STATE OF ARKANSAS
EXECUTIVE DEPARTMENT

PROCLAMATION

TO ALL TO WHOM THESE PRESENTS COME – GREETINGS: EO 20-18

EXECUTIVE ORDER TO AMEND EXECUTIVE ORDER 20-03 REGARDING THE PUBLIC HEALTH EMERGENCY CONCERNING COVID-19 FOR THE PURPOSE OF EQUIPPING HEALTH CARE PROFESSIONALS WITH THE TOOLS NECESSARY TO COMBAT THE COVID-19 EMERGENCY.

WHEREAS: An outbreak of coronavirus disease 2019 (COVID-19) has spread throughout China and to 59 other countries and territories, including the United States; and

WHEREAS: COVID-19 has been detected within the State of Arkansas and adjoining states, threatening the public safety of the citizens of Arkansas; and

WHEREAS: Great hardship has been brought to bear upon the citizens this state as a result of the spread of COVID-19; and

WHEREAS: On March 11, 2020, by Executive Order 20-03, an emergency was declared in the state as a result of COVID-19, and that emergency is on-going; and

WHEREAS: Citizens of the state have been advised to take precautions to prevent the spread of COVID-19, including the advisement to minimize person to person contact, avoid large gatherings, and to stay home if they feel ill; and

WHEREAS: Citizens heeding this advice need access to the care of physicians and other health professionals; and

WHEREAS: The State of Arkansas seeks to ensure healthcare facilities in the state have adequate bed capacity, supplies, and providers to treat patients affected with COVID-19, as well as patients afflicted with other maladies;

WHEREAS: The State of Arkansas formally thanks Secretary Alex Azar of the United States Department of Health and Human Services, for his declaration of an emergency pursuant to the Public Readiness and Emergency Preparedness Act (PREP Act) on or about March 17, 2020, to allow Arkansas-licensed healthcare facilities and professionals to diagnose, treat, mitigate, and cure COVID-19, or any complication therefrom, with eligible countermeasures, exempt drugs, and exempt devices under the PREP Act, the Federal Food, Drug, and Cosmetic Act, and the Public Health Service Act; and

WHEREAS: The State of Arkansas seeks to eliminate any obstacle to the provision of supplies and medical treatment as necessary to ensure the healthcare system in the state has adequate capacity to provide care to all who need it.

NOW, THEREFORE, I, Asa Hutchinson, Governor of the State of Arkansas, acting under the authority vested in me by Ark. Code Ann. §§ 12-75-101, *et seq.*, do hereby amend Executive Order 20-03 declaring an emergency in the State of Arkansas, and temporarily order the following for the duration of this emergency:

(1) A suspension of Arkansas Code to the extent necessary to remove limits on working hours for physicians, physician assistants, specialist assistants, nurse practitioners, licensed registered nurses, and licensed practical nurses, to allow healthcare facilities affected by the disaster emergency to maintain adequate staffing and otherwise respond to the COVID-19 outbreak;

(2) An authorization and request to certain emergency responders, as defined by Ark. Code Ann. § 12-75-103(7), including physicians and other health care providers licensed, registered, certified or otherwise legally permitted to practice in this state and all licensed health care

facilities legally permitted to provide services in support of this state and their administrators, to provide medical and health care, assistance, and advice in response to the COVID-19 pandemic during the declared emergency under directives and orders of the Secretary of the Arkansas Department of Health;

(3) A suspension of Arkansas Code to the extent necessary to allow emergency medical treatment protocol development or modification to occur solely with the approval of the Secretary of the Arkansas Department of Health, which may include but is not limited to: (a) triage, diagnostic testing, and/or treatment to patients with known or suspected COVID-19; (b) services provided in response to personnel shortages caused by COVID-19; (c) cancelling, postponing or denying elective surgeries or procedures or other routine care; (d) redeploying or cross training staff not typically assigned to such duties, to the extent necessary to respond to the COVID-19 outbreak; (e) planning to or enacting crisis standards of care measures, such as modifying numbers of beds, preserving personal protective equipment, and triaging access to services or equipment; and (f) reducing recordkeeping requirements to the extent necessary for health care providers and facilities to perform tasks as may be necessary to respond to the COVID-19 outbreak;

(4) A suspension of Ark. Code Ann. § 12-75-103(7)(C), to the extent necessary to provide immunity from liability to the following emergency responders, whether employed by the State or Federal Government, a private entity, or non-profit entity, for any injury or death alleged to have been sustained directly as a result of an act or omission by such medical professional in the course of providing medical services in support of the State's response to the COVID-19 outbreak or the implementation of measures to control the causes of the COVID-19 epidemic: (a) physicians; (b) physician assistants; (c) specialist assistants; (d) nurse practitioners; (e) licensed registered nurses; and (f) and licensed practical nurses;

(5) A grant of immunity from liability under Section 4 of this Order will not be extended to an emergency responder, who as a result of his or her action or omission, causes an injury or death due to: (a) acting outside the scope of his or her practice unless he or she has been redeployed as a result of Section 3(d) of this order; or (b) acting in gross negligence, willful misconduct, or bad faith.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Arkansas to be affixed this 13th day of April, in the year of our Lord 2020.

Asa Hutchinson, Governor