



San Diego County Sheriff

Training Bulletin

William D. Gore, Sheriff

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Administrative Blood Draw Process Update

The following training bulletin is an update to the Department's administrative blood draw process. It applies to Detention, Court Services and Patrol employees. This bulletin was prepared with the assistance of Sheriff's Legal, DA Liaison, Medical Services Division (MSD), Medical Liaison Unit (MLU), Inmate Processing Division (IPD) and Human Resources.

The administrative blood draw process occurs when an employee comes in contact with blood, is spit on, or other potentially infectious material gets on their skin, eye, mouth or other mucous membrane from an arrestee or inmate. The employee may be concerned they were exposed to a bloodborne pathogen. The bloodborne pathogens we test for are HIV and Hepatitis B/C. There is a time concern for employees if they need medication so the clock is ticking after an exposure. Employees should be presented medication options by a medical professional and begin taking the medications preferably within 24 hours but no longer than 7 days past exposure for Hepatitis B/C and within 72 hours for HIV for optimal effectiveness.

The anti-retroviral medications (ART) should be started within the designated timeframe to be effective. If the employee starts the medications and it is later determined the arrestee/inmate was not infected, following medical consult with their County healthcare provider or primary care physician, the employee can choose to discontinue the medications.

This particular blood draw process: 1) is for administrative not criminal reasons, 2) is for the benefit of our employees, 3) needs to be drawn by a contracted phlebotomist and 4) is drawn in special tiger tubes for testing.

The blood draw is done either with consent from the suspect, arrestee, or inmate; or without consent as a forced blood draw.

If the subject does not give consent, we may need to have a forced blood draw, which may require a court order based on the following criteria:

Patrol's court order process will follow in accordance with 121060 H&S Code.

If HIV testing is requested, the Detention court order process will follow in accordance with 121060 H&S Code as well. For Hepatitis B/C only testing, Detentions may continue to use the 243.9 PC Gassing procedure.

The Court Services Bureau process will generally be determined by whether the individual is an arrestee, in which case the Patrol process applies, or an inmate, in which case the Detention process applies.

Important updates to the administrative blood draw process for Supervisors:

121060 H&S requires us to complete three (3) steps in order to secure a court order from a judge authorizing the forced blood draw, including testing for HIV:

".....(1) a licensed health care provider (jail nurse or doctor) shall notify the arrestee of the bloodborne pathogen exposure and (2)....make a good faith effort to obtain the voluntary informed consent of the arrestee or the arrestee's authorized legal representative to perform a test for human immunodeficiency virus (HIV), hepatitis B, and hepatitis C. The voluntary informed consent shall be in writing."

"If voluntary informed consent is not given in writing, the affected individual may petition, ex parte, the court for an order requiring testing as provided in this chapter. The petition shall include a (3).....written certification by a health care professional that an exposure, including the nature and extent of the exposure, has occurred."

(H&S 121060)

In order to comply with the written certification requirement of 121060 H&S, the Division of Inspectional Services (DIS) maintains sample Bloodborne Pathogen Exposure Certification (BPEC) forms on the DIS website.

1. **Concentra (formerly known as U.S. Healthworks) Bloodborne Pathogen Exposure Certification form (BPEC).** This form will be kept at all Concentra facilities and will be on the DIS website. Employees who are exposed to bloodborne pathogens will have the form signed by the attending health care provider at Concentra. By signing this form, the healthcare provider is certifying the nature and extent of the exposure. The employee should retain a copy for themselves and MLU paperwork. The original accompanies an affidavit and the request for court order that is sent to the judge in accordance with 121060 H&S Code. The written certification is legally required. [Concentra Bloodborne Pathogen Exposure Certification](#)

2. **Kaiser Permanente On the Job (KPOJ) Bloodborne Pathogen Exposure Certification form (BPEC).** This form will be kept at all KPOJ facilities and will be on the DIS website. Employees who are exposed to bloodborne pathogens will have the form signed by the attending health care provider at KPOJ. By signing this form, the healthcare provider is certifying the nature and extent of the exposure. The employee should retain a copy for themselves and MLU paperwork. The original accompanies an affidavit and the request for court order that is sent to the judge in accordance with 121060 H&S Code. The written certification is legally required. [\(KPOJ\) Bloodborne Pathogen Exposure Certification](#)

3. **County Bloodborne Pathogen Exposure Certification form (CBPEC).** If the employee's condition requires them to bypass Concentra and KPOJ facilities and go straight to a hospital, there is a County Bloodborne Pathogen Exposure Certification form (CBPEC) on the DIS website that can be used for the same authorization. The employees should retain a copy for themselves and MLU paperwork. The original form accompanies an affidavit and the request for court order that is sent to the judge in accordance with 121060 H&S Code. The written certification is legally required. [County Bloodborne Pathogen Exposure Certification](#)

Medication process and pick-up.

During the examination with the health care provider, the employee will be told if they are at "risk" to exposure. The health care provider *may* prescribe medications to the employee with instructions. Concentra will dispense the first dose of medications at the clinic and let the employee know where to go to obtain more medication. Employees should follow these instructions from the health care provider. The County has partnered with three (3) specific Walgreens locations that have committed to having the 7-day supply of medication available at all times:

- Hillcrest: Walgreens, 301 University Avenue, 92103; (619) 325-0423
- Kearny Mesa: Walgreens, 5504 Balboa Avenue, 92111; (858) 495-9155
- Oceanside: Walgreens, 3507 Cannon Road, 92056; (760) 630-1327

Walgreens will provide a 7-day supply of medication for the employee until their next scheduled follow-up appointment.

