STATE OF MISSISSIPPI

Office of the Governor

EXECUTIVE ORDER NO. 1470

WHEREAS, on March 14, 2020, pursuant to the Constitution of the State of Mississippi and Miss. Code Ann. § 33-15-11(b)(17), I issued a Proclamation declaring that a State of Emergency exists in the State of Mississippi as a result of the outbreak of COVID-19; and

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services Secretary Alex Azar declared a public health emergency for COVID-19 beginning on January 27, 2020, on March 11, 2020, the World Health Organization characterized COVID-19 as a pandemic, and on March 13, 2020, the President of the United States declared a nationwide state of emergency due to the coronavirus COVID-19 pandemic; and

WHEREAS, on March 11, 2020, the Mississippi State Department of Health confirmed the first presumptive case of COVID-19 in Mississippi and as of April 9, 2020, there are 2,469 confirmed cases of COVID-19 in Mississippi, with 82 of those cases having resulted in death; and

WHEREAS, the worldwide outbreak of COVID-19 and the effects of its extreme risk of person-to-person transmission throughout the United States and Mississippi significantly impact the life and health of our citizens, as well as the economy of Mississippi; and

WHEREAS, the risk of spread of COVID-19 within Mississippi continues to constitute a public emergency that may result in substantial injury or harm to life, health, and property within Mississippi; and

WHEREAS, personal protective equipment (PPE) will be depleted by surgeries and procedures that are not medically necessary to correct a serious medical condition or to preserve the life of a patient, contrary to recommendations from the President's Coronavirus Task Force, the CDC, the U.S. Surgeon General, and the Centers for Medicare and Medicaid Services; and

WHEREAS, given the rapidly increasing case count of COVID-19 in Mississippi and the limited supply of healthcare equipment and PPE, a further depletion of healthcare equipment or PPE would hinder efforts to cope with the COVID-19 disaster; and

WHEREAS, on Thursday, March 26, 2020, the Mississippi State Department of Health issued its *CMS Elective Surgery and Procedures Recommendations* to limit non-essential adult elective surgery and medical and surgical procedures that incorporated the CDC's detailed guidance necessary to conserve critical healthcare resources such as ventilators, medical equipment and PPE, and to limit exposure of patients and medical personnel to COVID-19; and

WHEREAS, despite social distancing measures and shelter in place orders, a surge of COVID-19 cases has been projected over the next 3-5 weeks requiring preservation of and immediate access to vital healthcare resources, including hospital facilities, medical personnel, medical equipment and PPE; and

WHEREAS, consistent with the Mississippi State Department of Health's Elective Surgery and Procedures Recommendations and in consultation with the State Health Officer, it is necessary to immediately delay all non-essential adult elective surgeries and medical procedures in the State of Mississippi as a temporary measure to cope with the COVID-19 disaster.

NOW, THEREFORE, I, Tate Reeves, Governor of the State of Mississippi, by the authority vested in me by the Constitution and laws of the State of Mississippi, do hereby order and direct as follows:

I. Pursuant to the Mississippi Emergency Management Act including but not limited to Miss. Code. Ann. §§ 33-15-11(b)(1), 33-15-11(b)(4), 33-15-11(b)(6), 33-15-11(c)(1), 33-15-11(c)(4) and 33-15-31, from 5:00 p.m. on April 10, 2020, and continuing until 11:59 p.m. on April 27, 2020, all licensed health care professionals and all licensed health care facilities shall postpone all surgeries and procedures that are not immediately medically

necessary to correct a serious medical condition of, or to preserve the life of, a patient who without immediate performance of the surgery or procedure would be at risk for serious adverse medical consequences or death, as determined by the patient's physician.

II. Provided, however, that this prohibition shall not apply to any procedure that, if performed in accordance with the commonly accepted standard of clinical practice, would not have the potential to deplete the hospital capacity, medical equipment or PPE needed to cope with the COVID-19 disaster.

III. Enforcement

a. This Executive Order may be enforced by all State, County and Local law enforcement, as well as by other governmental entities (such as State and local departments of health) to the fullest extent under Mississippi law including, inter alia, Miss. Code. Ann. §§ 33-15-11(b)(5) and 33-15-11(b)(6).

b. Violations of this Executive Order are subject to the provisions of Miss. Code Ann. §§ 33-15-43 and 41-3-59.

IV. This Executive Order shall remain in effect and in full force from 5:00 p.m. on April 10, 2020, until 8:00 a.m. on April 27, 2020, unless it is modified, amended, rescinded, or superseded.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Mississippi to be affixed.

DONE in the City of Jackson, on the 10TH day of April, in the year of our Lord, two thousand and twenty, and of the Independence of the United States of America, the two hundred and forty-fourth.

TATE REEVES
GOVERNOR

BY THE GOVERNOR

MICHAEL WATSON
SECRETARY OF STATE