

Emergency
Department
Guide
to
Mandatory
Blood Testing Act
(2006)

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INTRODUCTION

PURPOSE

To require that taking of blood samples to protect victims of crime, emergency service workers, Good Samaritans and other persons.

LEGAL AUTHORITY

Ontario Regulation 449/07

The Mandatory Blood Taking Act 2006

BACKGROUND

The Mandatory Blood Taking Act was proclaimed into force on August 10, 2007, repealing Section 22.1 of the Health Protection and Promotion Act.

Ontario Regulation 449/07 ("Regulation") to the Act was filed on August 10, 2007. This Regulation sets out the process that an applicant must follow when applying to a medical officer of health to have a blood sample of another person analyzed if he/she came into contact with body fluids of another person. It also sets out procedures to be followed by medical officers of health, respondents, physicians who complete the physician report, laboratory personnel and the Consent and Capacity Board. The law comes into effect August 10, 2007.

Who may apply?

Any person may apply to a medical officer of health to have a blood sample of another person analyzed if the applicant came into contact with a bodily substance of the other person in any of the following circumstances:

1. As a result of being the victim of a crime.
2. While providing emergency health care services or emergency first aid to the person, if the person was ill, injured or unconscious as a result of an accident or other emergency.
3. In the course of his or her duties, if the person belongs to a prescribed class.
4. While being involved in a prescribed circumstances or while carrying out a prescribed activity.

What are the prescribed classes?

The following are prescribed as classes of persons who may make an application under Section 2 of the Act.

1. Persons who are employed in a correctional institution, place of open custody or place of secure custody, as those terms are defined in the Ministry of Correctional Services Act.
2. Police officers as defined in the Police Services Act, employees of a police force who are not police officers. First Nation Constables and auxiliary members of a police force.
3. Firefighters, as defined in subsection 1 (1) of the Fire Protection and Prevention Act, 1997.
4. Paramedics and emergency medical attendants, as those terms are defined in the Ambulance Act.
5. Paramedic students engaged in field training.
6. Members of the College of Nurses of Ontario.
7. Members of the College of Physicians and Surgeons of Ontario.
8. Medical students engaged in training.

**THE APPLICATION WHICH INCLUDES BOTH THE PHYSICIAN'S
AND APPLICANT REPORTS
MUST BE RECEIVED BY THE MEDICAL OFFICER OF HEALTH
WITHIN 7 DAYS OF THE EXPOSURE.**

FORMS

All MBTA forms, including French and Ontarians with Disabilities Act (ODA) compliant forms are available on the Service Ontario forms site at:

<http://www.forms.ssb.gov.on.ca/mbs/ssb/forms/ssbforms.nsf/?opendatabase&ENV+WWE>

For your convenience, direct links are provided here to the English versions:

Physician Report

[http://www.forms.ssb.gov.on.ca/mbs/ssb/forms/ssbforms.nsf/AttachDocsPublish/008-11-001E~1/\\$File/008-11-001E.pdf](http://www.forms.ssb.gov.on.ca/mbs/ssb/forms/ssbforms.nsf/AttachDocsPublish/008-11-001E~1/$File/008-11-001E.pdf)

Applicant Report

[http://www.forms.ssb.gov.on.ca/mbs/ssb/forms/ssbforms.nsf/AttachDocsPublish/008-11-002E~1/\\$File/008-11-002E.pdf](http://www.forms.ssb.gov.on.ca/mbs/ssb/forms/ssbforms.nsf/AttachDocsPublish/008-11-002E~1/$File/008-11-002E.pdf)

Respondent Report

[http://www.forms.ssb.gov.on.ca/mbs/ssb/forms/ssbforms.nsf/AttachDocsPublish/008-11-003E~1/\\$File/008-11-003E.pdf](http://www.forms.ssb.gov.on.ca/mbs/ssb/forms/ssbforms.nsf/AttachDocsPublish/008-11-003E~1/$File/008-11-003E.pdf)

Laboratory Requisitions

[http://www.forms.ssb.gov.on.ca/mbs/ssb/forms/ssbforms.nsf/AttachDocsPublish/008-11-004E~1/\\$File/008-11-004E.pdf](http://www.forms.ssb.gov.on.ca/mbs/ssb/forms/ssbforms.nsf/AttachDocsPublish/008-11-004E~1/$File/008-11-004E.pdf)

Further information on the MBTA will be available shortly on the Ministry of Community Safety and Correctional Services website at <http://www.mcscs.jus.gov.on.ca>

If you have any questions related to the MBTA, please contact the Ministry at 416-325-7331.