Concentra will also provide the employee with an OccuScript voucher to pay for the medication. There will be a Concentra Help Desk phone number [REDACTED] listed on the voucher. Although we do not anticipate problems, employees can call 24/7 if they experience issues obtaining their medication. If an issue is not resolved, the employee should contact their

Supervisor and DIS immediately. Also contact MLU [REDACTED] and DHR-Risk Management [REDACTED] (nighttime, weekends, or holidays). The employee can go back to Concentra and get daily doses during the time of resolution.

KPOJ will dispense the first dose of medication at the clinic, if warranted. KPOJ will provide the employee with a prescription that can be filled on-site at their pharmacy; you will not need a voucher. Both San Diego Medical Center and Zion Medical Center are open 24/7.

Daytime Court Order in accordance with 121060 H&S Code.

Patrol and Court Services: If consent is not given by the suspect/arrestee for a blood draw, a forced blood draw will need to be conducted.

Detention and Court Services: If consent is not given by the inmate for a blood draw **AND** you want to test for HIV, a forced blood draw will need to be conducted. The 243.9 PC Gassing procedure may still be used for Hepatitis B/C only testing of an inmate.

Telephonic search warrants, used in the past, will no longer be approved by judges for these administrative blood draws, unless emergency exigent circumstances exist (see below). We are now using the daytime warrant process to request a court order in accordance with 121060 H&S Code. Per 121060 H&S we will need:

- 1) Concentra BPEC, Kaiser Permanente On the Job BPEC or County CBPEC
- 2) To have a medical professional (jail nurse/doctor) notify suspect of the bloodborne pathogen exposure;
- 3) To have a medical professional attempt to gain voluntary consent, and if consent is not given,
- 4) To present the Affidavit, request for Court Order and BPEC/CBPEC to a judge for approval.

For Patrol, the detective unit will be called out by the Patrol Supervisor to draft the request for court order and affidavit as soon as possible. For Detention, DIU will be called out by the Detention Supervisor to draft the request for court order and affidavit as soon as possible. For Court Services, the CSB Investigations Unit will be called out by the Court Supervisor to draft the request for court order and affidavit as soon as possible. DIS will be called out and respond to all administrative blood draw incidents and will assist personnel with the process. DIS does not write the request for court order/affidavit; station detectives/DIU/CSB Investigations are responsible for the generation of these documents.

For detailed instructions and a step-by-step checklist, see the [Patrol Supervisors Duties form](#) the [Detention/Court Supervisor Duties form](#) .

*** If exigent circumstances exist, where a time delay to wait for a court order poses a danger to the deputy (i.e. public safety issue, open wound exposure, employee was told they are at "risk" to exposure, holiday weekend, arrestee has HIV or Hepatitis B/C, arrestee is transient and may be released, etc.), a telephonic script example can be used to obtain a court order. This script will be on the DIS website, was drafted by the DA's Office and has been reviewed by Sheriff's Legal. The assigned investigator shall call the On-Call judge using the script and to request a court order to forcibly draw blood. ***

Hepatitis B/C or Tuberculosis: Incidents concerning detention facility employees who have been exposed to an inmate's bodily fluid or human excrement, as defined in California Penal Code Section 243.9 will be investigated. If the chief medical officer (Sheriff's Medical Director) or designee (Sheriff's Medical Services On-Call Physician or On-Duty Charge Nurse) deems it medically necessary, he or she can order the inmate be tested for Hepatitis B or C and/or tuberculosis, as soon as possible. Every effort should be made to obtain a voluntary blood sample from the inmate first. Refusal to provide a blood sample may result in a forced blood draw. (DSB P&P I.95)

HIV: Inmates can also be tested for HIV on a voluntary or involuntary basis. The voluntary consent shall be in writing. If the inmate refuses, a court order must be obtained for the HIV testing. The on duty watch commander or designee will contact the Detention Investigation Unit (DIU) or CSB Investigations Unit to request the court order. The blood sample will be processed as outlined in Detention Policy and Procedure Section M.42.

Remember, these blood draws are for the benefit of our employees and to help them cope with a possible exposure. This process is the employee's decision and they should not be swayed in their decision. If employees are at "risk" and told by the health care provider to start taking medications, it is in their best interest to follow the recommendations of their health care provider.

In addition to the BPEC forms and the supervisor's guides, here is a link to the Administrative Blood Draw updated power point: [Blood Draw-Powerpoint](#). These resources are located on the Division of Inspectional Services (DIS) website.

Other resources, also found on DIS website:

[Affidavit and Court Order Examples](#)

[Telephonic Script Example](#)

[MLU Bloodborne Pathogen Tri-fold](#)

The information in this Training Bulletin was provided by the Division of Inspectional Services (DIS) Sergeant Mowins and Sheriff's Legal. It was edited for distribution by Cpl. Brent Longfellow at the In-Service Training Unit. If you have expertise in a particular subject and would like to write a training bulletin, please contact Corporal Brent Longfellow at In-Service Training, [REDACTED]