

MANDATORY ALCOHOL AND DRUG SAMPLING AFTER ACCIDENT - ED

POLICY®

DOCUMENT SUMMARY/KEY POINTS

NSW Ministry of Health Information Bulletins & Policy Directives

- **Collecting Blood and Urine Samples in Emergency Departments – Changes to Governing Legislation**
http://www0.health.nsw.gov.au/policies/ib/2015/pdf/IB2015_033.pdf
- **Blood Alcohol Sampling by Hospital Staff (PD2005_495)**
http://www0.health.nsw.gov.au/policies/pd/2005/pdf/PD2005_495.pdf
- **Interim Drug Driving Blood Testing Arrangements in NSW Emergency Departments (IB2007_003)**
http://www0.health.nsw.gov.au/policies/ib/2007/pdf/IB2007_003.pdf
- **Blood and Urine Testing of Drivers Apparently Under the Influence of Drugs (PD2005_029)** http://www0.health.nsw.gov.au/policies/PD/2005/pdf/PD2005_029.pdf

NSW Legislation

- **Road Transport Act 2013 No 18**
<http://www.legislation.nsw.gov.au/fullhtml/inforce/act+18+2013+whole+0+N>
- **Marine Safety Act 1998 No 121**
<http://www.legislation.nsw.gov.au/fragview/inforce/act+121+1998+whole+0+N>

Blood Alcohol Level Sampling

- All injured drivers aged 15 years and over must have a police Blood Alcohol Level (BAL) sample taken. There are other indications for mandatory Police BAL sampling (see page 2). Blood must be sampled using the appropriate kit (at CHW, kept in the observation ward drug room). Please read all instructions first.

This document reflects what is currently regarded as safe practice. However, as in any clinical situation, there may be factors which cannot be covered by a single set of guidelines. This document does not replace the need for the application of clinical judgement to each individual presentation.

Approved by:	SCHN Policy, Procedure and Guideline Committee	
Date Effective:	1 st April 2019	Review Period: 3 years
Team Leader:	Department Head	Area/Dept: Emergency Department

- The police BAL sample is stored securely in the *blue Police box* and NOT sent to the local CHW or SEALS (Randwick) lab.
 - **At CHW ED** the *blue Police box* is located in the drug room. The Nursing Unit Manager must be informed when a sample is placed in the blue Police box.
 - **At SCH ED** the *blue Police box* is located in the POWH ED in the entry corridor from the ambulance bay. This box is emptied regularly by police, no other action necessary.
- Further kits can be obtained from adult hospital Emergency Department.
 - **For CHW Staff:** Westmead Hospital Emergency Department
 - **For SCH Staff:** Prince of Wales Hospital, Accident & Emergency Centre

Drug Sampling

- If police direct for an urine drug sample, at CHW there may be a kit in the Observation ward drug room (same place as BAL kits). If not, contact Westmead adult ED for the appropriate kit, (or at SCH , Prince of Wales) and treat similarly to the BAL sample.
- Currently no separate blood drug sampling kit is available. If requested by police for a blood drug sample, contact adult emergency department (Westmead or Prince of Wales) for the availability of a blood drug sample kit. If collected, manage sample as per BAL sample
- For clinical purposes, urine testing with urine drug screen (triage 8) performed in ED and documented , and formal drug testing on urine sample sent to pathology, is usually sufficient.

CHANGE SUMMARY

- New SCHN Emergency Departments document
- CHW document due for mandatory review.
- Reference to repealed legislation updated to current in-force legislation.
- Maximum time frame where blood or urine samples can be obtained reduced to 4 hours in line with current legislation.

READ ACKNOWLEDGEMENT

- Medical officers and registered nurses in CHW and SCH emergency departments should read acknowledge this document.

Blood Alcohol Sampling by Hospital Staff

The NSW Road Transport Act 2013 which applies to traffic (motor, horse and pedestrian) accidents and The Marine Safety Act 1998, which apply to marine accidents, authorise:

The compulsory blood testing of persons of or above the age of fifteen years, who attend or are admitted into a hospital for examination or treatment as a result of an accident, by any medical practitioner by whom the person is attended.

Note: Compulsory blood testing applies to

- road accidents that occur on a Public Road.
- a person who was driving a motor vehicle involved in the accident, or occupying the driving seat of a motor vehicle involved in the accident and attempting to put the motor vehicle in motion.
- a pedestrian involved in the accident.
- driving or riding a vehicle (not being a motor vehicle) involved in the accident.
- driving or riding a horse involved in the accident.
- the holder of a driver's licence and occupying the seat in the motor vehicle next to a holder of a learner's licence who was driving a motor vehicle involved in the accident.
- involved in an accident while operating a marine vessel.
- driving a motor vehicle involved in a fatal accident, even if the driver is uninjured and does not require other medical care.

Note: The police may bring uninjured drivers in fatal accidents who are <16 years old to our ED (CHW or SCH) for mandatory blood alcohol sampling ONLY.

Remember at SCHN, an uninjured driver could be a patient or a parent.

