



## **EMS Information Bulletin 2017-02**

**DATE:** March 22, 2017

**SUBJECT:** Legal Blood Draws – Interim Guidelines

**TO:** Regional EMS Directors  
Regional EMS Education Coordinators

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Act 142 of 2016, referred to as the Officer Brian Steven Gregg law, relating to legal blood draws, recently went into effect. The purpose of this EMS Information Bulletin is meant to serve as clarification to the Act, and its impact on EMS agencies.

EMS agencies are permitted, via the conditions of this EMS Information Bulletin, to disregard the “not for legal purposes” of line item 76 – IV Initiation/Maintenance/Fluids – Venous blood sampling, for the Paramedic column only, of the Scope of Practice for Emergency Medical Services Providers, 45 Pa.B. 5463, published Saturday, August 29, 2015, as Act 142 supersedes the Scope of Practice and permits this practice by paramedics.

The following shall constitute the approved statewide protocol for those agencies that desire to perform blood draws within the guidance of Act 142 of 2016 until a new protocol is published. At the time of publication of the new protocol, this protocol shall be considered rescinded.

### **Legal Blood Draw – Protocol**

1. Any EMS agency and paramedic performing “legal blood draws” must follow all applicable state and federal laws and guidance, including but not necessarily limited to, Act 142 of 2016, “Brian Steven Gregg Law and Act 35 of 2009, Emergency Medical Services System Act and associated regulations.
2. Any paramedic functioning within this role must be credentialed by the EMS agency medical director. Records of the credentialing process must be maintained by the EMS agency.

Please forward any questions to your regional EMS council.

**HEATH AND SAFETY (35 PA.C.S.) AND JUDICIAL CODE (42 PA.C.S.) -  
EMERGENCY MEDICAL SERVICES SYSTEM, DUTIES OF DEPARTMENT, FIRST  
AID AND SAFETY SERVICES, GOVERNANCE OF SYSTEM AND CRIMINAL  
LABORATORY USER FEE**

**Act of Nov. 3, 2016, P.L. 1094, No. 142**

**Cl. 35**

Session of 2016  
No. 2016-142

HB 2058

AN ACT

Amending Titles 35 (Health and Safety) and 42 (Judiciary and  
Judicial Procedure) of the Pennsylvania Consolidated Statutes,  
in emergency medical services system, further providing for  
duties of department and for first aid and other safety  
services; and, in governance of the system, further providing  
for criminal laboratory user fee.

This act shall be referred to as the Officer Brian Steven Gregg  
law.

The General Assembly of the Commonwealth of Pennsylvania hereby  
enacts as follows:

Section 1. Sections 8105(b)(11) and 8137 of Title 35 of the  
Pennsylvania Consolidated Statutes are amended to read:  
§ 8105. Duties of department.

\* \* \*

(b) Authority.--The department shall be the lead agency for  
EMS in this Commonwealth. The department is authorized to:

\* \* \*

(11) Promulgate regulations to establish standards and  
criteria for EMS systems **and services.**

\* \* \*

§ 8137. First aid and other [safety] services.

(a) Purpose.--An EMS agency may provide EMS at industrial  
sites, amusement parks or other locations in need of the service.  
No ambulance or other EMS vehicle shall be required for this  
purpose.

(b) Staffing.--The minimum staffing requirement is one EMS  
provider.

(c) Other requirements.--As assigned by the EMS agency, the  
EMS provider may provide EMS and other medical safety services up  
to the level for which the EMS provider has the credentials to  
provide EMS for the EMS agency.

