for this Act (Section 29AAK (8)).

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2 Please disregard the information on the bottom of Form 3 – Blood Test for Forensic Analysis which provides alternate distribution information for copies of the form.

3 The Blue copy must be retained for legal purposes.
## Document Quality Assurance

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<td>Health Policy Guidelines Program Atlas Development Officer, Primary Health Care Central Australia Health Service</td>
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<tr>
<td>Review</td>
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<td>Atlas Development Officer, Primary Health Care Central Australia Health Service</td>
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<td>Evaluation</td>
<td>Evaluation will be ongoing and informal, based on feedback.</td>
<td>Atlas Development Officer, Primary Health Care Central Australia Health Service</td>
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## Key Associated Documents

### Forms
- Form 3 - Blood Test for Forensic Analysis (Certificate) - contained in the BAC Kit available from Stores (Item # BLOOD 014)
- Blood Sample Chain of Custody – Form

### Key Legislation, By-Laws, Standards, Delegations, Aligned & Supporting Documents
- Blood Alcohol / Drug Collection Kit Contents & Procedure (BAC Kit)
- Northern Territory Traffic Act
- Transport Legislation (Road Safety) Amendment Bill 2007: Explanatory Statement
- Memorandum of Understanding between DoH (formerly DHCS) and NTPS

### References
- As Above

## Evidence Table

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<th>Method</th>
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