



CORONAVIRUS IN MISSISSIPPI

Leaders fear what could happen if Reeves ends state of emergency on Sunday as planned



by **Bobby Harrison** and **Will Stribling**

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Governor Tate Reeves greets Mississippi National Guard members after his March 22, 2021, press conference at Trustmark Park in Pearl. National Guard members were helping to facilitate drive-thru vaccinations at the ballpark. Credit: Vickie D. King/Mississippi Today

Thousands of teachers and state employees may lose the ability to get paid leave for COVID-19 absences. The program the state uses to assess hospital bed space in real time to provide adequate care for patients may be dismantled. The National Guard, an integral piece to the state's vaccine and testing rollout during its busiest peaks, may no longer be available to assist.

Even as new **COVID-19 cases set daily and weekly records**, and hospital intensive care units and emergency rooms fill up across Mississippi, all this and more could become a reality on Sunday at 11:59 p.m. if Gov. Tate Reeves lets his state of emergency order expire as planned.

Issuing states of emergency — which effectively provide legal framework for extraordinary government actions to be carried out — is one of the governor's most direct powers in Mississippi.

Reeves' announcement that he would let the current state of emergency order expire came on June 18, when daily COVID-19 cases were low and the state's hospitals were not overwhelmed.

"I want to thank all Mississippians for their sacrifices over the past 15 months," Reeves said in a news release on June 18, 2021. "Your actions resulted in a significant decline of COVID-19 cases and allowed our state to effectively manage the impacts of the virus... While a state of emergency should no longer be necessary after Aug. 15, all Mississippians should remain vigilant, get vaccinated and follow public health guidance."

Because no end date was included in the original order, it is believed that the governor will have to issue a separate proclamation to terminate the current state of emergency.

This week, as the pandemic reaches its worst point since it began, the governor's office did not respond to multiple questions from Mississippi Today about whether he is reconsidering terminating the executive order. But on Wednesday afternoon, Reeves said on social media he was considering whether to extend the emergency order.

"We are discussing our options on the State of Emergency and will make a final decision within the next 48 hours on whether or not it needs to be extended," Reeves said on Wednesday.

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In March 2020, as the coronavirus first began to overwhelm the nation, Reeves issued orders establishing a committee, led by State Health Officer Dr. Thomas Dobbs, to combat COVID-19. A few days later on March 14, 2020, he issued **the first COVID state of emergency.**

That original state of emergency order allowed Reeves and Dobbs to issue dozens of executive orders related to the pandemic, ranging from imposing mask mandates to closing businesses and other activities to limiting crowd capacities at various venues.

Since March 4, 2020, Reeves has issued **at least 78 executive orders and supplements** to executive orders related to the coronavirus — most of them legally allowable because of the state of emergency. Reeves issued executive orders that made it easier for jobless Mississippians to apply for unemployment benefits, and provided health care workers more protection from lawsuits while dealing with the coronavirus.

The state of emergency order also granted Dobbs the power to issue his own health-related orders, including requiring quarantine for infected or exposed Mississippians, requiring hospitals to participate in a state-run program that allows real-time tracking of hospital bed space, and requiring school districts to report their COVID-19 infection data the Mississippi State Department of Health.

Most of these executive orders had start and end dates. But the original state of emergency order did not include an end date, which makes Reeves' announcement of the Aug. 15 expiration particularly meaningful.

Among the actions that could expire if Reeves rescinds the state of emergency are:

- The authority for state agencies to provide paid administrative leave for public employees for various reasons related to COVID-19, such as an employee contracting the virus or being quarantined or caring for a loved one with the virus.
- The authority of counties, municipalities and local school districts to offer paid administrative leave to their employees related to COVID-19 absences.
- Dobbs' authority to mandate that all the state's hospitals coordinate with the state Department of Health to assess bed space in real time and provide adequate care for the state's hospital patients.
- The activation of the Mississippi National Guard to assist with COVID-19 testing and vaccinations, among other duties.

Existing law allowed state agencies to offer paid leave only while under a state emergency. In the 2020 session, the Legislature passed a bill signed into law by the governor to give local governments and school districts the same authority.

Pete Smith, a spokesperson in the Mississippi Department of Education, said his agency has been in communication with the governor's office about possible negative consequences of lifting the state of emergency order at this point related to teachers and other school district personnel.

It is not completely clear what other government activities will be impacted by the possible expiration of the state of emergency order on Sunday, but several government leaders are worried that it could have dire consequences.

Dr. LouAnn Woodward, vice chancellor for University of Mississippi Medical Center, said she is concerned that the expiration of the emergency order will diminish the authority of Dobbs in some ways, namely his ability to mandate that hospitals

coordinate under **MSDH's COVID-19 System of Care Plan**. In its current form, the System of Care Plan prioritizes all Mississippi hospitals' inpatient hospital beds and other resources for COVID-19 patients who require admission.

Woodward said she has been unable to get a clear answer as to how the expiration of the order would impact Dobbs' authority over hospitals — at a time when every hospital in the state is overwhelmed with COVID-19 patients.

“Without that in place, the transfer and the management of these patients at a statewide level would be not as organized, it would be more chaotic and more ad hoc,” Woodward said.

The state of emergency order also gave Reeves and Dobbs the authority to delay all elective procedures that require overnight hospitalization so the hospitals can use all available resources to focus on COVID-19 patients.

Dobbs said that if state of emergency expires, MSDH will build a new order that “references the independent power of the State Department of Health.”

The Mississippi National Guard, first activated by Reeves in March 2020 to assist with the pandemic response, has not been administering vaccines or COVID-19 tests since mid-July. But under the state of emergency, the Guard could be mobilized for any reason. As cases skyrocket and the state is mulling setting up field hospitals to care for the influx of patients, the Guard being on standby could be vital to the next few weeks.

In the early days of the pandemic, the Guard delivered PPE across the state. Later, they set up mobile testing and vaccination sites that were widely regarded by medical professionals and government leaders. If the state of emergency order expires this week, Reeves would have to issue new orders to activate the Guard to assist with the pandemic.

Vicksburg Mayor George Flaggs said the governor's decision will not impact the ability of local governments to issue their own executive orders, such as to impose mask mandates.

“We are given our own authority in state law,” said Flaggs, who recently issued a mandate for city workers to mask up under certain circumstances and is in the process of imposing a mask mandate for the entire city. “We won’t be affected by what the governor does.”

Flaggs said under state law, a mayor or president of a board of supervisors can issue states of emergency, but they must be ratified within five days by the city council or board of aldermen or by the county board of supervisors.

But Flaggs said there are questions in the law. There are questions about whether a municipality or county, for instance, can impose a mask mandate on local school districts within their borders.

“There are areas the Legislature needs to address,” Flaggs said. “If not, we are going to be dealing with a political tango, and people are going to die because of it.”

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