On January 31, 2020, the United States Department of Health and Human Services Secretary Alex A. Azar declared a public health emergency (PHE) for the United States to aid the nation’s healthcare community in responding to the coronavirus disease (COVID-19). The United States Centers for Disease Control and Prevention (CDC) has declared COVID-19 a worldwide pandemic due to its global effect. Furthermore, on March 13, 2020, President Donald Trump invoked the Stafford Act and declared a national emergency regarding the COVID-19 outbreak. COVID-19 has been detected in the state of Louisiana with a growing number of residents testing positive for the disease. There is reason to believe that COVID-19 may spread among the population by various means of exposure, therefore posing a significant risk of substantial harm to a large number of citizens.

Emergency Rule 38 is issued to address the mass disruption to the normalcy previously enjoyed by citizens of Louisiana as a result of the effects of Covid-19. Specifically, the stay at home orders inhibit the ability to sit for an insurance examination and submit fingerprints in association with insurance producer license applications. Emergency Rule 38 is issued under the authority of the Commissioner of Insurance for the State of Louisiana, pursuant to the following: Proclamation No. JBE 2020-25 issued on March 11, 2020, by Governor John Bel Edwards declaring a State of Emergency extending from March 11, 2020, through April 9, 2020, unless terminated sooner and Proclamation No. JBE 2020-29 issued on March 14, 2020, transferring authority over certain insurance matters to Commissioner of Insurance James J. Donelon (Commissioner).

COVID-19 has created a mass disruption to the normalcy previously enjoyed by Louisianans and is an immediate threat to the public health, safety, and welfare of Louisiana citizens. In order to respond to the emergency and to protect and safeguard the public, health, safety and welfare of the citizens of this state, it is necessary to issue Emergency Rule 38.

Title 37
INSURANCE
Part XI. Rules
Chapter 37. Emergency Rule 38—Temporary Licensing of Certain Producers

§3701. Purpose
A. Emergency Rule 38 provides for the procedure to implement the protocol necessitated for the temporary licensing of insurance producer applicants who have been negatively impacted by closure of insurance testing sites following issuance of Proclamation No. 33 JBE 2020, issued on March 22, 2020, by Governor John Bel Edwards declaring a stay at home order and closure of nonessential businesses until April 13, 2020 unless terminated sooner.

B. An additional purpose of this regulation is to set forth the duration of the temporary license issued hereunder, the eligibility for the license and the process of obtaining a permanent replacement producer license.
HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:

§3711. Expiration of Temporary License
A. All temporary licenses issued pursuant to this Emergency Rule shall expire on May 15, 2020 unless the term is extended by Order of the Commissioner.


HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:

§3713. Conversion of Temporary License
A. Any temporary license issued pursuant to Emergency Regulation 38 may be converted into a permanent license by completion of all prerequisites of a license for the line or lines of insurance including passing the required examination and submission of fingerprints pursuant to the applicable statutes prior to expiration of the temporary license.

B. No additional fee shall be required in association with the issuance of a permanent license.


HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:

§3715. License Denial, Suspension or Revocation
A. The Commissioner may refuse to issue, suspend or revoke any temporary license issued pursuant to Emergency Rule 38 for any of the reasons set forth in R.S. 22:1554.


HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:

§3717. Effective Date
A. Emergency Rule 38 shall become effective at 12:01 a.m. on March 25, 2020 and shall continue in full force and effect until May 15, 2020, unless terminated sooner.


HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:

§3719. Severability
A. If any section or provision of Emergency Rule 38 or its application to any person or circumstance is held invalid, such invalidity or determination shall not affect other sections or provisions or the application of Emergency Rule 38 to any persons or circumstances that can be given effect without the invalid section or provision or application, and for these purposes the sections and provisions of Emergency Rule 38 and the application to any persons or circumstances are severable.


HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:

James J. Donelon
Commissioner