

ARIZONA DEPARTMENT OF HEALTH SERVICES
EMERGENCY MEASURE 2020-05
(Slowing the Spread of COVID-19: Authority to Administer the COVID-19 Vaccine)

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 Public Health 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, as of December 31, 2020, there have been 520,207 diagnosed cases of COVID-19 in Arizona including 8,864 deaths, and the State continues to see increased numbers; and

WHEREAS, influenza season in Arizona results in an increase of hospitalizations each year, placing a strain on the Arizona healthcare system; and

WHEREAS, the significant COVID-19 spread in December 2020 resulted in space and staff constraints in Arizona's hospitals, with fewer than 10% of intensive care unit beds reported available for several days in December; and

WHEREAS, both COVID-19 and influenza can cause serious complications, including pneumonia and even death; and

WHEREAS, the timely distribution and administration of a safe and effective vaccine is a critical component of whole government strategy to stop the spread of COVID-19 and reduce COVID-19-related hospitalizations and deaths; and

WHEREAS, the Centers for Disease Control and the U.S. Federal Drug Administration have recommended the use of COVID-19 vaccines under an emergency use authorization and distribution of vaccines to state and local partners was initiated in late 2020; and

WHEREAS, the Arizona Department of Health Services, County Health Departments, and local and tribal health care partners are responsible for administering vaccines in a phased vaccination approach initially targeting frontline workers and high-risk populations while supplies are limited; and

WHEREAS, as demand for COVID-19 vaccinations and viral testing increase, Arizona must ensure that all Arizonans who want vaccinations or viral testing are able to receive timely access when supplies are available; and

WHEREAS, the distribution of COVID-19 vaccine to critical populations is a key consideration in Arizona's strategy to stop the spread of COVID-19, including coordination to address access to vulnerable and/or high risk populations and underserved areas; and

WHEREAS, a network of trained, technically competent COVID-19 vaccination providers in accessible settings is not only critical to Arizona's COVID-19 vaccination program success, but would also incorporate guidance from the Centers for Disease Control and Prevention's COVID-19 Vaccination Program Interim Playbook which encourages non-traditional vaccination provider recruitment; and

WHEREAS, an emergency medical care technician ("EMCT") is defined in A.R.S. § 36-2201 as: "an individual who has been certified by the [Arizona Department of Health Services] as an emergency medical technician ['EMT'], an advanced emergency medical technician ['AEMT'], an emergency medical technician I-99 ['EMT-I(99)'] or a [P]aramedic[;]" and

WHEREAS, although an EMT-I(99), as defined in Arizona Administrative Code ("A.A.C.") R9-25-101, and a Paramedic, as defined in A.R.S. § 36-2201, are authorized to administer vaccinations, including the COVID-19 and influenza vaccinations, EMTs and AEMTs, as defined in A.R.S. § 36-2201, are not authorized to administer vaccinations. See A.A.C. R9-25-502, Table 5.1, R9-25-505; and

WHEREAS, no level of EMCT may administer viral testing, including COVID-19 and influenza diagnostic and rapid testing; and

WHEREAS, to prevent and control the continued spread of COVID-19 and because of concerns of statewide health care workforce shortages, it is critical that all levels of EMCTs have the ability to administer COVID-19 and influenza vaccinations and COVID-19 and influenza diagnostic and rapid testing under appropriate medical direction when there is a demonstrated need during the pandemic; 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), 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, 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 contained and its effects on the healthcare system are minimized to ensure that the residents of Arizona remain safe and healthy; and

WHEREAS, to prevent and control the spread of COVID-19, which poses a serious threat to public health and welfare, it is necessary to prescribe an Emergency Measure to establish authority for: 1) EMTs and AEMTs to administer COVID-19 and influenza vaccinations; and 2) all levels of EMCT's to administer COVID-19 and influenza and diagnostic and rapid testing.

NOW, THEREFORE, I, Cara Christ, M.D., M.S., by virtue of the authority vested in me as the Director of the Arizona Department of Health Services, 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. With written prior approval from the EMT's or AEMT's medical director, an EMT or AEMT may administer COVID-19 and influenza vaccinations and COVID-19 and influenza diagnostic and rapid testing.
2. With written prior approval from the EMT-I(99)'s or Paramedic's medical director, an EMT-I(99) or Paramedic may administer COVID-19 and influenza diagnostic and rapid testing.
3. The written prior approval detailed in sections (1) and (2) of this Emergency Measure shall be maintained by the approving medical director for one year following the termination of the March 11, 2020, Declaration of Public Health Emergency related to COVID-19 and shall be provided to the Arizona Department of Health Services upon request.
4. Individuals authorized herein to administer COVID-19 and influenza vaccinations and COVID-19 and influenza diagnostic and rapid testing shall comply with applicable state and federal laws and regulations, including relevant Executive Orders, Emergency Measures, and Administrative Orders.
5. If the Arizona Department of Health Services becomes aware of actions taken by EMCTs or an EMCT's medical director as a result of this Emergency Measure that jeopardize the health, safety and welfare of the public, the Arizona Department of Health Services will take additional action as necessary to protect the health, safety and welfare of the public.
6. 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.
7. 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 31st day of December, 2020.

C. M. Christ

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

ON this 31st day of December, 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

