

# Memorandum #02-13

**Date:** January 24, 2013

**To:** SOUTHERN NEVADA DISTRICT BOARD OF HEALTH

**From:** Mary Ellen Britt, R.N., M.P.H., *Acting EMS Manager* <sup>meB</sup>  
Thomas R. Coleman, M.D., M.S., *Director, Division of Community Health* <sup>JRC</sup>  
John Middaugh, M.D., *Interim Chief Health Officer* <sup>JMM</sup>

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**Subject:** Application by Mesquite Fire & Rescue for a Variance to District Emergency Medical Services Regulation Section 600.500.I.E.

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## BACKGROUND:

Mesquite Fire & Rescue is requesting a Variance to EMS Regulation Section 600.500.I.E., "Emergency Medical Technician-Intermediate: Authorized Activities" to allow them to perform blood draws for the purpose of blood alcohol analysis. Current Emergency Medical Services (EMS) Regulations prohibits an emergency medical technician from drawing blood specimens for nonmedical purposes.

The practicability of EMS providers drawing blood specifically for blood alcohol analysis has been previously addressed. The issue was discussed extensively in the latter part of 1987. The topic was brought before the EMS Medical Advisory Board and the decision was made that although NRS 484.393 (replaced in revision by NRS 484C.250) allowed emergency medical technicians to draw blood, it was not without potential negative consequences that would impact the primary mission of the emergency medical services agencies. The opposition to EMS personnel drawing blood for nonmedical purposes was three-fold: 1) ambulance attendants are licensed to provide emergency medical care, not to perform law enforcement functions; 2) rural EMS providers, in particular, did not want the patient-caregiver relationship damaged by being asked to draw blood for nonmedical purposes; and 3) the potential existed that EMS personnel would be required to appear in court to defend the blood drawing procedure which could be costly in both time and money for the individual and the employer. The Medical Advisory Board voted unanimously to prohibit EMS personnel from drawing blood for nonmedical purposes. The restriction has been in the EMS Regulations since that time.

The issue was addressed again in 1993 when the Nevada State Attorney General, Frankie Sue Del Papa, was asked by the acting administrator of the State Health Division to clarify if NRS 652.210 gave physician assistants, intermediate emergency medical technicians and advanced emergency medical technicians the authority to collect, without restriction, any

laboratory specimen. She responded, "Based upon the expressed legislative intent, emergency medical technicians, along with other licensed health care professionals listed in the statute, have been given the statutory authority to collect laboratory specimens and conduct 'field blood tests.' It is, however, not an unrestricted right. They must operate within the parameters of their respective licensing laws and the medical laboratory licensing laws contained in chapter 652." SNHD EMS Regulation 600.500.I.E. prohibits emergency medical technicians from drawing blood for nonmedical purposes.

#### **DISCUSSION:**

The license issued to EMS providers by the Office of Emergency Medical Services & Trauma System (OEMSTS) authorizes the holder to perform the duties of an attendant to provide care to a sick or injured patient in an emergency. Per EMS Regulation 100.170 a patient is "an individual who is sick, injured, or otherwise incapacitated or helpless and for whom Emergency Medical Care and/or Transport or Transfer is required or provided." Further, EMS Regulation 100.075 defines an emergency as "any actual or self-perceived event which threatens life, limb or well-being in such a manner that a need for immediate medical care is created." The circumstances described in the Variance request for EMT-Intermediates and Paramedics to draw blood samples at the jail for law enforcement purposes does not meet the intent of the regulations related to providing emergency medical care to a sick or injured person.

As part of our research, staff spoke with Pat Irwin, Nevada Emergency Medical Systems Program Manager. He stated the State EMS Office does not allow advanced emergency medical technicians to draw blood for nonmedical purposes. With regard to when this procedure may be performed, NAC 450B.390 (2) states, "The fluids, tubing and needles used for venipuncture, equipment for the management of airways and the other supplies and medications needed to support the special procedures performed by the authorized attendants must not be carried or stored in any vehicle other than an ambulance or agency's vehicle operated under a permit. The special procedures may be performed only when the attendant is functioning as part of the ambulance's team or as an attendant of a fire-fighting agency at the scene of an emergency." Mr. Irwin emphasized these authorized procedures were to be performed only at the scene of an emergency.

#### **RECOMMENDATION:**

The Southern Nevada Health District's Office of Emergency Medical Services & Trauma System has reviewed the application by petitioner Mesquite Fire & Rescue requesting a Variance to EMS Regulation Section 600.500.I.E., "Emergency Medical Technician-Intermediate: Authorized Activities." Based on the research conducted by the OEMSTS, staff believes that it is in the best interest of the EMS community to enforce SNHD EMS Regulation 600.500.I.E. which prohibits emergency medical technicians from drawing blood for nonmedical purposes and recommends that the Variance request be denied.

