

4765-6-06

Withdrawing of blood for evidence collection.

- (A) An ~~EMT-intermediate~~ advanced emergency medical technician or ~~an EMT-paramedic~~ a paramedic may withdraw blood for the purpose of determining the alcohol, drug, controlled substance, metabolite of a controlled substance, or combination content of the whole blood, blood serum, or blood plasma as provided in division (D) of sections 4765.38 and 4765.39 of the Revised Code and in accordance with this rule.
- (B) A physician or cooperating physician advisory board that serves as the medical director for any EMS organization may limit the ability of an ~~EMT-intermediate~~ advanced emergency medical technician and ~~EMT-paramedic~~ paramedic, who provide emergency medical services under the auspices of the physician's certificate to practice medicine and surgery, or osteopathic medicine and surgery, to withdraw blood for evidence. The withdrawal of blood for evidence collection shall be performed in accordance with protocols and training requirements established by the medical director of the emergency medical service organization with which the ~~EMT-intermediate~~ advanced emergency medical technician or ~~EMT-paramedic~~ paramedic is affiliated.
- (C) The ~~EMT-intermediate~~ advanced emergency medical technician or ~~EMT-paramedic~~ paramedic must have received training approved by the local medical director regarding the withdrawal of blood for evidence collection before performing the withdrawal of blood for evidence.
- (D) In the course of providing emergency medical treatment and at the request of a law enforcement officer, an ~~EMT-intermediate~~ advanced emergency medical technician or ~~EMT-paramedic~~ paramedic may withdraw blood as provided under sections 1547.11, 4506.17, and 4511.19 of the Revised Code. The ~~EMT-intermediate~~ advanced emergency medical technician or ~~EMT-paramedic~~ paramedic shall not respond to the request to withdraw blood for the purpose of evidence collection unless the ~~EMT-intermediate~~ advanced emergency medical technician or ~~EMT-paramedic~~ paramedic is also responding to a request for emergency medical treatment and transport of the patient to a health care facility. A clinically competent patient may refuse transport.
- (E) The ~~EMT-intermediate~~ advanced emergency medical technician or ~~EMT-paramedic~~ paramedic shall not attempt to withdraw blood, if any of the following apply:
- (1) In the opinion of the ~~EMT-intermediate~~ advanced emergency medical technician or ~~EMT-paramedic~~ paramedic, the physical welfare of the patient, the EMT, or any other person would be endangered by the withdrawing of blood;

- (2) In the opinion of the ~~EMT-intermediate~~ advanced emergency medical technician or ~~EMT-paramedic~~ paramedic, the withdrawing of blood would cause an unreasonable delay in the treatment or transport of the patient or any other person;
 - (3) Consent of the patient is not obtained by the ~~EMT-intermediate~~ advanced emergency medical technician or ~~EMT-paramedic~~ paramedic. Any person who is unconscious, or who otherwise is in a condition rendering the person incapable of refusal, shall be deemed to have consented;
 - (4) Blood would be withdrawn from a pre-existing central venous access device;
 - (5) The withdrawing of blood would result in a violation of any rule in this chapter;
or
 - (6) The person is deceased.
- (F) The withdrawing of blood shall only be done at the request of a law enforcement officer having reasonable grounds to believe the person was violating section 1547.11, 4506.17 or 4511.19 of the Revised Code. As set forth in section 4511.191 of the Revised Code, the law enforcement officer shall request the person to submit to the withdrawing of blood and shall be responsible for advising the person of the consequences of submitting to, or refusing to submit to, the test.
- (G) Blood shall only be collected utilizing the appropriate blood collection kit furnished by the law enforcement officer making the request and in compliance with rule 3701-53-05 of the Administrative Code. The withdrawing of blood must take place under the observation of the law enforcement officer. The blood sample must be immediately provided to the law enforcement officer.

Effective: 02/06/2012

R.C. 119.032 review dates: 04/06/2014

CERTIFIED ELECTRONICALLY

Certification

01/25/2012

Date

Promulgated Under: 119.03
Statutory Authority: R.C. 4765.11, 4765.38, 4765.39
Rule Amplifies: R.C. 1547.11, 4506.17, 4511.19, 4765.38, 4765.39
Prior Effective Dates: 12/2/10