PROCESS

For the Victim

If a person presents to the emergency room, who is a victim of crime or person in a prescribed class who has come into contact with a bodily substance in the course of her (her) work, the Emergency Room staff should inform the person of the Mandatory Blood Testing Act, and the time lines for the process to be started.

Following the examination, the physician must fill out the Physician Report and the victim should be provided with a copy of the Applicant Report.

Base line testing for HIV, Hepatitis B and C should be drawn at this time to facilitate the process.

A copy of the results needs to be sent to the Medical Officer of Health once they are received.

For the Respondent

If a person has been identified as the respondent he (she) may present at the emergency room for blood samples to be taken. The respondent should arrive with a completed MBTA requisition.

PROCEDURE FOR TAKING A BLOOD SAMPLE

Verification of respondent's identity before taking blood sample

A physician or other person to whom a person goes for the taking of a blood sample pursuant to a request made under Section 3 of the Act or an order made under Section 5 of the Act shall, before taking the blood sample.

- (a) ask the person who is presenting himself or herself to have a blood sample taken from him or her to produce photo identification or, if the person does not have photo identification, two other pieces of identification each containing the person's name and signature; and
- (b) verify that the person who is present himself or herself to have a blood sample taken from him or her is the respondent by inspecting the identification produces.

If identification is not produced as requested under clause (1) (a) or if the physician or other person is not satisfied that the person who is presenting himself or herself to have a blood sample taken from him or her is the respondent, the physician or other person,

- (a) shall not take the blood sample;
- (b) shall indicate on the laboratory requisition that he or she did not take the blood sample and the reason for not doing so; and
- (c) shall forward the laboratory requisition to,
 - (i) the medical officer of health in the health unit for the area where the respondent lives, if the person went for the taking of a blood sample pursuant to a request made under Section 3 of the Act, or
 - (ii) the Consent and Capacity Board, (FAX number 1-866-777-7273) if the person went for the taking of a blood sample pursuant to an order of the Board made under Section 5 of the Act.

Persons who may take a blood sample

The following are prescribed as classes of persons who may take a blood sample under Section 3 and Section 5 of the Act:

1. Members of the College of Medical Laboratory Technologists of Ontario
2. Members of the College of Nurses of Ontario who are registered nurses and who hold extended certificates of registration under the Nursing Act.

Procedures for taking blood sample

A physician or other person who takes a blood sample from a respondent pursuant to a request made under Section 3 of the Act or an order made under Section 5 of the Act shall,

- (a) Attach to each of the vacutainers containing blood taken from the respondent a label that lists the respondent's name, date of birth and the date on which the sample was collected;
- (b) Immediately put all the vacutainers into a biohazard bag;
- (c) Attach a seal to the biohazard bag;
- (d) Write the respondent's name and date of birth on the seal attached to the biohazard bag;
- (e) Attach a unique number identifier to the laboratory requisition, which appears on the original and all copies of the laboratory requisition;
- (f) Indicate on the laboratory requisition that the identity of the respondent was verified in accordance with Section 14;
- (g) Write his or her own name and sign and date the laboratory requisition;
- (h) Provide the respondent with a copy of the completed laboratory requisition;
- (i) Retain one copy of the completed laboratory requisition for his or her records; and
- (j) Send one copy of the completed laboratory requisition to,
 - (i) The medical officer of health in the health unit for the area where the respondent lives, if the sample is taken pursuant to a request made under Section 3 of the Act, or
 - (ii) The Consent and Capacity Board, if the sample is taken pursuant to an order made under Section 5 of the Act.

A physician or other person who takes a blood sample from a respondent shall immediately deliver the blood sample, packaged as required by subsection (1), and the original completed laboratory requisition by subsection (1), and the original completed laboratory requisition by courier to the Central Public Health Laboratory for analysis there.

The copy of the laboratory requisition sent to the medical officer of health under subclause (1) (j) (i) shall be sent by fax (613-345-5777).