



STATE OF ALABAMA DEPARTMENT OF  
**PUBLIC HEALTH**

Thomas M. Miller, M.D.  
State Health Officer

September 12, 2016

To Whom It May Concern:

Subject: Liability issues surrounding mass and closed Points of Dispensing (PODS)

When a disaster occurs, Federal and State disaster declarations and proclamations are signed that enable emergency workers to avoid any hindrances to help persons affected by the disaster including professional practice act and liability concerns. The Food and Drug Administration (FDA) issues an Emergency Use Authorization (EUA), coordinated by the Centers for Disease Control and Prevention (CDC), allowing for the medications to be dispensed and suspending the normal drug approval processes necessary to treat those affected.

Typically, practice acts are suspended by proclamation of the Governor authorizing healthcare workers participating in disaster response to provide assistance in areas which they are otherwise prevented by their practice acts. One example is the dispensing of prescription medications by nurses or other designated individuals who are not normally allowed to do so under their practice act. During such an event, a proclamation will be issued by the Governor that specifically identifies the duties that a nurse can perform other than their normal practice. The proclamation also addresses such issues as the need for standing orders and other procedures which are suspended by the proclamation. Working under the proclamation, standing orders are not required on the local level.

Liability for healthcare workers and other volunteer individuals and organizations assisting with manufacturing, distributing, or dispensing medical countermeasures is mitigated by the Public Readiness and Emergency Preparedness (PREP) Act and other legal protections which come into play when the nation and state are under disaster declarations and proclamations. Therefore, for purposes of the distribution of Strategic National Stockpile (SNS) assets, mass PODS, closed PODS and the other activities needed for the disaster, healthcare workers are covered both for actions exceeding their respective practice acts and others, including volunteering individuals and organizations, for liability for the duration of the disaster when providing disaster related services to the public. When providing these services you are directed to adhere to the proclamations which will be issued for disaster response purposes.

Sincerely,

A handwritten signature in blue ink, appearing to read "P. Brian Hale".

P. Brian Hale  
General Counsel