GOVERNOR DOUGLAS A. DUCEY

STATE OF ARIZONA

EXECUTIVE ORDER

Executive Order 2020-30

Enhanced Surveillance Advisory
COVID-19

WHEREAS, on March 11, 2020, in response to the global COVID-19 pandemic, I issued a Declaration of Public Health Emergency; and

WHEREAS, as of April 14, 2020, statewide there were 3,806 total confirmed cases and 131 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, a communicable disease, 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; and

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

WHEREAS, pursuant to A.R.S. § 36-664(A)(2), communicable disease related information may be disclosed to a first responder who has had an occupational significant exposure risk if the first responder provides a written request that documents the occurrence and information regarding the nature of the occupational significant exposure risk and the report is reviewed and confirmed by a health care provider who is both licensed pursuant to A.R.S. Title 32, Chapter 13, 15 or 17 and competent to determine a significant exposure risk; and

WHEREAS, A.R.S. § 36-665(B)(2), requires a court order for the disclosure of communicable disease related information to a person whose life may unknowingly be at significant risk as a result of contact with the person to whom the information pertains; and

WHEREAS, A.R.S. § 36-664(A)(9) allows for a "federal, state or local government agency" to receive communicable disease information if authorized by law to receive such information and is prohibited from further disclosing the information; and

WHEREAS, the COVID-19 pandemic represents a clear and imminent danger to first responders who may unknowingly be at significant risk as a result of contact with a person who has tested positive for COVID-19 when performing emergency response duties; and

WHEREAS, due to the clear and imminent danger to first responders caused by the COVID-19 pandemic, compliance with A.R.S. §§ 36-664(A)(2) and/or 36-665(B)(2) prior to the disclosure of communicable disease related information is unreasonable and potentially detrimental to the health and safety of first responders; and

WHEREAS, having prior knowledge of the address of a person who has tested positive for COVID-19 would be useful to first responders in helping them take additional precautions to avoid contracting the virus when performing emergency response duties; and

WHEREAS, pursuant to A.R.S. § 26-303(E)(1), during a State of Emergency, the Governor shall have complete authority over all agencies of the state government and the right to exercise, within the area designated, all police powers vested in the State by the Constitution and laws of this State in order to effectuate the purposes of A.R.S. Title 26, Chapter 2; and

WHEREAS, pursuant to A.R.S. § 36-782(B)(4), 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 information sharing; and

WHEREAS, pursuant to A.R.S. § 36-785(C), information from which a person might be identified that is shared in the course of an Enhanced Surveillance Advisory is confidential and not available to the public; and

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

WHEREAS, the COVID-19 pandemic in Arizona justifies the issuance of an additional Enhanced Surveillance Advisory pursuant to A.R.S. § 36-782(A); and

WHEREAS, I have been informed that the Arizona Department of Health Services either has or will comply with the notification requirements of A.R.S. § 36-782.

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, including but not limited to A.R.S. Title 36, Chapter 6, Article 9, and after consultation with the Director of the Arizona Department of Health Services, do hereby order:

1. An additional Enhanced Surveillance Advisory is issued pursuant to A.R.S. § 36-782(A).

2. Pursuant to this Enhanced Surveillance Advisory and A.R.S. § 36-782(B)(4), the Department of Health Services or a local health authority, as defined in A.R.S. § 36-781(4), upon request, may disclose to a public official with the responsibility of administering the emergency call response of first responders in their jurisdiction, as defined in A.R.S. § 36-661(9) (herein referred to as "Receiving Entity"), the addresses within the Receiving Entity's jurisdiction and no other identifying information including

name, where the local health authority is aware a person resides that has tested positive for COVID-19 within the last 14 days. Any information shared pursuant to this order is confidential and shall be treated with the same protocols as confidential personal information currently provided to first responders.

3. The information disclosed pursuant to this Order shall only be used as necessary for responding to emergency calls and shall not be used for any other purpose.

4. The Receiving Entity shall maintain the information in such a way as to ensure its confidentiality, which includes that such information is made available only to those who need to know on a per-emergency call basis for emergency response. Such information shall not be shared, disseminated, used for any other purpose or in a way that may be accessible to the public. Data subject to this section shall not be combined or linked in any manner with any other list or database and shall not be used for any purpose not provided for in this Order.

5. The Receiving Entity shall update the lists on a daily basis by adding any new addresses provided, timely removing existing addresses as described below, and ensuring information is promptly, permanently and securely destroyed upon expiration.
    a. Addresses shall not remain on the list for more than fourteen (14) calendar days from the date received by the Receiving Entity.
    b. At the end of every 24-hour period, each entry on the list must be reviewed for expiration.
    c. Addresses on the list for more than 14 calendar days from the date of receipt shall be removed from the list.

6. Information disclosed or records created pursuant to this Order may not be retained by the Receiving Entity beyond the termination of this Order and shall be promptly, permanently and securely destroyed in the same manner as criminal history information.

7. To safeguard privacy, the Receiving Entity will only provide information to first responders through secured electronic communications to include computer or telephone. Radio communications shall not be used unless on an encrypted frequency. Information shared pursuant to this Order shall not be transmitted via text message.

8. The Receiving Entity shall ensure that the dispatch of first responders to an address identified as COVID-19 positive will not result in a delay of emergency care or depend upon the deployment of a different response team that could delay emergency care.

9. Maintaining the confidentiality of the enhanced surveillance data is the responsibility of the Receiving Entity, which with its agents, employees, or representatives shall comply with A.R.S. § 36-664. Release of this confidential information by an agent, employee, or representative of the Receiving Entity outside of the use for emergency call response is a violation of A.R.S. §§ 36-666(A)(2) and 36-785(C) and in addition to the criminal

penalties, the Receiving Entity shall pursue disciplinary action against any employee for misuse.

10. 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:
    - Total number of total new admissions per day
    - Total number of new COVID-19 positive or suspect admissions per day
    - Total number of new total ICU admissions per day
    - Total number of total 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 on PPE Inventory on hand:
        - 0 days, 1-3 days, 4-14 days, 15-30 days, +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
    - 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.

11. This Enhanced Surveillance Advisory is in addition to the Enhanced Surveillance Advisories issued in Executive Order 2020-13 and 2020-23 and in no way rescinds or terminates the Orders outlined therein.

12. Information sharing between local health authorities and Receiving Entities pursuant to this Enhanced Surveillance Advisory and the related orders contained herein may be revised at any time by the Director for the Arizona Department of Health Services and shall be reviewed every two weeks for rescission but in no event shall remain in effect longer than 60 days unless reissued.

13. The data reporting elements by hospitals required by the Enhanced Surveillance Advisory and the related orders contained herein may be revised at any time by the Director for the

Arizona Department of Health Services and shall be in effect for no longer than 60 days unless reissued.

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 fourteenth day of April 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