If there is no medical practitioner present to attend to the person at the hospital, the blood or urine sample is to be taken by a Registered Nurse who is attending the person and who is accredited by the hospital as competent to perform the sampling procedure.

The medical practitioner or registered nurse in the absence of a medical practitioner is under a duty to take the sample whether or not the accident patient consents to the taking of the sample.

The blood sample is to be taken for analysis as soon as practicable after the person arrives at the hospital. It is desirable for the sampling procedure to be witnessed by a member of the Police force, but sampling should not be delayed for this reason.

A sample should be taken from any person who meets the abovementioned criteria unless:

- blood sampling would prejudice the proper care and treatment of the person.
- the behaviour of the patient is such that taking a blood sample is not possible.
- the patient did not attend the hospital until more than 4 hours after the accident occurred.

If a patient meets the abovementioned criteria, and a blood sample is not taken, the reason for not taking the sample and the circumstances should be entered into the patient's health record.

The medical practitioner or nurse taking the sample does not incur any civil or criminal liability in respect to anything properly or necessarily done in the course of taking a blood or urine sample in accordance with the relevant Acts.

The sample may be taken by either a medical practitioner or a registered nurse (Road Transport Act 2013 Part 1 Definitions).

Sampling Procedure

An approved blood alcohol sampling kit must be used for collecting each blood sample and recording the necessary details. Each kit contains all equipment needed for sampling, packaging, identification of samples and certification by the medical practitioner. A medical certificate must be filled out by the medical practitioner or nurse taking a sample under the Act. Medical certificate forms are provided in quadruplicate.

Once the sample has been taken, place the sample in the **blue Police Blood Alcohol sampling box: CHW ED** drug room; or **POW ED** for SCH staff..

Note: Do NOT send the special police specimen to the CHW or SEALS lab. A separate specimen should be sent in a grey oxalate tube (on ice) to the CHW or SEALS lab if you want BAL results in relation to patient care.

At CHW: Once the seal has been broken on the box, notify the Nursing Unit Manager that a sample has been placed in there needing collection.

- If this occurs on Monday to Friday 7am to 4pm then call 96897100 for collection
- If it occurs outside of these hours an email should be sent to the Nursing Unit Manager at the time to hand over to call the number during working hours to have the sample collected.

Drug Sampling by Hospital Staff

The NSW Road Transport Act 2013 requires police to conduct compulsory drug testing (not just alcohol testing) after fatal traffic crashes. All drivers (injured or uninjured) involved in a fatal traffic crash are required to provide blood samples for drug testing.

- At SCHN Hospitals, an uninjured driver could be a patient or a parent.
- If police direct for an urine drug sample, at CHW there may be a kit in the Observation ward drug room (same place as BAL kits). If not, contact Westmead adult ED for the appropriate kit, (or at SCH , Prince of Wales) and treat similarly to the BAL sample
- Currently no separate blood drug sampling kit is available. If requested by police for a blood drug sample, contact adult emergency department (Westmead or Prince of Wales) for the availability of a blood drug sample kit. If collected, manage sample as per BAL sample
- If you want to test for presence of drugs in a patient injured in an MVA for clinical reasons (i.e.: altered LOC not explained by trauma) then a urine toxicology screen can be done using the rapid bedside test kits, AND a formal urine drug screen should be ordered on powerchart and sample sent to pathology.

When blood or related sample taking is not permitted

Road Transport Act 2013

A police officer cannot require a person to submit to a test, analysis or assessment, or to provide a sample, under this Schedule:

- (a) if the person has been admitted to hospital for medical treatment unless:
 - (i) the medical practitioner in immediate charge of the person's treatment has been notified of the intention to make the requirement, and
 - (ii) the medical practitioner does not object on the grounds that compliance with it would be prejudicial to the proper care or treatment of that person, or
- (b) in relation to the taking of a sample under clause 11—if an authorised sample taker has objected on the grounds that compliance would be dangerous to the person's health, or
- (c) if it appears to the officer that it would, by reason of injuries sustained by that person, be dangerous to the person's medical condition to submit to the test, analysis or assessment or provide the sample, or
- (d) at any time after the expiration of 4 hours from the occurrence of the accident concerned.

Marine Safety Act

- An authorised Police officer cannot require a person to undergo a breath test, to submit to a breath analysis or to provide a blood sample:
 - (a) if that person has been admitted to hospital for medical treatment, unless the medical practitioner in immediate charge of his or her treatment has been notified of the intention to make the requisition and the medical practitioner does not object on the grounds that compliance with it would be prejudicial to the proper care or treatment of that person, or
 - (b) if it appears to the officer that it would, by reason of injuries sustained by that person, be dangerous to that person's medical condition to undergo a breath test, submit to a breath analysis or provide the blood sample, or
 - (d) in the case of a blood sample—at any time after the expiration of 4 hours from the occurrence of the event by reason of which an authorised officer was entitled under clause 2 (1) or (2) to require that person to undergo a breath test.

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