

EXECUTIVE ORDER REGARDING THE PUBIC HEALTH EMERGENCY CONCERNING COVID-19 FOR THE PURPOSE OF ENSURING ACCESS TO HEALTHCARE RESOURCES TO TREAT COVID-19.

WHEREAS: On March 11, 2020, I issued Executive Order Number 20-03, declaring an emergency for the entire State of Arkansas due to the outbreak of COVID-19;

WHEREAS: On March 13, 2020, I issued Executive Order Number 20-05, amending Executive Order Number 20-03 to optimize access to professional healthcare service;

WHEREAS: COVID-19 has continued to spread within the State of Arkansas and adjoining states, threatening the public safety of the citizens of Arkansas, and such spread is expected to continue:

WHEREAS: It is essential that the State of Arkansas has adequate resources to treat citizens of Arkansas suffering from COVID-19, as well as patients with other illnesses and injuries, including, without limitation, drugs, medical devices, supplies, equipment, bed capacity, and healthcare providers;

WHEREAS: During this health emergency, all resources must be maintained and allocated to the greatest extent possible for the health and safety of the public; and

WHEREAS: I, as Governor, in consultation with the Secretary of Health, have determined that more actions must be taken to protect the people of the State of Arkansas from COVID-19.

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.*, after consultation with the Secretary of Health, do hereby amend Executive Order 20-03 declaring an emergency in the State of Arkansas, and order the following effective as of March 11, 2020 for the duration of this emergency.

- (1) As part of the State's response to the COVID-19 outbreak and pursuant to the Declaration of the Secretary of the U.S. Department of Health and Human Services under the Public

Readiness and Emergency Preparedness Act, 42 U.S.C. 247d-6d, that was published in the Federal Register on March 17, 2020, I hereby authorize any Arkansas-licensed healthcare facility or Arkansas-licensed healthcare professional, for the purpose of diagnosing, treating, mitigating, or curing COVID-19 or any complication therefrom, to use within their applicable scope of their licensure any drug, device, or product approved or cleared under the Federal Food, Drug and Cosmetic Act (21 U.S.C. §§ 301-392) (“FD&C Act”); licensed under the Public Health Service Act (42 U.S.C. §§ 201-291n); or authorized for emergency use under an Investigational Device Exemption or Investigational Drug Application of the FD&C Act.

- (2) In accordance with the Arkansas Emergency Services Act of 1973, all 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 (“Healthcare Providers”) are hereby requested and authorized pursuant to Ark. Code Ann. § 12-75-103(7) to provide medical and health care, assistance, and advice in response to the COVID-19 pandemic during the declared emergency. The emergency management functions of providing such care, assistance, and advice shall include: (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, as directed by the Arkansas Department of Health; (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.
- (3) As Emergency Responders pursuant to Ark. Code Ann. § 12-75-103, Healthcare Providers shall, pursuant to Ark. Code Ann. § 12-75-128, be immune from liability for any death, injury, or property damage alleged to have been sustained as a result of any act or omission by such Emergency Responder in the course

of providing emergency management functions during this public health emergency.

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

Asa Hutchinson, Governor