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After an exposure incident, do we need the source patient to sign a form if they decline blood draw?

Ask OSAP does not provide legal advice. Requirements may vary by state. It is recommended that you consult with your attorney on this matter.

You may also wish to consult with your area OSHA office. Please note that there may be varying requirements in those states with State OSHA Programs. It is recommended that you contact OSHA in your state to find out about requirements. Further information about State OSHA Programs can be accessed at: <https://www.osha.gov/dcsp/osp/index.html> .¹

Ask OSAP can provide some general information on this topic.

An OSHA bloodborne pathogens exposure fact sheet states the following:

*Reporting is also important because part of the follow-up includes identifying the source individual, unless the employer can establish that identification is infeasible or prohibited by state or local law, and determining the source's HBV and HIV infectivity status. If the status of the source individual is not already known, the employer is required to test the source's blood as soon as feasible, provided the source individual consents. If the individual does not consent, the employer must establish that legally required consent cannot be obtained. If state or local law allows testing without the source individual's consent, the employer must test the individual's blood, if it is available. The results of these tests must be made available to the exposed worker and the worker must be informed of the laws and regulations about disclosing the source's identity and infectious status.*²

Resources

1) US Department of Labor – Occupational Safety & Health Administration. Frequently Asked Questions about State Occupational Safety and Health Plans. <https://www.osha.gov/dcsp/osp/index.html> Accessed on June 17, 2016.

2) US Department of Labor – Occupational Safety and Health Administration. OSHA Fact Sheet – Bloodborne Pathogen Exposure Incidents. https://www.osha.gov/OshDoc/data_BloodborneFacts/bbfact04.pdf Accessed on June 17, 2016.