

2 State of Arkansas

3 92nd General Assembly

4 Second Extraordinary Session, 2020

# A Bill

ANS/ANS

SENATE BILL

5  
6 By: Senator Irvin

7 Filed with: Senate Committee on Public Health, Welfare, and Labor  
8 pursuant to A.C.A. §10-3-217.

## 9 For An Act To Be Entitled

10 AN ACT TO DEFINE THE SCOPE UNDER WHICH MEDICAL  
11 PROFESSIONALS MAY ENGAGE IN EMERGENCY SERVICES DURING  
12 THE CORONAVIRUS DISEASE 2019 (COVID-19) OUTBREAK; TO  
13 DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

### 14 15 16 Subtitle

17 TO DEFINE THE SCOPE UNDER WHICH MEDICAL  
18 PROFESSIONALS MAY ENGAGE IN EMERGENCY  
19 SERVICES DURING THE CORONAVIRUS DISEASE  
20 2019 (COVID-19) OUTBREAK; AND TO DECLARE  
21 AN EMERGENCY.

22  
23  
24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

25  
26 SECTION 1. TEMPORARY LANGUAGE. DO NOT CODIFY. Arkansas Code Title 12  
27 is amended to add a new chapter to read as follows:

#### 28 29 CHAPTER 89

#### 30 CORONAVIRUS DISEASE 2019 (COVID-19) ACT OF 2020

##### 31 32 12-89-101. Title.

33 This chapter shall be known and may be cited as the "Coronavirus  
34 Disease 2019 (COVID-19) Act of 2020".

##### 35 36 12-89-102. Definitions.

1           As used in this chapter:

2           (1) "COVID-19" means coronavirus disease 2019 or the virus that  
3 causes coronavirus disease 2019 in some individuals;

4           (2) "Healthcare facility" means a facility that is licensed,  
5 registered, certified, or otherwise legally permitted to provide medical  
6 support services in the state;

7           (3) "Healthcare provider" means a healthcare professional who is  
8 licensed, registered, certified, or otherwise legally permitted to practice  
9 in the state; and

10           (4) "Physician" means an individual licensed to practice  
11 medicine in the state under the Arkansas Medical Practices Act, § 17-95-201  
12 et seq., § 17-95-301 et seq., and § 17-95-401 et seq.

13  
14           12-89-103. Healthcare facilities and healthcare providers.

15           (a) If the Governor declares a disaster under the Arkansas Emergency  
16 Services Act of 1973, § 12-75-101 et seq., or requests that the State Board  
17 of Health take action under § 20-7-110, during the period of the disaster, as  
18 part of the state's response to coronavirus disease 2019 (COVID-19) and  
19 according to the declaration of the United States Secretary of Health and  
20 Human Services under the Public Readiness and Emergency Preparedness Act, 42  
21 U.S.C., 247d-6d, that was published in the Federal Register on March 17 2020,  
22 a healthcare facility or healthcare provider may, within the scope of their  
23 respective licensure and for the purpose of diagnosing, treating, mitigating,  
24 or curing coronavirus disease 2019 (COVID-19), or any complication arising  
25 from coronavirus disease 2019 (COVID-19), use any drug, device, or product  
26 approved or cleared under the Federal Food, Drug and Cosmetic Act, 21 U.S.C.  
27 §§ 301-392, licensed under the Public Health Service Act, 42 U.S.C. §§ 201-  
28 291n, or authorized for emergency use under an investigational device exemption  
29 or investigational drug application of the Federal Food, Drug and Cosmetic  
30 Act, 21 U.S.C., §§ 301-392.

31           (b)(1) If the Governor declares a disaster under the Arkansas  
32 Emergency Services Act of 1973, § 12-75-101 et seq., or requests that the  
33 State Board of Health take action under § 20-7-110, during the period of the  
34 disaster, a physician or other licensed healthcare provider or a healthcare  
35 facility may pursuant to § 12-75-103(7) provide medical and health care,

1 assistance, and advice in response to the coronavirus disease 2019 (COVID-19)  
2 outbreak during the declared disaster.

3 (2) The emergency management functions of providing the medical  
4 and health care, assistance, and advice under subdivision (b)(1) of this  
5 section shall include:

6 (A) Triage, diagnostic testing, and treatment to patients  
7 with known or suspected coronavirus disease 2019 (COVID-19);

8 (B) Services provided in response to personnel shortages  
9 caused by coronavirus disease 2019 (COVID-19);

10 (C) Cancelling, postponing, or denying elective surgeries  
11 or procedures, or other routine care, as directed by the Department of  
12 Health;

13 (D) Redeploying or cross-training staff not typically  
14 assigned to certain duties, to the extent necessary to respond to the  
15 coronavirus disease 2019 (COVID-19) outbreak;

16 (E) Planning to or enacting crisis standards-of-care  
17 measures, including without limitation modifying numbers of beds, preserving  
18 personal protective equipment, and triaging access to services or equipment;  
19 and

20 (F) Reducing recordkeeping requirements to the extent  
21 necessary for healthcare providers and healthcare facilities to perform tasks  
22 as may be necessary to respond to the coronavirus disease 2019 (COVID-19)  
23 outbreak.

24  
25 SECTION 2. EFFECTIVE DATE. Section 1 of this act is effective through  
26 April 1, 2021.

27  
28 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the  
29 General Assembly of the State of Arkansas that healthcare providers and  
30 healthcare facilities have been limiting their services due to the potential  
31 threat of liability for practicing outside the scope of their licensure  
32 during the disaster caused by the coronavirus disease 2019 (COVID-19), or by  
33 severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) or any of its  
34 mutations, and this potential threat of liability is creating uncertainty for  
35 healthcare professionals in Arkansas; that providing clarity to healthcare  
36 providers and healthcare facilities can encourage additional medical

1 assistance to Arkansans and thereby reduce the spread of coronavirus disease  
2 2019 (COVID-19) in Arkansas; and that this act is immediately necessary  
3 because Arkansans need access to medical care, and healthcare providers and  
4 healthcare facilities need clarification concerning their respective scopes  
5 of practice during the disaster caused by coronavirus disease 2019 (COVID-  
6 19), or by severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) or  
7 any of its mutations outbreak in order to provide much needed medical  
8 services and support in Arkansas. Therefore, an emergency is declared to  
9 exist, and this act being immediately necessary for the preservation of the  
10 public peace, health, and safety shall become effective on:

11 (1) The date of its approval by the Governor;

12 (2) If the bill is neither approved nor vetoed by the Governor,  
13 the expiration of the period of time during which the Governor may veto the  
14 bill; or

15 (3) If the bill is vetoed by the Governor and the veto is  
16 overridden, the date the last house overrides the veto.

17  
18  
19 Referred by Senator Irvin

20 Prepared by: ANS/ANS  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36