

adopted: 01/15/2015

OTHER MODEL POLICY

SUBJECT: PHLEBOTOMY TECHNICIANS FOR IMPAIRED DRIVING

Number: 2-40

EFFECTIVE DATE: 00/00/0000

REVIEW DATE: 00/00/0000

AMENDS/SUPERSEDES: 00/00/0000

APPROVED: _____

Chief Law Enforcement Officer

I. POLICY

It is the policy of this agency to obtain blood in Operating Under the Influence of Alcohol and/or Drugs cases as outlined in section VI of this policy when an officer or Drug Recognition Expert deems a blood test is necessary. The training and assignment of agency Phlebotomy Technician will improve efficiency in this process, and increase the efficiency and effectiveness of public safety efforts in OUI enforcement cases.

II. PURPOSE

The purpose of this policy is to establish policy and procedures for the use and oversight of this agency's Phlebotomy Technicians.

III. DEFINITIONS

- A. Negative or None Detected Test: Means a test result that indicates:(a) Particular substance(s) was/were absent within the limitations of the test(s) performed; or (b) A substance of abuse is present in the tested sample in a concentration below the detection level.
- B. Positive Test: Means a test result that indicates a particular substance has been identified in accordance with the laboratory protocols.
- C. Phlebotomy Technicians: Means an employee of this law enforcement agency or other person approved by the Chief Law Enforcement Officer, trained to perform blood draws pursuant to this policy¹.

¹ 29-A M.R.S.A. §2524(1) and DHHS Rules 10-144, Chapter 270

- D. Substance Abuse Test: Means any test procedure designed to take and analyze body fluids or materials from the body for the purpose of detecting the presence of substances of abuse. The term does not include tests designed to determine alcohol concentration levels from a sample of an individual's breath.
- E. Substances Of Abuse Tested: Means any scheduled drug, alcohol or other drug, or any of their metabolites including "Drugs"² and "Scheduled Drug."³

IV. PROCEDURES - General

Law enforcement officers or other agency personnel who have been trained on an approved phlebotomy course may draw a blood specimen of a person when a law enforcement officer investigating an Operating Under the Influence case or a fatal traffic crash deems a blood test is necessary.

- A. Phlebotomy Technicians of this agency may be called while off-duty with the approval of a supervisor; however they are not in an "on-call" status.
- B. Phlebotomy Technicians of this agency may go to another jurisdiction to draw blood with the approval of a supervisor.
- C. Phlebotomy Technicians will fill out the appropriate agency supplemental report indicating if the blood draw was successful or unsuccessful. If an affidavit is required for a search warrant on the blood draw, the Phlebotomy Technician shall fill out the appropriate documentation and obtain the search warrant. The final supplemental report will indicate a positive or negative result after coming back from the Maine Department of Health and Human Services (DHHS), Health and Environmental Testing Laboratory (HETL), and this report will be placed with the original case report for this agency or a copy given to arresting officer of another jurisdiction for his or her case file.
- D. All blood spills shall be cleaned up according to agency procedures (See Maine Chiefs of Police Model Policy 2-14 on Infectious Disease Controls).

² 29-A M.R.S. §2401(4)

³ 17-A M.R.S. §1102, as a Schedule W, X, Y or Z drug.

- E. **ALL** accidental needle pricks that a Phlebotomy Technician or other officer(s) receives with a clean needle or used needle, will be immediately reported to the officer's supervisor. All exposure paperwork will be completed, per agency and OSHA requirements. The exposed officer(s) will be immediately sent to a medical establishment for protective measures. (See Maine Chiefs of Police Model Policy 2-14 on Infectious Disease Controls).

V. PROCEDURES - Collection and Storage of Samples

- A. For all collection and testing allowed under this policy, the only specimen collected shall be the subject's blood.
- B. The collection of any blood sample for use in an Operating Under the Influence case should be conducted in a law enforcement facility, health care facility, ambulance or rescue vehicle.
- C. The blood specimens shall only be collected using the blood collections kits, approved by the Maine DHHS HETL.
- D. The blood specimen vials shall be sealed with tamperproof seals, properly labeled and put back into the blood collection kits. Each blood specimen kit shall then be sealed up, and clearly and indelibly labeled with the date and time of collection, and the name or other identifier associated with the person from whom the specimen was obtained. The time and date for each specimen should be initialed or signed by a responsible person who performed or witnessed the collection and who assumes responsibility for the chain-of-custody.
- E. Whenever possible, the amount of blood specimen collected should be sufficient to ensure that enough blood remains for subsequent re-analysis, if required.
- F. Specimen Handling:
 - 1. A chain-of-custody form shall be used to accompany the specimen(s) from the place of collection to the laboratory. This chain-of-custody document shall be properly completed by responsible personnel at the time the specimen(s) is collected.
 - 2. The handling and transportation of the specimen(s) from one individual or place to another should always be properly documented.

3. Every effort should be made to minimize the number of persons handling the specimen(s).
4. Individual specimen(s) should be transported and stored in such a manner as to minimize the possibility of degradation, contamination, tampering and/or damage in shipment.
5. Acceptable means of transporting specimens to the DHHS HETL may include hand-delivery, national postal service, or a private or government courier service.

VI. PROCEDURES - Substance For Which Testing is Permitted

Testing is permitted for alcohol and for other substances and groups of substances set forth below. In Operating Under the Influence of Drug cases, the Drug Recognition Expert shall specify to the testing laboratory which substances are to be tested for in each specimen or group of specimens, which may include; central nervous system stimulants, central nervous system depressants, inhalants, narcotic-analgesics, hallucinogens, dissociate anesthetics, and cannabinoids.

VII PROCEDURES - Administrative Oversight

- A. The Chief Law Enforcement Officer (CLEO) shall have the agency Phlebotomy Technician program pre-approved by the agency Risk Liability coverage carrier.
- B. The CLEO shall have the agency Phlebotomy Technician program pre-approved by the agency Workers Compensation coverage carrier.
- C. The CLEO shall require that the Phlebotomy Technicians of this agency receive the proper phlebotomy training prior to drawing any blood and any re-training as required.

MAINE CHIEFS OF POLICE ASSOCIATION - ADVISORY

This Maine Chiefs of Police Association model policy is provided to assist your agency in the development of your own policies. All policies mandated by statute contained herein meet the standards as prescribed by the Board of Trustees of the Maine Criminal Justice Academy. The Chief Law Enforcement Officer is highly encouraged to use and/or modify this model policy in whatever way it would best accomplish the individual mission of the agency.

DISCLAIMER

This model policy should not be construed as a creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this policy will only form the basis for administrative sanctions by the individual law enforcement agency and/or the Board of Trustees of the Maine Criminal Justice Academy. This policy does not hold the Maine Chiefs of Police Association, its employees or its members liable for any third party claims and is not intended for use in any civil actions.