

	 <p>New York State Department of Health <b>Bureau of Emergency Medical Services</b></p> <p><b>POLICY STATEMENT</b></p> <p><i>Supercedes/Updates: New</i></p>	<p><b>No. 01 - 03</b></p> <p><b>Date: 05/08/01</b></p> <p><b>Re: Drawing Blood by AEMTs pursuant to NYS V&amp;TL §1194(4)</b></p> <p><b>Page 1 of 2</b></p>
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The New York State Vehicle and Traffic Law has provisions to allow advanced Emergency Medical Technician (AEMT) certified by the New York State Department of Health, when requested by a police officer **and under the supervision and at the direction of a physician**, to draw blood for the purposes of determining the presence or alcohol and/or drugs. This law allows an AEMT to draw blood on an individual, that may or may not be a patient, if the individual is suspected by police of having violated the Vehicle and Traffic Law.

**Purpose**

This policy will clarify the Department of Health position regarding advanced EMTs drawing blood in regard to a Vehicle and Traffic Law offense.

**Policy**

Section 1194(4) of the Vehicle and Traffic Law provides that an advanced emergency medical technician may "withdraw blood for the purpose of determining the alcoholic or drug content..." "(a)t the request of a police officer...under the supervision and at the direction of a physician..."

The sample should be obtained using a sample kit provided by the law enforcement agency.

Each REMAC should develop protocols which allow the advanced EMT to draw blood samples at the request of a police officer. The REMAC protocol should address the issue of whether blood samples should be drawn pursuant to a standing order or require direct medical control. They should develop procedures for drawing blood samples that will be

used for the purposes of legal evidence. The REMAC should also determine the type and level of record keeping required for the procedure.

It is suggested that the documentation contain, but not be limited to the following items:

- The date, time and the location where the blood drawing procedure occurs,
- A basic description of the information regarding the driver (name, address, age, license number)
- The name and badge number of the police officer and the name of the law enforcement agency.
- The name of the doctor who directed and supervised the procedure.
- A receipt, to be retained by the AEMT, indicating the amount of blood drawn and the circumstances under which an EMS provider was requested to draw the blood,
- It should be noted that an individual may refuse a blood test.

### Conclusion

The REMACs have the medical authority to develop protocols that meet the needs of the regional EMS system. The EMS agencies should make every effort to cooperate with local police agencies.

## Sample Report Form

EMS AGENCY NAME	
Pursuant to § 1194(4) of the V&T Law a police officer has requested an Advanced Emergency Medical Technician obtain a blood sample from the following person:	
Name of Driver: _____	
Date of Birth: ____/____/____	Age: ____ Driver's License # _____
Address: _____	
Blood Sample Requested By: (Officer's Name): _____	
Shield #: _____	Police Department: _____
Location Sample Taken: _____	Date: ____/____/____
Time Sample Taken: ____:____ AM/PM	Authorized by: _____ MD/DO
Amount of Blood Obtained: _____	Delivered to: _____
Circumstances requiring EMS provider to obtain sample: _____ _____	
AEMT Signature: _____	Date: ____/____/____
Police Signature: _____	Date: ____/____/____
One copy of this form is to be retained by the AEMT drawing the sample and one by the Police agency requesting the sample	