

- Administration
- Bureau of Motor Vehicles
- Emergency Management Agency
- **Emergency Medical Services**
- Office of Criminal Justice Services
- Ohio Homeland Security
- Ohio Investigative Unit
- Ohio State Highway Patrol



Senate Bill 58 and The Impact on EMS

June 24, 2010

As many of you are aware, the Ohio Senate recently agreed to the Ohio House of Representatives' version of Senate Bill 58. Senate Bill 58 includes provisions for EMS providers to withdraw blood for the purpose of evidence collection in cases involving allegations of operating watercraft or vehicles under the influence. The bill will become effective on September 16, 2010.

I strongly encourage all of you to read the final version of Senate Bill 58 in its entirety, and it is posted at http://www.legislature.state.oh.us/bills.cfm?ID=128_SB_58. The sections that are pertinent to EMS are as follows:

In addition to, and in the course of, providing emergency medical treatment, an emergency medical technician-intermediate may withdraw blood as provided under sections 1547.11, 4506.17, and 4511.19 of the Revised Code. An emergency medical technician-intermediate shall withdraw blood in accordance with this chapter and any rules adopted under it by the state board of emergency medical services.

In addition to, and in the course of, providing emergency medical treatment, emergency medical technician-paramedic may withdraw blood as provided under sections 1547.11, 4506.17, and 4511.19 of the Revised Code. An emergency medical technician-paramedic shall withdraw blood in accordance with this chapter and any rules adopted under it by the state board of emergency medical services.

The provisions within Senate Bill 58 will clearly impact EMS providers, EMS agencies, and EMS medical directors. We realize that many will have questions about the actions and responsibilities that will need to be addressed when this bill becomes law, and we are working closely with our legal counsel and the Attorney General's office to ensure an accurate interpretation of the parameters cited within the bill. Among the issues we are examining is the extent of immunity provided for EMS providers, EMS agencies, and EMS medical directors for actions taken pursuant to this Bill.

The performance of phlebotomy for evidence collection may only occur in addition to, and in the course of, the provision of emergency medical treatment. In other words, EMS providers may not be dispatched for the sole purpose of performing phlebotomy when a person does not require emergency medical treatment.

Because the performance of phlebotomy for evidence collection requires special procedures and handling, EMS providers should only use evidence collection kits provided by law enforcement agencies.

Mission Statement

"to save lives, reduce injuries and economic loss, to administer Ohio's motor vehicle laws and to preserve the safety and well being of all citizens with the most cost-effective and service-oriented methods available."

The EMS Board will be drafting rules to address these sections of Senate Bill 58 in the near future, and the Ohio Department of Public Safety, Division of EMS will keep all of the members of our EMS community updated on this process. There are administrative and operational issues associated with evidence collection, including the ability of local medical directors to restrict or supervise the practice. Other issues, such as the response to subpoenas for depositions or testimony in court, may not be within the realm of the authority of the EMS Board. For these issues, EMS agencies are advised to work with their respective legal counsel and administrators to address these potential activities within their organization's policies and procedures.

If you have any questions or concerns, please do not hesitate to contact the Ohio Department of Public Safety, Division of EMS. We are here to serve you.

Carol A. Cunningham, M.D., FACEP, FAAEM
State Medical Director
Ohio Department of Public Safety, Division of EMS