



NEW YORK STATE SENATOR

Betty Little

Governor Paterson Signs "Jack Shea" Bill to Combat Drunken Driving

BETTY LITTLE July 13, 2010

| ISSUE: **DRUNK DRIVING**

July 12, 2010

Governor David A. Paterson today signed legislation that will immediately permit certified nurse practitioners and advanced emergency medical technicians to draw blood without direct physician supervision from motorists who are suspected of driving under the influence of drugs or alcohol.

The bill resulted from the tragic death of two-time Olympic gold medalist Jack Shea and other cases where a legal loophole enabled indisputably impaired drivers to evade prosecution. Under the prior law, if a police officer asked medical personnel to draw blood from a suspected drunk or impaired driver following a collision, and a physician did not directly supervise the procedure, the evidence was inadmissible.

“Over the past year, with Leandra’s Law and other initiatives, I have fought to deter drunken driving and to appropriately penalize those who get behind the wheel of a car while under the influence of alcohol or drugs,” Governor Paterson said. “Advanced emergency medical technicians draw blood all the time without direct supervision from a doctor and this measure simply brings the legal standard for withdrawal of blood in drunken and impaired driving cases into conformity with standard medical practice. Jack Shea’s Law will close a loophole that allowed several guilty individuals to evade justice.”

Mr. Jack Shea, the 91-year-old former Olympian, was involved in a motor vehicle accident in January 2002. Both Mr. Shea and the other driver were taken to Adirondack Medical Center (AMC), where no doctor was on duty. Since Mr. Shea was the more severely injured, the physician’s assistant and registered nurse at AMC focused on his treatment and an advanced emergency medical technician, at the request of a police officer and with the consent of the driver, drew blood from the motorist whose vehicle collided with Mr. Shea’s.

A test revealed that the driver had a blood alcohol content of 0.15, or nearly twice the legal limit, and he was indicted for vehicular manslaughter, criminally negligent homicide and driving while intoxicated. However, since the blood draw was not supervised by a physician, the evidence was suppressed and the charges were dismissed – the same outcome in several other cases where a physician was not available to supervise a blood draw of a suspected drunk or impaired driver.

