GOVERNOR DOUGLAS A. DUCEY

STATE OF ARIZONA

EXECUTIVE ORDER

Executive Order 2020-20

Expanding Access to Pharmacies

WHEREAS, on March 11, 2020, a Public Health State of Emergency was declared in Arizona to prepare for, prevent, respond to, and mitigate the spread of the 2019 novel coronavirus (COVID-19); and

WHEREAS, the disease caused by COVID-19 is contagious and can be fatal; and

WHEREAS, pharmacies and pharmacists provide a critical service, especially during these unprecedented times; and

WHEREAS, in order to respond effectively to the extraordinary demands created by this Public Health Emergency, Arizonans require expanded access to therapeutic pharmaceuticals that have been prescribed to them; and

WHEREAS, to meet the critical needs of our citizens, it is essential to provide pharmacists and pharmacies temporary relief from regulatory limitations; and

WHEREAS, A.R.S. § 26-303(E)(1) provides that, "The governor shall have complete authority over all agencies of the state government..." during a declared emergency; and

WHEREAS, A.R.S § 26-307(A) provides that state agencies, "...may make, amend and rescind orders, rules and regulations necessary for emergency functions…"; and

WHEREAS, it is necessary to temporarily suspend certain regulations to ensure that all Arizonans have continued access to medication, pharmacists, and pharmacies.

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 this state, hereby order as follows:

1. The Board of Pharmacy shall:

    a. Allow pharmacists to utilize their professional judgment to dispense emergency refills of maintenance medications for up to a 90-day supply and an additional 90-day supply if necessary. For the purposes of this order, controlled substances shall not be considered maintenance medications.
    b. Waive electronic prescribing requirements outlined in A.R.S. § 36-2525(D).
    c. Extend the requirement under A.R.S. § 36-2525(E) for a prescriber to deliver a follow-up paper prescription to the pharmacy from 7 days to 15 days.
    d. Allow a phone-in prescription for a Schedule II medication to be sent to the pharmacy via fax, scan, or photo as long as the original, hard copy prescription is kept by the prescriber.
    e. Waive hospital prescribing labeling restrictions outlined in A.R.S. § 32-1934(B)(4) for multidose medications.
    f. Require the following when filling hydroxychloroquine and chloroquine:
        i. The prescription must be presented with a diagnosis code for COVID-19 from the prescriber.
        ii. For a phoned-in prescription, the pharmacist must document a diagnosis code for COVID-19.
        iii. The prescription is limited to no more than a 14-day supply.
        iv. No refills may be permitted unless a new prescription is furnished.
        v. Prophylactic prescriptions for the prevention of COVID-19 are strictly prohibited unless peer-reviewed evidence citing prophylactic effectiveness becomes available.
        vi. This section does not apply to patients that are taking hydroxychloroquine and chloroquine for treatment other than COVID-19.
    g. Allow pharmacists to utilize their professional judgment to interchange therapeutically equivalent medications of the same Food and Drug Administration (FDA) drug classification unless the prescriber has noted that the medication shall be dispensed as written.
    h. Waive the requirement for companies producing hand sanitizer to have a permit.
    i. Allow an Arizona licensed pharmacy to receive pharmaceuticals from an unpermitted wholesaler or third-party logistics provider located in another state to alleviate pharmaceutical shortages, provided that the unlicensed wholesaler or third-party logistics provider is licensed in their home state.
    j. Allow an Arizona licensed pharmacy or wholesaler to receive pharmaceuticals from an unpermitted manufacturer located in another state or country to alleviate pharmaceutical shortages. The unpermitted manufacturer must be registered with the FDA and have a current Good Manufacturing Practice inspection no older than six months.

2. This order shall remain in place until further notice, and shall be considered for repeal or revision at least every two weeks following issuance.

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 second day of April in the year Two Thousand Twenty and of the Independence of the United States of America the Two Hundred and Forty-Fourth.

ATTEST:

Secretary of State