Interim Drug Driving Blood Testing Arrangements in NSW Emergency Departments

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Summary

The purpose of this Information Bulletin is to advise Area Health Service employees of changes to hospital obligations and procedures when taking blood samples from uninjured arrested drivers under the Road Transport (Safety and Traffic Management) 1999 Act. This Information Bulletin does not change procedures to be followed when taking blood samples for traffic matters other than to amend the manner in which information is recorded on the Blood Sampling for Drug Certificate by Police Officers. All other procedures detailed in the policy Blood Alcohol Sampling by Hospital Staff (PD2005_495) and Blood Urine Testing of Drivers apparently under the influence of drugs (PD2005_029) still apply to the actual taking of blood samples.

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Applies to Area Health Services/Chief Executive Governed Statutory Health Corporation, Public Hospitals
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Distributed to Public Health System, NSW Ambulance Service, NSW Department of Health, Public Hospitals, Private Hospitals and Day Procedure Centres

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INTERIM DRUG DRIVING BLOOD TESTING ARRANGEMENTS IN NSW EMERGENCY DEPARTMENTS

This purpose of this information bulletin is to advise Area Health Service employees of changes to processes and procedures in taking blood samples from uninjured arrested drivers under the Road Transport (Safety and Traffic Management) 1999 Act.

This information bulletin does not change procedures to be followed when taking blood samples for traffic matters other than to amend the manner in which information is recorded on the Blood Sampling for Drugs Certificate by Police Officers. All other procedures detailed in the circular Blood Alcohol Sampling by Hospital Staff (PD2005_495) and Blood and Urine Testing of Drivers Apparently under the influence of drugs (PD2005_029) still apply to the actual taking of blood samples.

Summary
The Road Transport Legislation Amendment (Drug Testing) Bill 2006 requires police to conduct compulsory drug testing after fatal traffic crashes.

In relation to hospitals:
- There will be no changes to procedures for taking blood samples at hospitals.
- There will be one additional scenario when blood sampling at a hospital is required; for surviving drivers involved in a fatal road accident. This will have a small impact on individual hospitals.
- Extra resources have been provided to NSW health to outsource the blood sampling for existing and new traffic matters.

Additional blood sampling requirements

All drivers (injured and uninjured) involved in a fatal traffic crash will be required to provide a blood sample for drug testing. This will result in approximately 200 uninjured drivers each year having blood samples taken at hospitals across the state.

Police officers will be required to make hand-written amendments to the Blood Sampling for Drugs Certificate to note the new legislative provision under which the sample was taken from uninjured drivers. This is an interim measure only from 15 December 2006. See the attached example certificate for an illustration of the hand-written changes Police Officers will be required to make.

Certificates with the new provisions will eventually be placed in all blood-sampling kits. After a specific date previous blood sampling certificates will be redundant. It is anticipated these new certificates will be available by March/April 2007.

There are no changes to the existing blood-sampling regime for injured drivers.
Random Roadside Drug Testing

Random roadside drug testing will not ordinarily involve hospitals at any point. Involvement may occur if a driver is unable to provide the required oral fluid sample. Police may then take the driver to a hospital to provide a blood sample.

As with the fatal crash scenario Police officers will be required to make handwritten amendments to the Blood Sampling for Drugs Certificate to note the new legislative provision under which the sample was taken.

Future reduction in workload for Emergency Departments

The NSW Government has allocated funding to NSW Health to allow for the contracting of pathology service providers to conduct blood sampling at hospitals for all traffic matters for uninjured drivers. This will alleviate the current and future workload of many NSW hospital emergency departments when taking blood samples from uninjured arrested drivers. This not only relates to the new drug testing requirements, but also to the pre-existing blood alcohol testing regime. This program is only likely to be viable in the greater Sydney basin, Newcastle and Wollongong areas initially, with a possibility of extending to other regional centres in the future.

NSW Health is currently in discussions with the Department of Commerce to conduct a tender to provide these services. Notification about any changes will be issued in due course, and well before implementation begins.

Robyn Kruk
Director-General
Certificate by medical practitioner / registered nurse pursuant to the provisions of:
Section 35 of the Road Transport (Safety and Traffic Management) Act 1999 OR
(Tick box if other Act is applicable) 
☐ Clause 26 (2) of the Rail Safety (Drug and Alcohol Testing) Regulation 2003
☐ Clause 17 of Schedule 1 of the Marine Safety Act 1998

I, ___________________________ (name of medical practitioner / registered nurse acting under direction of medical practitioner), a medical practitioner / nurse certify that at ___________________________ (time) on ___________________________ (date),__________________________ (subject’s name) attended ___________________________ (subject’s address)

in accordance with:
Division 4A of Part 2 of the Road Transport (Safety and Traffic Management) Act 1999 OR
(Tick box if other Act is applicable) 
☐ Rail Safety (Drug and Alcohol Testing) Regulation 2003
☐ Schedule 1 of the Marine Safety Act 1998

At ___________________________ (time of sampling) on ___________________________ (date of sampling), I then took a sample of blood and a sample of urine from that person. I then dealt with the sample of blood in accordance with:
Division 4A of Part 2 of the Road Transport (Safety and Traffic Management) Act 1999 OR
(Tick box if other Act is applicable) 
☐ Rail Safety (Drug and Alcohol Testing) Regulation 2003
☐ Schedule 1 of the Marine Safety Act 1998
The container was sealed and labelled with the serial number ___________________________ (serial number on seal / label)

I then dealt with the sample of urine in accordance with:
Division 4A of Part 2 of the Road Transport (Safety and Traffic Management) Act 1999 OR
(Tick box if other Act is applicable) 
☐ Rail Safety (Drug and Alcohol Testing) Regulation 2003
☐ Schedule 1 of the Marine Safety Act 1998
Each of the containers was sealed and labelled with the same serial number ___________________________ (serial number on seal / label)

__________________________ (signature of medical practitioner / nurse) ___________________________ (date of signature)

Certificate by Police / Authorised Officer pursuant to the provisions of:
Section 35 (2) of the Road Transport (Safety and Traffic Management) Act 1999 OR
(Tick box if other Act is applicable) 
☐ Clause 26 (3) of the Rail Safety (Drug and Alcohol Testing) Regulation 2003
☐ Clause 17 of Schedule 1 of the Marine Safety Act 1998

I, ___________________________ (name and rank of Officer) ___________________________ (Officer’s work place), hereby certify that:

I received a sample of the blood and / or a sample of the urine of ___________________________ (subject’s name) in accordance with:
Division 4A of Part 2 of the Road Transport (Safety and Traffic Management) Act 1999 OR
(Tick box if other Act is applicable) 
☐ Rail Safety (Drug and Alcohol Testing) Regulation 2003
☐ Schedule 1 of the Marine Safety Act 1998
I arranged for the sample / s to be submitted for analysis by an analyst to determine whether any drug was present in the sample / s.
The container of blood was sealed and labelled with the serial number ___________________________ (serial number on label / seal)
The container of urine was sealed and labelled with the serial number ___________________________ (serial number on label / seal)

__________________________ (signature of Officer) ___________________________ (date of signature)