



North Carolina Department of Health and Human Services
Division of Health Service Regulation
Office of Emergency Medical Services

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MEMORANDUM

TO: EMS Systems
EMS Medical Directors
EMS Professionals

FROM: Regina Godette-Crawford, Chief 
Office of Emergency Medical Services

SUBJECT: Blood and Urine Sampling for DWI Suspects

DATE: July 2, 2012

The Office of Emergency Medical Services (OEMS) continues to receive comments regarding the requirement contained in G.S. § 20-139.1(d2) for Emergency Medical Technicians (EMTs) to obtain blood or urine samples for chemical analysis when directed by law enforcement officers. The OEMS maintains the position that the language contained in this statute creates confusion by (1) describing the sampling of blood and/or urine to be obtained by a credentialing level (EMT) that is inconsistent with their authorized skill set, and (2) ignores the authority assigned to the North Carolina Medical Board (NCMB) and North Carolina Medical Care Commission to establish practice settings for EMS personnel. Even though paragraph (d2) of this statute acknowledges “Notwithstanding any other provision of law...”, there seems to be a lack of recognition that the actual “provision of law” that negates this requirement as defined in G.S. § 143-514, whereby the authority to establish the scope of practice for EMS personnel is solely the responsibility of the NCMB.

Another issue that has been brought to our attention is the use by EMS personnel of the TriTechForensics™ Biological Specimen Kit provided by the North Carolina Highway Patrol. The blood sample collection instructions specifically restrict use of this kit to “a physician, registered nurse or trained phlebotomist.” Based on research on phlebotomist educational standards in North Carolina, it is the position of the OEMS that EMS educational programs would not qualify an EMT–Intermediate or EMT-Paramedic for phlebotomy certification without additional supplemental education. Therefore, based on this information, the OEMS does not support use of this particular kit by EMS personnel and recommends that EMS systems restrict the performance of blood sample collection to those specimen kits authorized for use by qualified EMS personnel. The OEMS is attempting to resolve this matter with the North Carolina Highway Patrol and other law enforcement groups.



Memorandum – Blood and Urine Sampling for DWI Suspects
July 2, 2012
Page 2

The position of the OEMS regarding this issue is that, until this issue can be resolved, EMS personnel should abide by the directives issued by their local EMS system and medical director. The local EMS system should collaborate with their law enforcement agencies to develop these directives. If personnel are instructed to deny obtaining the blood and/or urine samples, G.S. § 20-139.1(d2) states that a written justification for refusal must be provided to the law enforcement officer at the time of the request. The justification should be consistent with the directives as provided to the EMS professional.

Thank you for your cooperation and support of the North Carolina EMS program. If you require further clarification on this issue, please don't hesitate to contact me.

cc: Colonel Michael Gilchrist, NC SHP
Sheriff Samuel S. Page, NCSA Chairman, Rockingham County
Drexdal Pratt, Director DHSR
Sharnese Ransome, DHHS Legislative Liaison
OEMS Staff