



FAQ about Blood Draws by or for Law Enforcement

Does law enforcement need consent to draw blood from an ANMC patient?

Yes, except where:

- They have a warrant; (Anchorage Police Department policy is that they will always make an effort to obtain a warrant before drawing blood) **or**
- Where Alaska law allows for warrantless blood testing, which is where **(a)** the person was involved in a motor vehicle accident that caused death or serious physical injury to another person; **and (b)** either the patient is conscious and there is some emergency (other than the natural dissipation of alcohol/drugs in blood) preventing the police from getting a warrant **or** the patient is unconscious. Please note, both conditions are met when a drunk-driving suspect is unconscious.

Can the police can direct ANMC staff to administer blood draw?

- Law enforcement should do their own blood draws. Jails and other law enforcement facilities are authorized by law to employ their own certified phlebotomy technicians to draw blood in the jail or other law enforcement facilities; thus, they have other options if a hospital declines to draw blood.
- However, if law enforcement is authorized to obtain a blood draw and they are not able to do the blood draw with their own personnel, then it is not illegal for ANMC to comply with law enforcement direction to administer a drug test. However, ANMC staff may decline to withdraw blood if the subject refuses to consent. ANMC staff should decline law enforcement's request to draw blood from any violent or struggling patient.
- If ANMC staff administer a blood draw at law enforcement's request, then the process in the ANMC "Blood Drawing for Chemical Testing Consent, Refusal, and Administration Procedure 701-10" should be followed.

Can ANMC provide law enforcement with the results of any blood test administered for patient care reasons?

If ANMC has drawn or tested blood for a clinical reason and law enforcement would like to obtain that sample or result information, then you should refer to the ANMC "Disclosure of Health Information to Law Enforcement Procedure #1001-03" or the checklist titled "Responding to Law Enforcement Request for PHI".

Can a patient direct ANMC to administer a blood draw?

No. A provider makes the decision as to whether or not a blood draw is medically necessary. The provider should evaluate the patient and order any tests that they believe are necessary for patient care. A provider does not need to order a test based on a patient's request.

Patients typically make these requests at the direction of law enforcement, following a suspected DUI incident. If law enforcement requires a blood draw, then they should use their own phlebotomy technicians, rather than having a patient request that this be done by ANMC.



Where can I find additional information about law enforcement requests related to patients?

You can search for “Law Enforcement” on the ANTHC and ANMC Policies and Procedures search page to pull up the following resources:

- Blood Drawing for Chemical Testing Consent, Refusal, and Administration Procedure
- Disclosure of Health Information to Law Enforcement Procedure
- Responding to Law Enforcement Requests for PHI Checklist
- Responding to Law Enforcement Requests for Access to Patients Checklist