

**Certificate Form Set
Qualified Medical Practitioner OR
Qualified Technician in Respect of Blood Samples**

Information for Qualified Medical Practitioner or Qualified Technician

1. Blood samples may be taken for the purposes of the Criminal Code by a "qualified medical practitioner" or a "qualified technician in respect of blood samples".
2. Under the Criminal Code, a qualified medical practitioner is a person duly qualified by provincial law to practice medicine.
3. Under the Criminal Code, a qualified technician in respect of blood samples in Ontario is:
 - (a) Registered nurses certified by the College of Nurses of Ontario;
 - (b) Registered medical technologists certified by the Canadian Society of Laboratory Technologists;
 - (c) Persons authorized in writing by the hospital employing them to take blood samples.
4. Section 320.28 authorizes a police officer under certain conditions to demand blood samples from a person without a warrant. A person who refuses to comply with a demand can be charged with a criminal offence. The person must provide at least two samples.
5. Section 320.37 provides that no qualified medical practitioner or qualified technician shall be found guilty of an offence by reason only of their refusal to take a sample blood if they have a reasonable excuse for refusing, or incur any liability for doing anything necessary to take the samples that was done with reasonable care and skill. The exact text of section 320.37 is below.
6. Before drawing blood, you must be satisfied that the process will not endanger the health of the person.
7. Ensure that the kit provided by the police officer is labelled as containing "approved containers". Break the seal on the kit.
8. Blood must be received into the "approved containers". Draw two samples of blood in your normal way using the approved containers and note the times you completed taking each sample. One of the two samples will be retained for the purpose of analysis by or on behalf of the person from whom the samples were taken.
9. Assure proper mixing with the anticoagulant/preservative by inverting the containers at least eight (8) times. **DO NOT SHAKE VIGOROUSLY.**
10. Ensure that both numbered seals are completed, including the person's name. Seal each container securely by placing the seal over the stopper and firmly pressing the seal down the side of the container. **DO NOT COVER THE PRODUCT NUMBER AND EXPIRY DATE OF THE MANUFACTURER'S LABEL.**
11. Place both approved containers back in the original box.
12. You will be required to complete and sign a certificate provided by the police officer. This certificate allows for several alternatives. Please review it carefully, and INITIAL the appropriate boxes. **Ensure all appropriate blank spaces are completed.** The certificate is evidence of the facts stated in it and should preclude your attendance in court in most cases. An accused person may, however, obtain permission from the court to require your attendance. Allowing the police officer to be present during the blood collection process may further reduce the possibility of having to attend court.
13. Give the completed and signed certificate and the kit to the police officer. The officer will leave one copy of the certificate with you.

Section 320.37 of the Criminal Code provides:

- (1) No qualified medical practitioner or qualified technician shall be found guilty of an offence by reason only of their refusal to take a sample of blood from a person for the purposes of this Part if they have a reasonable excuse for refusing to do so.
- (2) No qualified medical practitioner, and no qualified technician, who takes a sample of blood from a person under this Part incurs any liability for doing anything necessary to take the sample that was done with reasonable care and skill.