

**THE LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

- STATEMENT OF POSITION -

**BIOTERRORISM AND NATIONAL
EMERGENCY RESPONSE**
(DECEMBER 2003)

A bioterrorism attack or some other national disaster has the capacity to wreak devastation on both the public and private sectors and in many instances render elements of state government essentially non-operational. In such instances a rapid and effective response is of the utmost importance to the welfare of our citizens. The need for physicians to see patients and provide patient-specific orders and inoculations, as would occur in non-emergent times, must necessarily give way to a quicker system of vaccine delivery when faced with the challenge of inoculating the population of hospitals, neighborhoods or even entire cities. Accomplishing such enormous tasks would more than likely not be feasible with the existing number of physicians and other personnel currently licensed to practice in this state. Louisiana law recognizes the potential for these extraordinary circumstances by allowing individuals who are not licensed by the Board to provide assistance that in normal times would be considered the practice of medicine¹ (*i.e.*, the determination of who, how and in which manner vaccines and other medications are to be administered, the administration of such vaccines and/or medications, and responding to adverse reactions).

In the event of a bioterrorism attack or a similar national, regional or state emergency, when so declared by the President of the United States or the Governor of this state, the administration of vaccines and other medications needed to respond to an infectious disease or agent may, in the Board's view, be administered by *out-of-state non-Louisiana licensed physicians, any health care provider licensed by the Board and any other appropriately trained person* when such individuals are designated or permitted by and act under the protocol and/or standing orders of the President of the United States, the Secretary of the United States Department of Health and Human Services, the United States Office of Homeland Security, the Centers for Disease Control, the Governor of Louisiana or the Public Health Officer of this state. The Board will consider the above-described circumstances to constitute "the administration of first aid in cases of emergency," thereby relieving responders of the need to apply for or hold medical licensure in this state.

¹In particular, the Louisiana Good Samaritan Law, La. R.S. §9:2793, provides a level of immunity from civil liability for individuals providing medical services in cases of emergency. Equally as significant, the Louisiana Medical Practice Act provides a specific exemption from licensure for '[T]he administration of first aid in cases of emergency,' La. R.S. §37:1291(2).