GOVERNOR DOUGLAS A. DUCEY

STATE OF ARIZONA

EXECUTIVE ORDER

Executive Order 2020-37

Enhanced Surveillance Advisory
Continuing to monitor responsiveness to COVID-19

WHEREAS, COVID-19 represents a serious threat to public health. COVID-19 is known to cause respiratory illness, which can result in severe disease complications and death; and

WHEREAS, the World Health Organization officially declared a pandemic due to COVID-19 on March 11, 2020; and

WHEREAS, the Governor of Arizona, in response to the COVID-19 pandemic issued a Declaration of Emergency on March 11, 2020; and

WHEREAS, as of May 21, 2020, in Arizona there were 15,315 total confirmed cases and 763 total deaths related to COVID-19, and the situation is rapidly evolving with person-to-person transmission and continued transmission in the community; and

WHEREAS, COVID-19 may affect a greater percentage of the population than for example seasonal influenza because of the novel nature of the disease and the lack of immunity to the disease within the population. Therefore, a larger number of individuals may require testing, medical treatment or hospitalization as a result of COVID-19; and

WHEREAS, to mitigate the spread of COVID-19, it is necessary that all Arizonans who need to be tested or treated for COVID-19 have access to testing and treatment; and

WHEREAS, prompt detection of cases and their close contacts, followed by rapid implementation of infection control measures, is necessary to control the spread of COVID-19; and

WHEREAS, the Arizona Department of Health Services requires more robust and accurate data and more resources to successfully combat the COVID-19 pandemic through specimen testing; and

WHEREAS, pursuant to Arizona Revised Statutes ("A.R.S") § 36-664, communicable disease-related information is confidential; and

WHEREAS, A.R.S. § 36-664 prohibits the release of communicable disease-related information but also provides for specific circumstances when such information can be released, such as when authorized by state or federal law; and

WHEREAS, pursuant to A.R.S. § 36-782(A), the Governor, in consultation with the Director of the Arizona Department of Health Services, has the authority to issue an Enhanced Surveillance

Advisory, if the Governor has reasonable cause to believe that an illness or health condition caused by a pandemic disease has or may occur; and

WHEREAS, pursuant to A.R.S. § 36-782(B), as determined by the Governor after considering the least restrictive measures necessary that are consistent with public health and safety, an Enhanced Surveillance Advisory shall direct the following:

(1) Those persons and entities required to report;
(2) The clinical syndromes, any illness or health condition that may be associated with a specific illness or health care conditions to be reported;
(3) Patient tracking;
(4) Information sharing; and
(5) Specimen testing coordination; and

WHEREAS, pursuant to A.R.S.§ 36-782(C), the Director of the Arizona Department of Health Services has notified local health authorities about the Governor's intent to issue this Enhanced Surveillance Advisory; and

WHEREAS, pursuant to A.R.S. § 36-782(D), if because of an immediate threat to public health the Arizona Department of Health Services and local health authorities are not able to hold a meeting with representatives of persons and institutions who will be affected by an Enhanced Surveillance Advisory before the Governor issues the Enhanced Surveillance Advisory, the meeting must take place within seventy-two hours after the Governor issues the Enhanced Surveillance Advisory, and such meeting may be held by any means feasible given the circumstances; and

WHEREAS, pursuant to A.R.S. § 36-782(E), to the extent possible, the Arizona Department of Health Services and local health authorities shall share Department and local health authority personnel, equipment, materials, supplies and other resources to assist persons and institutions affected to implement the terms of the Enhanced Surveillance Advisory; and

WHEREAS, pursuant to A.R.S. § 36-783(A), a health care provider or medical examiner shall report to the local health authority all cases of any illness, health condition or clinical syndrome and any additional information specified in an Enhanced Surveillance Advisory; and

WHEREAS, pursuant to A.R.S. § 36-783(D), reports required pursuant to an Enhanced Surveillance Advisory must be in writing or by any method directed by the Arizona Department of Health Services or local public health authority, and must be submitted within twenty-four hours after identifying the reportable circumstance; all persons required to report pursuant to an Enhanced Surveillance Advisory must cooperate with the Arizona Department of Health Services and a local health authority in effecting the Enhanced Surveillance Advisory, and failure to report pursuant to an Enhanced Surveillance Advisory is an act of unprofessional conduct; and

WHEREAS, pursuant to A.R.S. § 36-783(E), the Arizona Department of Health Services and local public health authority shall maintain as confidential:

(1) Any information or a particular part of information provided pursuant to the Enhanced Surveillance Advisory that, if made public, would divulge the trade secrets of a person or business; and
(2) Other information likely to cause substantial harm to the person's or business' competitive position; and

WHEREAS, pursuant to A.R.S. § 36-783(F), a local health authority shall immediately notify the Arizona Department of Health Services of any reports received during the period of an Enhanced Surveillance Advisory; and

WHEREAS, pursuant to A.R.S. § 36-784(A), during an Enhanced Surveillance Advisory, to identify, treat and track persons who may have been exposed to an illness or health condition identified in the Enhanced Surveillance Advisory, the Arizona Department of Health Services and local health authorities may access confidential patient information, including medical records, wherever and by whomever held and whether or not patient identify is known; and

