

# U. nurse Alex Wubbels testifies for bill requiring police to get warrant for blood draw

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SALT LAKE CITY — A University Hospital nurse who was arrested for refusing to let a police officer draw blood from a patient last summer testified Wednesday for a bill that would require police to get a warrant before collecting blood in a crime investigation.

In her first public appearance since settling her civil claim against the officers, Alex Wubbels said the proposed law — which appears headed to the governor's desk without opposition — isn't the last step in putting the ordeal behind her.

"Not really, actually," she told reporters after speaking to the Senate Judiciary, Law Enforcement and Criminal Justice Committee.

Wubbels said multiple organizations have asked her to talk about "what it takes to stand your ground and to speak on behalf of patients. I've been taking the incident, which was a horrible and very negative incident, and turning it into something positive for nurses in Utah and throughout the country."

Rep. Craig Hall, R-West Valley City, drafted HB43 in the wake of the highly publicized confrontation between Wubbels and Salt Lake police detective Jeff Payne last July.

"Everyone recognizes that a lot of things went wrong that day. This is a way that we can prevent this sort of confrontation in the future, and everyone is in favor of making sure this doesn't happen again," Hall said.

The law would have stopped the encounter had it been in place at the time, he said.

The legislation makes clear that a blood draw would be permitted only with the person's oral or written consent, a warrant or a judicially recognized exception to a warrant.

Hall said there are situations where a blood draw is necessary and justified.

"But this takes that decision out of the police officer's hands," he said.

Electronic warrants take about 10 minutes to obtain, so there's really no reason not to get one, Hall said.

Wubbels said it gives her solace to know that the U. hospital policy she was working under is worth making into law. She said it enables other hospitals to provide the same protection for their patients.

"I think it gives nurses both in our state and potentially across the nation a sense of security that they can stand up for what's right and maintain the patient's safety at all times," she said.

Wubbels' controversial arrest happened July 26 when Payne was sent to University Hospital to collect blood from a man injured in a crash that killed the driver who caused it.

Wubbels, citing policy agreed upon by the hospital and the police department, declined to tell Payne where the patient was or allow him to draw blood.

The detective, with direction from his supervisor that day, Lt. James Tracy, ultimately arrested the screaming nurse after physically pushing her out of the emergency room and holding her against a wall while handcuffing her.

The police department fired Payne and demoted Tracy to the rank of officer.

Wubbels reached a \$500,000 settlement with all parties involved late last year.

She said she never wants to forget the patient, Bill Gray, involved in the situation.

"This was for him. He's the point of all of this. The point of all this is to protect patients like him," she said.

Karra Porter, Wubbels' attorney, said the nurse set up a project to help others obtain police body-camera footage from law enforcement. So far, they have helped about 45 people, she said. None of those cases involved an incident like the one Wubbels endured.

"I don't expect or hope to ever see that kind of footage again," said Porter, who along with Wubbels released the U. hospital incident video to the news media.

The Utah Highway Patrol testified in favor of HB43 in the committee meeting Wednesday, as did usual adversaries the ACLU of Utah and the Utah Eagle Forum. The committee unanimously sent the bill to the Senate floor for consideration. It unanimously passed the House last week