MEB:rp

#### **Attachments:**

- A. Notice of Public Hearing dated 12-12-12
- B. Mesquite Fire & Rescue's Letter Requesting a Variance to District EMS Regulation Section 600.500.I.E.
- C. Emergency Medical Services Regulation Section 600.500.I.E.

**NOTICE OF PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN** that a public hearing will be held before the Southern Nevada Health District's Board of Health on January 24, 2013, at 8:30 a.m. at the Southern Nevada Health District, 330 S. Valley View Blvd., Las Vegas, Nevada, pursuant to Nevada Revised Statutes 439.410 and 450B.130 for the purpose of considering a request by petitioner Mesquite Fire & Rescue for a variance to District Emergency Medical Services Regulations Section 600.500.I.E. "Emergency Medical Technician-Intermediate: Authorized Activities."

All interested persons may appear at the hearing and submit data, views or arguments regarding the proposed amendments. Written data, views and arguments may also be submitted to the District Board of Health in advance of the hearing, addressed to the Chairman of the Southern Nevada District Board of Health at P.O. Box 3902, Las Vegas, NV 89127. The District Board of Health will consider fully all written and oral submissions on the proposed amendments prior to taking action thereon. Questions may be directed to Southern Nevada Health District's Office of Emergency Medical Services & Trauma System at (702) 759-1050.

Dated: December 6, 2012

To be published: December 12, 2012



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Southern Nevada Health District  
EMS & Trauma System Manager

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COHD  
 EMERGENCY MEDICAL SERVICES

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Southern Nevada District Board of Health  
 PO Box 3902  
 Las Vegas, NV 89127

October 31, 2012

RE: VARIANCE TO SECTION 600.500.IE of the EMERGENCY MEDICAL SERVICES REGULATIONS

Mesquite Fire & Rescue respectfully requests a variance to Section 600.500.IE, "Emergency Medical Technician-Intermediate", which prohibits Emergency Medical Technicians from drawing blood specimens for "nonmedical purposes".

The reasons for the request are:


1. The City of Mesquite is a rural community with limited resources, and the police department has had difficulty in acquiring sufficient local resources to perform blood draws for the purpose of determining blood alcohol,
2. Budget reductions within the police department have further reduced the police department's ability to hire individuals to perform blood draws,
3. The city jail is used by law enforcement officers from the State of Arizona, who at times require the resources of the City of Mesquite to perform blood draws,
4. The time frame for the blood draw is two hours from the time of arrest, and resources when available are outside this time frame,
5. Limited resources and budget reductions and strict compliance with this regulation cause an undue financial hardship upon the City of Mesquite where there are a sufficient number of trained Emergency Medical Technicians available to assist the police department in obtaining legal blood specimens for the purpose of determining blood alcohol content, and
6. The issuance of a Variance to this regulation for the City of Mesquite and Mesquite Fire & Rescue will not "endanger nor tend to endanger" the public health or safety, nor constitute a "serious hazard or inability" to provide needed emergency medical services to the community that we serve.

Furthermore, whereas NRS 484C.250(a)(1) does allow for Emergency Medical Technicians to perform blood draws, Emergency Medical Technicians of Mesquite Fire & Rescue have received additional training in the proper method of obtaining blood samples for blood alcohol analysis as well as training in evidence preservation and chain of custody, court room procedure, and court room presentation.

Proper documentation forms for the withdrawal of blood specimens have been formulated and have had legal review and approval.

Mesquite Fire & Rescue will submit documentation of training to the Health District's Office of Emergency Medical Services as well as incorporate the procedure into its annual skills testing in order to maintain and document proficiency in the skill.

Respectfully,

  
 John S. Higley  
 Fire Chief

**600.500 EMERGENCY MEDICAL TECHNICIAN-INTERMEDIATE: AUTHORIZED ACTIVITIES.**

- I. An EMT-I who is Licensed as an Attendant may, in addition to the authorized activities of an EMT-B, perform the following procedures:
  - A. Defibrillation by automatic or semiautomatic defibrillator;
  - B. Intubation utilizing supraglottic airway device;
  - C. Administration of intravenous crystalloid solutions;
  - D. Administration of drugs listed on the District's Official EMT-Intermediate Drug Inventory;
  - E. Phlebotomy or draw blood specimens for analysis, except that drawing blood specimens for nonmedical purposes is hereby prohibited; and
  - F. Other activities as authorized by the Health Officer.
- II. An initial EMT-I Nevada Certificate shall only be issued to an Applicant who has successfully completed an approved training course conducted within Clark County or meets the requirements for reciprocity certification pursuant to this section.
- III. An EMT-I Licensed as an Attendant may, prior to receiving an order from a Telemetry Physician or Nurse Intermediary, perform any procedure or administer any medication which the Health Officer has authorized in writing, in a specific protocol which does not require an order and which is relevant to the Patient's condition.
- IV. No Person may independently perform the activities authorized pursuant to these Regulations.