

WAC 246-827-0430 Forensic blood draws—Standards of practice.

(1) Any medical assistant-certified or medical assistant-phlebotomist certified under this chapter who performs a forensic blood draw must do so in accordance with the rules governing delegation and supervision in WAC 246-827-0110 and 246-827-0420, as well as the standards of practice for a medical assistant in Washington state. Forensic blood draws by medical assistant-certified or medical assistant-phlebotomist are not limited to specific settings and must comply with the standards of practice described in this section.

(2) A medical assistant-phlebotomist or medical assistant-certified meets the supervision requirements to perform a blood draw at the direction of a law enforcement officer if either:

(a) The medical assistant's supervising health care practitioner delegates the blood draw; or

(b) The blood draw is performed under the supervising health care practitioner's protocol for blood draws as provided in RCW 18.360.060.

(3) As provided in RCW 18.130.410, it is not professional misconduct for a medical assistant-certified or medical assistant-phlebotomist to collect a blood sample without consent under direction of law enforcement pursuant to a search warrant or under exigent circumstances; however, nothing relieves a medical provider from professional discipline arising from the use of improper procedures or from failing to exercise the required standard of care.

(4) RCW 46.61.508 sets forth the circumstances under which medical assistants-certified and medical assistants-phlebotomist are immune from civil and criminal liability when conducting a lawful forensic blood draw at the direction of a law enforcement officer. This protection does not extend to civil liability arising from the use of improper procedures or failing to exercise the required standard of care.

[Statutory Authority: RCW 18.360.030, 18.360.040, and 18.360.070. WSR 17-15-075, § 246-827-0430, filed 7/14/17, effective 8/14/17.]