**(c.1) Blood draw services.--A paramedic may provide assistance  
to law enforcement upon request to perform a legal blood draw on  
behalf of the agency from persons suspected of violating 75  
Pa.C.S. § 1543(b)(1.1) (relating to driving while operating  
privilege is suspended or revoked), 3735 (relating to homicide by  
vehicle while driving under influence), 3735.1 (relating to  
aggravated assault by vehicle while driving under the influence),  
3802 (relating to driving under influence of alcohol or controlled  
substance) or 3808(a)(2) (relating to illegally operating a motor  
vehicle not equipped with ignition interlock). Services provided  
under this subsection shall be considered to be within the  
paramedic's scope of practice. An agency vehicle may be utilized  
to provide the services under this subsection if the agency has  
implemented policies to ensure that EMS will not be unavailable  
when an ambulance is needed for a 911 dispatch. An agency may**

enter into an agreement with law enforcement to provide blood draw services under this subsection. A paramedic performing a legal blood draw service within the paramedic's scope of practice under this section shall maintain the same liability protections provided for under this chapter. It shall be permissible for a court to allow a law enforcement officer who witnessed the blood draw to testify as to the chain of custody in place of the paramedic who drew the blood.

(d) Protocols.--An EMS provider shall follow protocols approved by the department when providing EMS **or any other services** under this section.

Section 2. Section 1725.3 of Title 42 is amended to read:  
§ 1725.3. Criminal laboratory **and paramedic** user fee.

(a) Imposition.--A person who is placed on probation without verdict pursuant to section 17 of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, or who receives Accelerated Rehabilitative Disposition or who pleads guilty to or nolo contendere to or who is convicted of a crime as defined in 18 Pa.C.S. § 106 (relating to classes of offenses) or 75 Pa.C.S. § 1543(b)(1.1) (relating to driving while operating privilege is suspended or revoked) or 3802 (relating to driving under influence of alcohol or controlled substance) or 3735 (relating to homicide by vehicle while driving under influence) or 3735.1 (relating to aggravated assault while driving under the influence) or 3808(a)(2) (relating to illegally operating a motor vehicle not equipped with ignition interlock) or a violation of The Controlled Substance, Drug, Device and Cosmetic Act shall, in addition to any fines, penalties or costs, in every case where laboratory services were required to prosecute the crime or violation, be sentenced to pay a criminal laboratory **or paramedic** user fee which shall include, but not be limited to, the cost of sending a laboratory technician **or paramedic** to court proceedings.

(b) Amount of user fee.--

(1) The director or similar officer of the county laboratory **or emergency medical services agency** that has provided services in the prosecution shall determine the actual cost of the laboratory **or paramedic** services provided in the prosecution and transmit a statement for services rendered to the court.

(2) If a Pennsylvania State Police laboratory has provided services in the prosecution, the director or similar officer of the Pennsylvania State Police laboratory shall determine the actual cost of the laboratory services provided in the prosecution and transmit a statement for services rendered to the court.

(c) Disposition of fees.--

(1) The criminal laboratory user fee for criminal laboratory services provided by a county shall be paid to the county and shall be used solely for operation and maintenance of the county laboratory. The criminal laboratory user fee for criminal laboratory services provided by the Pennsylvania State Police laboratory shall be paid into the Criminal Laboratory User Fee Fund created under paragraph (2).

(2) A special nonlapsing fund of the State Treasury is hereby established and shall be known as the Criminal Laboratory User Fee Fund. Money in the Criminal Laboratory User Fee Fund is hereby appropriated to the Pennsylvania State Police and shall be used solely for operation and maintenance of Pennsylvania State Police criminal laboratories.

(3) **The paramedic user fee for laboratory services provided by a paramedic shall be paid to the emergency medical services agency and shall be used solely for the provision of criminal laboratory services.**

(d) Other laws.--The criminal laboratory **and paramedic** user fee shall be imposed notwithstanding any other provision of law to the contrary.

Section 3. This act shall take effect as follows:

(1) The following shall take effect in 90 days:

(i) The addition of 35 Pa.C.S. § 8137(c.1).

(ii) The amendment of 42 Pa.C.S. § 1725.3.

(2) The remainder of this act shall take effect immediately.

APPROVED--The 3rd day of November, A.D. 2016.

TOM WOLF