

ARIZONA DEPARTMENT OF HEALTH SERVICES
EMERGENCY MEASURE 2020-03
(Slowing the Spread of COVID-19: Reporting Requirements)

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

WHEREAS, the Governor of the State of Arizona, in response to the COVID-19 pandemic issued a Declaration of Emergency on March 11, 2020, authorizing the Director of the Arizona Department of Health Services (“Director”) to coordinate all matters pertaining to the public health emergency response of the State in accordance with Arizona Revised Statutes (“A.R.S.”) Title 36, Chapter 6, Article 9; and

WHEREAS, on March 30, 2020, the Director of the Arizona Department of Health Services (“ADHS”), based on an epidemiological assessment of Arizona specific data and in alignment with the Centers for Disease Control and Prevention guidance, recommended that the State implement enhanced mitigation strategies, which are continuing; and

WHEREAS, on June 24, 2020, Executive Order 2020-41: 2020-2021 School Year, was issued to offer flexibility and funding certainty to schools to ensure that Arizona students and families would have educational consistency during these unprecedented times; and

WHEREAS, the American Academy of Pediatrics has noted that in-person learning is critical to both a child’s education, and to their developmental, behavioral and emotional well-being; and

WHEREAS, on August 6, 2020, the ADHS released benchmarks indicating when it may be safe for Arizona students to return to in-person instruction; and

WHEREAS, as of August 21, 2020, there have been 196,899 diagnosed cases of COVID-19 in Arizona including 4,688 deaths, and the State continues to see increased numbers; 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 ADHS requires more robust and accurate data and more resources to successfully combat the COVID-19 pandemic; and

WHEREAS, Arizona Administrative Code (“A.A.C.”) R9-6-203 and Table 2.2 in 9 A.A.C. 6 contain the communicable disease reporting requirements for an administrator of a school, child care establishment, or shelter as defined in A.A.C. R9-6-101(70), (17) and (73), respectively; and

WHEREAS, A.A.C. R9-6-203 and Table 2.2 do not require an administrator of a school, child care establishment, or shelter, as defined in A.A.C. R9-6-101(70), (17) and (73), respectively, to report COVID-19 case information; and

WHEREAS, pursuant to A.R.S. § 36-664, communicable disease-related information is confidential;

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.A.C. R9-6-102, ADHS is entitled to protected health information when requested for the purpose of detecting, preventing, or controlling a communicable disease; and

WHEREAS, the Director, pursuant to the Declaration of Emergency and as authorized by A.R.S. §§ 26-307(A) and 36-787(A), may make, amend, and rescind orders, rules, and regulations necessary for emergency functions and shall coordinate all matters pertaining to the public health emergency response of the State; and

WHEREAS, pursuant to A.R.S. § 36-787(A)(1) and (2), the ADHS has primary jurisdiction, responsibility, and authority for planning and executing the public health emergency mitigation response for the State and coordinating the public health emergency response among State, local and tribal authorities; and

WHEREAS, the Director, pursuant to A.R.S. § 36-136(H), may define and prescribe emergency measures for detecting, reporting, preventing or controlling communicable or infectious diseases or conditions if the Director has reasonable cause to believe that a serious threat to public health and welfare exists. Emergency measures are effective for no longer than eighteen months; and

WHEREAS, pursuant to A.R.S. §§ 36-661(14) and 36-664(A), a person who obtains communicable disease related information in the course of activities related to detection, reporting, prevention and control of a communicable disease shall not disclose or be compelled to disclose that information except as authorized by state or federal law; and

WHEREAS, having access to COVID-19 information in school, child care and shelter settings would be useful to guardians in decision making and taking additional precautions to avoid contracting the virus; and

WHEREAS, COVID-19 health information is confidential and must be protected, such information must also be balanced against the ability of individuals who are at risk of exposure to protect themselves while also ensuring that any dissemination is limited to the minimum necessary for protecting those impacted; and

WHEREAS, Arizona is committed to containing the spread and reducing adverse outcomes associated with COVID-19; 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

WHEREAS, to prevent and control the continued spread of COVID-19, which still poses a serious threat to public health and welfare, it is necessary to prescribe emergency measures to establish the COVID-19 reporting requirements for schools, child care establishments and shelters.

NOW, THEREFORE, I, Cara Christ, M.D., M.S., by virtue of the authority vested in me as the Director of ADHS, in order to address the State of Emergency and the serious threat to public health and welfare posed by the continued spread COVID-19 hereby prescribe the following Emergency Measure:

1. Pursuant to this Emergency Measure, an administrator of a school, child care establishment, or shelter, as defined in A.A.C. R9-6-101(70)(a)-(d), (17) and (73), respectively, shall submit a report to the local health department, in an ADHS provided format, within 24 hours of identification:
 - a. Outbreaks of COVID-19: defined as two (2) or more laboratory-confirmed COVID-19 cases among students, children in care, residents, or staff with onsets within a 14-day period, who are epidemiologically linked, do not share a household, and were not identified as close contacts of each other in another setting during standard case investigation or contact tracing .
 - b. This report shall include:
 - i. The name and address of the school, child care establishment, or shelter;
 - ii. The number of individuals with the disease, infestation, or symptoms;
 - iii. The date and time that the disease or infestation was detected or that the symptoms began;
 - iv. The number of rooms, grades, or classes affected and the identification of each;
 - v. The following information about each individual with the disease, infestation, or symptoms:
 1. Name;

2. Date of birth or age;
 3. If the individual is a child, name and contact information for the individual's parent or guardian;
 4. Residential address and telephone number; and
 5. Whether the individual is a staff member, a student, a child in care, or a resident;
 - vi. The number of individuals attending or residing at the school, child care establishment, or shelter; and
 - vii. The name, address, telephone number, and, if available, email address of the individual making the report.
2. Schools, child care establishments and shelters, as defined in A.A.C. R9-6-101 (70)(a)-(d), (17), and (73), respectively, shall report to current staff, faculty, students, and students' parents and guardians if an outbreak due to COVID-19 occurs within the population of the school, child care establishment or shelter within 24 hours of confirming such information, and provide regular updates on their activities to keep current staff, faculty, students, students' parents and guardians safe.
 3. ADHS or the local health agency shall provide technical assistance to schools, child care establishments and shelters to facilitate the communication of information to current staff, faculty, students, and student's parents and guardians.
 4. Information provided through this Emergency Measure shall only be used for the purposes of individual decision making by current staff, faculty, students, students' parents and guardians. Such information shall not be used or disclosed for any other reason.
 5. If any provision of this Emergency Measure or its application to any person, entity or circumstance is held invalid by a court of competent jurisdiction, this invalidity does not affect any other provision or application of this Emergency Measure, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Emergency Measure are declared to be severable.
 6. This Emergency Measure shall remain in effect for no longer than eighteen months.

Having authority to do so under Arizona law, I have executed this Emergency Measure on this 21st^{day} of August, 2020.



Cara Christ MD

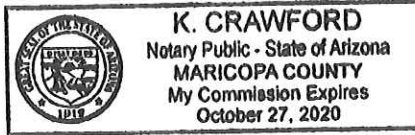
Cara Christ, M.D., M.S., Director, Arizona Department of Health Services

ON this 21st day of August, 2020,

Cara Christ, M.D., M.S., Director of the Arizona Department of

Health Services, signed and acknowledged this document

in my presence.



K Crawford

Notary Public