

Chapter 246-827A WAC

FORENSIC PHLEBOTOMISTS

WAC

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WAC 246-827A-0005 Purpose. This chapter establishes training, credentialing, and renewal requirements for the forensic phlebotomist certification, and regulates the practice of forensic phlebotomy by a person who holds a forensic phlebotomist certification. A forensic blood draw performed by a person credentialed as a medical assistant-certified or a medical assistant-phlebotomist is governed by chapter 246-827 WAC. These rules do not establish or alter the standards for admissibility of evidence in criminal proceedings.

[Statutory Authority: Chapter 18.360 RCW, RCW 18.360.070, 43.70.040 and chapter 18.360 RCW as amended by 2017 c 336 §§ 14-17. WSR 18-14-016, § 246-827A-0005, filed 6/25/18, effective 7/26/18.]

WAC 246-827A-0010 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Correctional facility" as defined in RCW 70.48.020, means a facility operated by a governing unit primarily designed, staffed, and used for the housing of adult persons serving terms not exceeding one year for the purposes of punishment, correction, and rehabilitation following conviction of a criminal offense.

(2) "Department" means the Washington state department of health.

(3) "Detention facility" as defined in RCW 70.48.020, means a facility operated by a governing unit primarily designed, staffed, and used for the temporary housing of adult persons charged with a criminal offense prior to trial or sentencing and for the housing of adult persons for purposes of punishment and correction after sentencing or persons serving terms not to exceed ninety days.

(4) "Direct visual supervision" means the supervising health care practitioner is physically present and within visual range of the trainee.

(5) "Forensic phlebotomist" means a police officer, law enforcement officer, or employee of a correctional facility or detention facility, who is certified under chapter 18.360 RCW and meets any additional training and proficiency standards of his or her employer to collect a venous blood sample for forensic testing pursuant to a search warrant, a waiver of the warrant requirement, or exigent circumstances.

(6) "Law enforcement officer" or "police officer" as defined in RCW 10.93.020, means a general authority, limited authority, specially commissioned, or federal peace officer.

(7) "Peace officer certification" means a certification issued by the criminal justice training commission under chapter 43.101 RCW.

(8) "Secretary" means the secretary of the department of health or the secretary's designee.

(9) "Venipuncture" means accessing a person's vein to collect a blood sample.

[Statutory Authority: Chapter 18.360 RCW, RCW 18.360.070, 43.70.040 and chapter 18.360 RCW as amended by 2017 c 336 §§ 14-17. WSR 18-14-016, § 246-827A-0010, filed 6/25/18, effective 7/26/18.]

WAC 246-827A-0020 General standards. (1) The forensic phlebotomist must have knowledge and understanding of the laws and rules regulating the forensic phlebotomist, including chapter 18.130 RCW, Regulation of health professions—Uniform Disciplinary Act.

(2) The forensic phlebotomist must function within his or her scope of practice.

(3) The forensic phlebotomist must demonstrate competency before performing new or unfamiliar duties which are in his or her scope of practice.

(4) The forensic phlebotomist must comply with all applicable state and federal laws regarding privacy of criminal records.

(5) The forensic phlebotomist must comply with any initial and ongoing training and proficiency standards of his or her employer as required in RCW 18.360.010.

[Statutory Authority: Chapter 18.360 RCW, RCW 18.360.070, 43.70.040 and chapter 18.360 RCW as amended by 2017 c 336 §§ 14-17. WSR 18-14-016, § 246-827A-0020, filed 6/25/18, effective 7/26/18.]

WAC 246-827A-0030 Training. An applicant for a forensic phlebotomist certification must successfully complete a forensic phlebotomist training program.

(1) Forensic phlebotomist training programs must align with the standards described in RCW 18.360.030.

(2) For the purposes of this section, "clinical setting" means an environment that allows venipunctures and venipuncture training that are conducted in a safe and sterile manner.

(3) An approved program must be:

(a) A forensic phlebotomy program through a postsecondary school or college accredited by a regional or national accrediting organization recognized by the U.S. Department of Education; or

(b) A forensic phlebotomy training program administered by a health care practitioner, as defined under RCW 18.360.010, whose scope of practice includes venipuncture, and who is responsible for determining the content of the

training and for ascertaining the proficiency of the trainee. The phlebotomy training program must include the following:

(i) Training to include evaluation and assessment of knowledge and skills to determine entry level competency in the following areas:

- (A) Performing a venipuncture;
- (B) Employing agency standards for ethics, confidentiality, and use of force as they relate to performing a forensic blood draw;
- (C) Recognizing:
 - (I) Symptoms of a medical emergency and appropriate first aid; and
 - (II) Persons who are not medically able to undergo a venipuncture.
- (D) Materials to be used;
- (E) Anatomic considerations for performing venipuncture;
- (F) Procedural standards and techniques for venipuncture;
- (G) Common medical terminology and practices related to forensic blood draws;
- (H) Physical layout of the blood draw scene; and
- (I) Safety requirements including infection prevention and control, dealing with a person who has an infectious disease, and the handling and disposal of biohazardous materials.

(ii) Direct visual supervision by a health care practitioner, a certified forensic phlebotomist, or a delegated and certified medical assistant-phlebotomist to the trainee to ensure competency in the following:

- (A) Practice technique in a simulated situation;
- (B) Observation of performing procedures on patients until the trainee demonstrates proficiency to be certified at the minimum entry level of competency. The trainee must have adequate physical ability, including sufficient manual dexterity to perform the requisite health care services.

(iii) Documentation of all forensic blood draw training signed by the supervising health care practitioner and the trainee, and placed in the trainee's personnel file.

(c) Training programs that meet the requirements described in this subsection are approved by the secretary.

