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Hot Topics In Risk Management

Every day we hear from our insureds on the Risk Management Hotline, and we will be sharing some of those questions and answers with you.

Our Risk Management Team is here to help you minimize and mitigate Medical Professional Liability risk.

Preparing Your Practice for Post COVID-19 Patient Care - Resuming Elective Surgeries in Arizona

Patients and surgeons are ready for elective or non-essential procedures delayed under Arizona Executive Order 2020-10 ***Delaying Elective Surgeries to Conserve Personal Protective Equipment Necessary to Test and Treat Patients with COVID-19***.

On April 22, 2020, the Governor issued Arizona Executive Order 2020-32 ***Requesting Exemption from Executive Order 2020-10 Elective Surgeries*** which gives licensed physicians, hospitals, and health care facilities such as ambulatory surgery centers the opportunity to request an exemption from the first Order by providing a formal attestation they have met all the new Order's requirements, as related to personal protective equipment (PPE), bed capacity, testing and precautions.

Physicians and facilities seeking an exemption must assess and eliminate the gap between their current compliance with all of the new Order's requirements. The new Order states the Arizona Department of Health Services (AZ DHS) will establish the ***minimum criteria*** that must be met before the Department approves an exemption request. At a minimum, the requestor must demonstrate the following:

- A continuing supply of PPE that will support the hospital, health care facility, or physician for more than fourteen days and that is not reliant on assistance from the State or a county health department;
- If the requestor is a hospital, adequate staffing and bed availability that is no greater than 80% occupied;
- A robust COVID-19 testing plan for all at-risk health care workers and each patient prior to the scheduling of an elective non-essential surgery or during the pre-operative period;
- A process for identifying, checking, and monitoring inventory, and documenting the availability of PPE, test collection kits, and a laboratory capable of running COVID-19 diagnostic tests;
- A universal symptom screening process for all staff, patients, and visitors prior to entering the hospital or health care facility;
- An enhanced cleaning process for patient and waiting areas;
- Policies and procedures for appropriate discharge planning of patients, including pre-discharge diagnostic COVID-19 testing for patients transferring to a nursing care institution, residential care institution, or Group Home for the developmentally disabled; and
- Policies and procedures that prioritize elective non-essential surgeries based on urgency and following the Centers for Medicaid and Medicare Services Adult Elective Surgery and Procedures Recommendations.

Licensed physicians, hospitals, and health care facilities receiving an exemption may begin surgeries on or after May 1, 2020. Once the exemption is granted, the physician, hospital, or health care facility is not eligible to request or receive PPE from the State or county health departments.

To request an exemption from the first Order, the physician, hospital, or health care facility must complete and sign an attestation form available at https://docs.google.com/forms/d/e/1FAIpQLSdajNyyobE_tOUF66SQ_-8-0Xmxp46MCCswGPfVCuvfPTHhaA/viewform. By completing and signing the form, the physician, hospital, or health care facility is declaring or certifying as true that the hospital or facility has and will maintain each item listed above. **Physicians** are asked to **attest to the hospital's or facility's compliance** with that list. Physicians should verify the hospital's or facility's compliance before signing the attestation.

As part of the attestation, the physician, hospital, or facility states the number of days' worth of PPE is "on hand." Furthermore, the physician, hospital, or facility agrees to retain **any** records related to the exemption for at least one year.

An exemption is effective until the first Order is repealed, or the physician, hospital, or facility can no longer meet the minimum criteria in the new Order. As of Friday, May 1, 2020, AZ DHS stated that at this time it is not considering issuing criteria outside of the new Order. AZ DHS published answers to some frequently asked questions at https://www.azdhs.gov/documents/preparedness/epidemiology-disease-control/infectious-disease-epidemiology/novel-coronavirus/healthcare-providers/waiver-faq.pdf.

MICA's risk management team is available to help with your questions about the latest Arizona Executive Order or other COVID-19 issues. For assistance, call the Hotline at 602.808.2137 or 800.352.0402, x2137 or send an email to rm_info@mica-insurance.com.