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Commissioner Donelon Praises Court Ruling in Favor of Consumers in Louisiana State Medical Society Lawsuit

Commissioner of Insurance Jim Donelon is praising a decision by the 19th Judicial District Court upholding an emergency rule he put in place during Hurricane Isaac and his authority to do so during catastrophic events. Judge Janice Clark heard the Louisiana Department of Insurance's (LDI) motion for summary judgment regarding the State Medical Society and the Louisiana Hospital Association lawsuit on an emergency rule implemented following Hurricane Isaac. Judge Clark ruled that the LDI acted within its constitutional authority in implementing the emergency rule.

Emergency Rule 26 was enacted by Commissioner Donelon to provide necessary protections for insured individuals and business owners in Louisiana. The rule was aligned with similar rules implemented following three previous hurricanes. It allowed for greater protection for policyholders affected by hurricanes, including evacuees, for a limited period of time by requiring, among other things, that out-of-network medical care be treated like an in-network claim. The action taken by Commissioner Donelon was authorized by Governor Bobby Jindal's Executive Order [BJ 2012-16](#), which granted the Commissioner temporary authority to implement emergency insurance rules.

"I believe these protections are necessary in emergency situations such as a hurricane to protect insured individuals who are in need of medical attention and services, but are unable to access their usual providers because of circumstances that are beyond their control," Donelon said. "I have always firmly believed we are on solid ground in implementation of such emergency rules for a limited time. I am pleased to see the court come down on the side of the consumer."

Emergency Rule 26 was in effect from August 26 through September 25, 2012 and applicable in the 23 parishes impacted by Hurricane Isaac.

To view Emergency Rule 26, please [click here](#) or you can visit the LDI website www.lidi.la.gov.