

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

630 Camp Street, New Orleans, LA 70130
Mailing Address: Post Office Box 30250, New Orleans, LA 701 90-0250
www.lsbme.la.gov



Telephone: (504) 568-6820
FAX: (504) 568-8893
Writer's Direct Dial:

Rita Arceneaux, Confidential Executive Assistant
Email: rarceneaux@lsbme.la.gov

July 18, 2012

Re: Administration of Drugs/ Immunizations
By Unlicensed Personnel

At its most recent meeting, the Louisiana State Board of Medical Examiners ("Board") considered your electronic correspondence generally seeking guidance as to whether: (i) a non-licensed person may administer drugs/immunizations under the direction of a physician; (ii) the physician delegating the task must be present and on-site at the time the service is provided; and (iii) the training of the unlicensed individual needs to be personally provided by the physician who has delegated the task. The Board asked that I acknowledge your inquiry and provide you with its response.

As the individual in question is unlicensed in any category of allied health care that would allow the administration of drugs or immunizations under the scope of his or her own license, the activities you describe necessarily constitute the practice of medicine¹ as defined by the Louisiana Medical Practice Act, La. Rev. Stat. §37:1262(1). It has been the long-standing opinion of the Board that delegated activities, such as the administration of drugs or immunizations, may be undertaken or performed by an unlicensed individual in this state who functions solely under a Louisiana licensed physician's direction and immediate personal supervision—*i.e.*, where the physician is physically present in the office or suite *at all times* that an unlicensed assistant is providing the service and retains full responsibility to patients for the training, delivery and results of all services rendered. An unlicensed individual filling such a position could not—and may not be permitted under any circumstances—to act independently of a licensed physician or exercise independent medical judgment in selecting or administering drugs or immunizations. If an unlicensed individual acts beyond this scope he or she (and perhaps the physician as well) would be in violation of the Louisiana Medical Practice Act.

¹LA. REV. STAT. ANN. §§ 37:1261-1292. In pertinent part, as defined by the Act, the "practice of medicine" means

[T]he holding out of one's self to the public as being engaged in the business of, of the actual engagement in, the diagnosing, treating curing, or relieving of any bodily or mental disease, condition, infirmity, deformity, defect, ailment, or injury in any human being...whether by the use of any drug, instrument or force...or any other agency or means; or the examining...of any person or material from any person for such purpose....
La. Rev. Stat. § 37:1262(1) (emphasis supplied).

July 18, 2012

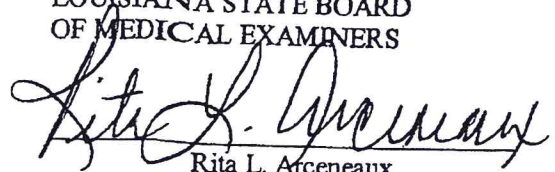
Page 2

Finally, while a physician who delegates a medical task need not personally train the unlicensed individual to provide the service, as noted above, the physician retains full responsibility to patients for the training, delivery and results of all services rendered.

I trust this is responsive to your inquiry. Should you have any additional questions or need further assistance, please do not hesitate to ask.

Yours very truly,

LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS



Rita L. Arceneaux
Confidential Executive Assistant