GOVERNOR DOUGLAS A. DUCEY

STATE OF ARIZONA

EXECUTIVE ORDER

Executive Order 2020-13

Enhanced Surveillance Advisory
****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 March 23, 2020, globally there were 367,457 total confirmed cases and 16,113 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 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, pursuant to A.R.S. § 36-790(B), a person or health care provider undertaking any activity required by A.R.S. Title 36, Chapter 6, Article 9, including reporting, is immune from civil or criminal liability if the person or health care provider acted in good faith; 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; and

NOW, THEREFORE, I, Doug 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, 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. 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.

3. 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 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;
- PPE shortage (N95, surgical masks, gowns, etc.);
- PPE surplus (N95, surgical masks, gowns, etc.):
- Medical supply and equipment shortage (medications, fluids, O2 tanks, sanitizer, ECMO circuits, etc.);
- Medical supply and equipment surplus (medication, fluids, O2 tanks, sanitizer, ECMO circuits, etc.): and
- Description of triage process currently established.

4. 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 (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, a weekly aggregate number of total COVID-19 tests performed and their results.

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 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.

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 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.

GOVERNOR

DONE at the Capitol in Phoenix on this twenty-third day of March 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