WHEREAS, pursuant to A.R.S. § 36-784(C), any medical information or other information from which a person might be identified that is received by the Arizona Department of Health Services or a local health authority in the course of an Enhanced Surveillance Advisory is confidential and is not available to the public; and

WHEREAS, pursuant to A.R.S. § 36-786(A), the Arizona State Laboratory shall coordinate specimen testing related to an Enhanced Surveillance Advisory, and if necessary and at State expense for testing specimens; the Arizona Department of Health Services may designate other laboratories to assist it in testing specimens; and

WHEREAS, pursuant to A.R.S. § 36-786(B), the Arizona Department of Health Services shall determine the criteria necessary for private or public laboratories to conduct clinical or environmental testing associated with any illness or health condition subject to an Enhanced Surveillance Advisory; and

WHEREAS, pursuant to A.R.S. § 36-786(C) and during an Enhanced Surveillance Advisory, a public safety authority, if requested by the Arizona Department of Health Services, shall coordinate and provide transportation of clinical or environmental samples to the Arizona State Laboratory or other testing laboratory designated by the Arizona Department of Health Services; and

WHEREAS, pursuant to A.R.S. § 36-787(A), during a state of emergency declared by the Governor in which there is an occurrence or imminent threat of an illness or health condition caused by a pandemic disease that poses a substantial risk of a significant number of human fatalities or incidents of permanent or long-term disability, the Arizona Department of Health Services shall coordinate all matters pertaining to the public health emergency response of the State; and

WHEREAS, pursuant to A.R.S. § 36-787(A), during a state of emergency declared by the Governor the Arizona Department of Health Services has primary jurisdiction, responsibility and authority for:

(1) Planning and executing public health emergency assessment, mitigation, preparedness response and recovery for the State;

(2) Coordinating public health emergency response among State, local and tribal authorities;

(3) Collaborating with relevant federal government authorities, elected officials of other states, private organizations and private sector companies;

(4) Coordinating recovery operations and mitigation initiatives subsequent to public health emergencies; and

(5) Organizing public information activities regarding state public health emergency response operations; and

WHEREAS, pursuant to A.R.S. § 36-790(A), the physician patient privilege does not prevent a person or health care provider from complying with the duty to report or provide personal information and medical information to the Arizona Department of Health Services or local health authority in accordance with A.R.S. Title 36, Chapter 6, Article 9; and

WHEREAS, COVID-19 health information is confidential and must be protected, and any dissemination is limited to the minimum necessary for protecting those impacted; and

WHEREAS, public release of an individual's personal information gathered by public health including home address can result in a fear of reporting by those potentially infected and decrease the ability of health departments to control outbreaks of communicable diseases; and

WHEREAS, it is necessary and appropriate to take action to ensure that the COVID-19 pandemic is stopped to ensure that the residents of Arizona remain safe and healthy.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, by virtue of the authority vested in me by the Constitution and Laws of the State and after consultation with the Director of the Arizona Department of Health Services, in addition to the data reporting requirements outlined in Executive do hereby order:

1. The COVID-19 pandemic in Arizona justifies the issuance of an Enhanced Surveillance Advisory pursuant to A.R.S. § 36-782(A) and such advisory is issued by this Executive Order.

2. This Enhanced Surveillance Advisory supersedes reporting requirements set forth in Executive Orders 2020-13, 2020-22(4), 2020-23, 2020-30(10) but all other provisions of these orders are renewed and remain in effect for the duration of this order.

3. Pursuant to the Enhanced Surveillance Advisory and A.R.S. § 36-782(B)(4), the Arizona Department of Health Services and local health authorities may access confidential patient information, including medical records, wherever and by whomever held, whether or not patient identity is known, including health information held by Health Current in its capacity as the statewide health information exchange.

4. Pursuant to the Enhanced Surveillance Advisory and A.R.S. §§ 36-782(B)(1) and (4), 36-783(A), (D) and (F), and 36-787(A), a hospital, as defined in Arizona Administrative Code R9-10-101, shall report the following through EMResource or alternative form to the Arizona Department of Health Services every twenty-four hours:
    - Per day staff call out;
    - Number of ventilators in use;
    - Number of ventilators available for use;
    - Number of ECMOs in use;
    - Number of ECMOs available for use;
    - Number of ICU beds in use;
    - Number of ICU beds available for use;