[Statutory Authority: Chapter 18.360 RCW, RCW 18.360.070, 43.70.040 and chapter 18.360 RCW as amended by 2017 c 336 §§ 14-17. WSR 18-14-016, § 246-827A-0030, filed 6/25/18, effective 7/26/18.]

WAC 246-827A-0040 Application requirements. An applicant for a forensic phlebotomist credential must submit the following to the department:

- (1) Completed application on forms provided by the department;
- (2) Proof of successful completion of the required education or approved training program described under WAC 246-827A-0030;
- (3) Proof of completing seven clock hours of HIV/AIDS education as required by chapter 246-12 WAC, Part 8;
- (4) Proof of current employment as a law enforcement or police officer, or current employment at a detention or correction facility;
- (5) Any fee required in WAC 246-827A-900;

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(6) Fingerprint cards for national fingerprint based background check pursuant to RCW 18.130.064(2), if requested by the department; and

(7) Any additional documentation or information requested by the department.

[Statutory Authority: Chapter 18.360 RCW, RCW 18.360.070, 43.70.040 and chapter 18.360 RCW as amended by 2017 c 336 §§ 14-17. WSR 18-14-016, § 246-827A-0040, filed 6/25/18, effective 7/26/18.]

WAC 246-827A-0050 Credential invalidation. (1) The forensic phlebotomist credential is no longer valid when:

(a) The forensic phlebotomist's peace officer, limited authority, specially commissioned, or federal peace officer certification is revoked or expires; or

(b) An employee of a detention or correctional facility is no longer employed by a detention or correctional facility.

(2) The forensic phlebotomist must notify the department within thirty days of the forensic phlebotomist's:

(a) Peace officer, limited authority, specially commissioned, or federal peace officer certification being revoked or expired; or

(b) Last day of employment by a detention or correctional facility.

[Statutory Authority: Chapter 18.360 RCW, RCW 18.360.070, 43.70.040 and chapter 18.360 RCW as amended by 2017 c 336 §§ 14-17. WSR 18-14-016, § 246-827A-0050, filed 6/25/18, effective 7/26/18.]

WAC 246-827A-0060 Expired credential reissuance.

(1) A person holding an expired forensic phlebotomist credential may not practice until the credential is returned to active status.

(2) If the forensic phlebotomist credential has expired for less than three years, he or she must meet the requirements of chapter 246-12 WAC, Part 2.

(3) If the forensic phlebotomist credential has been expired for three years or more, and he or she is currently practicing as a forensic phlebotomist in another state or U.S. jurisdiction, he or she must:

(a) Meet the requirements of chapter 246-12 WAC, Part 2; and

(b) Provide verification of a current unrestricted active forensic phlebotomist credential in another state or U.S. jurisdiction that is substantially equivalent to the qualifications for his or her credential in the state of Washington.

(4) If the forensic phlebotomist credential has been expired for three years or more and the person does not meet the requirements of subsection (3) of this section, he or she must comply with chapter 246-12 WAC, Part 2, and demonstrate competence by completing a forensic phlebotomist program described under WAC 246-827A-0030 within six months prior to applying for reactivation.

[Statutory Authority: Chapter 18.360 RCW, RCW 18.360.070, 43.70.040 and chapter 18.360 RCW as amended by 2017 c 336 §§ 14-17. WSR 18-14-016, § 246-827A-0060, filed 6/25/18, effective 7/26/18.]

WAC 246-827A-0070 Conditions for performing forensic phlebotomy. As required in RCW 46.61.506:

(1) The performance of the venipuncture must not interfere with the provision of essential medical care; the blood sample must be collected using sterile equipment; and the

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skin area of puncture must be thoroughly cleaned and disinfected;

(2) The person whose blood is collected must be seated, reclined, or lying down; and

(3) If taken at the scene, the blood sample must be performed in an ambulance or aid service vehicle licensed by the department of health under chapter 18.73 RCW.

[Statutory Authority: Chapter 18.360 RCW, RCW 18.360.070, 43.70.040 and chapter 18.360 RCW as amended by 2017 c 336 §§ 14-17. WSR 18-14-016, § 246-827A-0070, filed 6/25/18, effective 7/26/18.]

WAC 246-827A-0080 Mandatory reporting. Mandatory reporting laws under chapter 246-16 WAC apply to a person who holds a forensic phlebotomist credential.

[Statutory Authority: Chapter 18.360 RCW, RCW 18.360.070, 43.70.040 and chapter 18.360 RCW as amended by 2017 c 336 §§ 14-17. WSR 18-14-016, § 246-827A-0080, filed 6/25/18, effective 7/26/18.]

WAC 246-827A-0090 Military training. An applicant with relevant military training or experience satisfies the training or experience requirements of this chapter unless the secretary determines that the military training or experience is not substantially equivalent to the standards of this state.

[Statutory Authority: Chapter 18.360 RCW, RCW 18.360.070, 43.70.040 and chapter 18.360 RCW as amended by 2017 c 336 §§ 14-17. WSR 18-14-016, § 246-827A-0090, filed 6/25/18, effective 7/26/18.]

WAC 246-827A-990 Fees. (1) Credentials must be renewed every two years on the credential holder's birthday as provided in chapter 246-12 WAC, Part 2.

(2) The following nonrefundable fees will be charged for a forensic phlebotomist certification:

Title of Fee	Fee
Initial credential	\$145.00
Renewal	\$145.00
Late renewal penalty	\$75.00
Expired credential reissuance	\$55.00
Verification of credential	\$25.00
Duplicate credential	\$10.00

[Statutory Authority: Chapter 18.360 RCW, RCW 18.360.070, 43.70.040 and chapter 18.360 RCW as amended by 2017 c 336 §§ 14-17. WSR 18-14-016, § 246-827A-990, filed 6/25/18, effective 7/26/18.]