

**214.464 Transfusion of untested blood -- Conditions -- Patient notification.**

- (1) (a) Untested blood may be transfused only in an emergency situation in which the attending physician determines a patient is in imminent danger of death or serious physical injury and no tested and labeled blood as set forth under KRS 214.458 is readily available to alleviate the emergency situation; provided, however, that the attending physician shall obtain specific prior consent for the transfusion from the patient in the emergency situation or if the patient's condition renders the patient incapable of giving consent, seek from the next of kin of the patient, if available, prior informed consent to transfuse any untested blood. For purposes of this section, the patient's "next of kin" means, in the following order;
1. The spouse of the patient;
  2. If there is none, then the mother or father of the patient;
  3. If there is none, then any adult son or daughter of the patient; or
  4. If there is none, then any brother or sister of the patient.
- (b) Physical evidence of consent shall become a part of the patient's permanent medical record.
- (2) Blood establishments may release untested blood, collected under standards set forth in KRS 214.452, at the request of a physician, or health facility, or health service in an emergency as provided under this section. If blood has not been tested, the test shall be performed as soon after the transfusion as possible. If the blood subsequently tests positive for any blood-borne communicable disease, the patient's attending physician shall be immediately notified. The attending physician shall, in turn, notify the patient of the test results. The patient or next of kin shall indicate notification of receipt of the test results and any offer of treatment or referral to another health-care provider on a form provided by the health facility or health service and approved by the Cabinet for Health and Family Services.

**Effective:** June 20, 2005

**History:** Amended 2005 Ky. Acts ch. 99, sec. 460, effective June 20, 2005. -- Amended 1998 Ky. Acts ch. 426, sec. 407, effective July 15, 1998. -- Amended 1994 Ky. Acts ch. 325, sec. 5, effective July 15, 1994. -- Created 1988 Ky. Acts ch. 76, sec. 8, effective July 15, 1988.