- Number of inpatient beds in use;
- Number of inpatient beds available for use;
- Number of ED beds in use;
- Number of ED beds available for use;
- Medical supply and equipment shortage (medications, fluids, O2 tanks, sanitizer, ECMO circuits, etc.);
- Description of triage process currently established;
- Number of inpatient COVID-19 positive patients or patients with suspected COVID-19;
- Number of ventilators in use by COVID-19 positive patients or patients with suspected COVID-19;
- Number of ICU beds in use by COVID-19 positive patients or patients with suspected COVID-19;
- Number of COVID-19 positive patients or patients with suspected COVID-19 discharged from the facility per day;
- Number of COVID-19 positive patients or patients with suspected COVID-19 seen in the Emergency Department per day;
- Number of intubations performed per day for respiratory distress;
- Estimated number of N95 masks used per day;
- Estimated number of surgical masks used per day;
- Estimated number of face shields used per day;
- Estimated number of surgical gowns used per day;
- Estimated number of goggles used per day;
- Total number of total new admissions per day;
- Total number of new COVID-19 positive or suspect admissions per day;
- Total number of new ICU admissions per day;
- Total number of ICU discharges per day;
- Total number of COVID-19 positive or suspect ICU admissions per day;
- Total number of COVID-19 positive or suspect ICU discharges per day;
- Total number of extubations/individuals weaned off of ventilators per day;
- Total number of direct care staff per day;
- Number of days of PPE inventory on hand in the following categories:
    - 0 days;
    - 1-3 days;
    - 4-14 days;
    - 15-30 days; or
    - 30+ days;
- Total number of all staffed inpatient and outpatient beds in your hospital, including all overflow and surge/expansion beds used for inpatients and for outpatients (includes all ICU beds);
- Number of patients currently hospitalized in an inpatient bed with onset of suspected or confirmed COVID-19 fourteen or more days after hospital admission due to a condition other than COVID-19;
- Number of patients with suspected or confirmed COVID-19 who currently are in the Emergency Department (ED) or any overflow location awaiting an inpatient bed;

- Number of patients with suspected or confirmed COVID-19 who currently are in the ED or any overflow location awaiting an inpatient bed and on a mechanical ventilator; and
- Number of patients with suspected or confirmed COVID-19 who died in the hospital, ED, or any overflow location on the date for which you are reporting.

5. Nursing Care Institutions, ICF-IID and DD Medical Group Homes shall report through EMResource or alternative form to the Arizona Department of Health Services every twenty-four hours:
    - Number of COVID-19 positive residents requiring isolation
    - Current admission criteria related to COVID-19
    - Number of beds available to new admissions with COVID-19
    - Number of days of PPE Inventory on hand in the following categories:
        - 0 days;
        - 1-3 days;
        - 4-14 days;
        - 15-30 days; or
        - 30+ days;

6. Pursuant to the Enhanced Surveillance Advisory and A.R.S. §§ 36-782(B)(1) and (4) and 36-787(A), a laboratory as defined in A.R.S. § 36-451(4) shall report all COVID-19 test results by name (positive and negative) to the Arizona Department of Health Services in an electronic format as follows:
    a. For laboratories reporting to the Arizona Department of Health Services through electronic lab reporting ("ELR"), results of all COVID-19 tests.
    b. For laboratories not reporting to the Arizona Department of Health Services through ELR, in an Arizona Department of Health Services approved flat file format to a secure FTP site or secure email as outlined in guidance at https://www.azdhs.gov/preparedness/epidemiology-disease-control/infectious-disease-epidemiology/index.php#novel-coronavirus-lab-resources.
    c. For each specimen the report shall include:
    1. The name and address of the laboratory;
    2. The name and telephone number of the director of the clinical laboratory;
    3. The name and, as available, the address, telephone number, and email address of the subject;
    4. The date of birth of the subject;
    5. The gender of the subject;
    6. The laboratory identification number;
    7. The specimen type;
    8. The date of collection of the specimen;
    9. The date of the result of the test;
    10. The type of test completed on the specimen;
    11. The test result, including quantitative values and reference ranges, if applicable; and
    12. The ordering health care provider's name, address, telephone number, and, if available, email address.

5. Pursuant to the Enhanced Surveillance Advisory and A.R.S. §§ 36-782(B)(5) and (E) and 36-786, the following COVID-19 specimen testing shall be coordinated:
    a. The Arizona State Public Health Laboratory shall coordinate specimen testing relating to COVID-19;
    b. The Arizona Department of Health Services shall determine the criteria necessary for private or public laboratories to conduct clinical or environmental testing associated with COVID-19; and
    c. If requested by the Arizona Department of Health Services or a local health authority, a public safety authority shall coordinate and provide transportation of clinical or environmental samples to the Arizona State Laboratory or other testing laboratory designated by the Arizona Department of Health Services.
    d. A clinical or commercial lab shall submit an isolate or specimen for sequencing to the Arizona State Public Health Laboratory as applicable, only by request

6. Pursuant to the Enhanced Surveillance Advisory and A.R.S. §§ 36-782(B)(5) and (E) and 36-786, the Arizona Department of Health Services and local health authorities, to the extent possible, shall share personnel, equipment, materials, supplies and other resources to assist in the implementation of this Enhanced Surveillance Advisory.

7. The orders contained herein may be revised at any time by the Director of the Arizona Department of Health Services and shall automatically terminate after sixty (60) days, unless renewed.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

Douglas A. Ducey

GOVERNOR

DONE at the Capitol in Phoenix on this twenty- first day of May in the year Two Thousand and Twenty and of the Independence of the United States of America the Two Hundred and Forty-Fourth.

ATTEST:

Secretary of State