

**ARIZONA DEPARTMENT OF HEALTH SERVICES  
ADMINISTRATIVE ORDER 2021-02  
(Emergency Measures for COVID-19)**

**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 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**, the Director of the Arizona Department of Health Services, 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**, the Director of the Arizona Department of Health Services, pursuant to the Declaration of Emergency and as authorized by A.R.S. § 36-787(A)(7), may temporarily waive the health care institution licensure requirements in A.R.S. Title 36, Chapter 4, and Arizona Administrative Code Title 9, Chapter 10 for implementation of any measures required to adequately address the State of Emergency; and

**WHEREAS**, due to the emergency caused by COVID-19, it is necessary to temporarily waive health care institution licensure requirements to ensure hospitals can effectively and efficiently respond to the emergency.

**NOW, THEREFORE**, I, Don Herrington, by virtue of the authority vested in me as the Interim Director of the Arizona Department of Health Services and in order to address the State of Emergency, do hereby order as follows:

1. The following regulations in Arizona Administrative Code (“A.A.C.”) are temporarily waived:
  - A.A.C. R9-10-204(B)(1)(e);
  - A.A.C. R9-10-207(A)(7)(i);
  - A.A.C. R9-10-212(A)(1) and (A)(2), (B)(2)(h), (C)(3) and (4), and (6)
  - A.A.C. R9-10-215(2);
  - A.A.C. R9-10-217(A)(1) and (D);
  - A.A.C. R9-10-221(1)
  - A.A.C. R9-10-223(A)(1);
  - A.A.C. R9-10-228(B)(3);
  - A.A.C. R9-10-229(5); and
  - A.A.C. R9-10-231(8).
2. Notwithstanding the above waivers, if the Arizona Department of Health Services becomes aware of actions taken by a hospital as a result of the waivers that jeopardize the health, safety, and welfare of those served by the hospital, including the appropriate discharge of patients, the Arizona Department of Health Services will take additional action as necessary to protect the health, safety, and welfare of those individuals.

3. If the Arizona Department of Health Services becomes aware of the need to temporarily waive additional hospital or other health care institution licensure requirements, the Arizona Department of Health Services will take additional action as necessary to protect the health, safety and welfare of those served by such facilities.
4. This Administrative Order and all temporary waivers of regulations contained herein shall be in effect for one-hundred twenty (120) days unless terminated earlier.

Having the authority to do so under Arizona law, I have executed this Administrative Order on this 19<sup>th</sup> day of November, 2021.

  
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**Don Herrington, Interim Director, Arizona Department of Health Services**

ON this 19<sup>th</sup> day of November, 2021,  
Don Herrington, Interim Director of the Arizona Department of  
Health Services, signed and acknowledged this document  
in my presence.

  
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**Notary Public**

11/19/2021

