DECLARATION OF EMERGENCY

Department of Insurance

Office of the Commissioner

Emergency Rule 45—Suspension of Certain Statutes Regarding Cancellations, Terminations, Non-Renewals, and Nonreinstatements, Premium Payments, Claim Filings and Related Provisions Regarding Any and All Insurance Matters Affecting Insureds in Louisiana Caused by the State of Emergency Declared by Governor John Bel Edwards on August 21, 2020, Due to Hurricane Laura

In August and September 2020, President Donald J. Trump declared a State of Emergency in Louisiana due to the devastation caused by Hurricane Laura and its aftermath. Contemporaneously, Governor John Bel Edwards declared a State of Emergency in Louisiana for the same reasons. Furthermore, President Donald J. Trump invoked the Stafford Act and declared a national emergency regarding Hurricane Laura and its aftermath which has caused devastation to the lives and property of the citizens of Louisiana, and the residual effect of that storm poses a significant risk to the health, safety and welfare to a substantial number of the citizens of our state.

Emergency Rule 45 is issued to address the devastation caused by Hurricane Laura and its aftermath that has created emergency conditions threatening the health, safety and welfare of the citizens of Louisiana who are insureds and who either reside in or have insured property located in one of the following sixteen (16) parishes, to wit: Acadia; Allen; Beauregard; Calcasieu; Cameron; Grant; Jackson; Jefferson Davis; Lincoln; Natchitoches; Ouachita; Rapides; Sabine; Vermilion; Vernon; or Winn. Emergency Rule 45 is issued under the authority of the Commissioner of Insurance for the State of Louisiana, pursuant to the following: Proclamation No. JBE 2020-108 issued on August 21, 2020 by Governor John Bel Edwards declaring a State of Emergency extending from August 21, 2020 through September 20, 2020, unless terminated sooner; and Proclamation No. JBE 2020-115 issued on September 3, 2020 transferring authority over all insurance regulatory statutes in The Louisiana Insurance Code, Title 22 of the Louisiana Revised Statutes of 1950, to Commissioner of Insurance James J. Donelon (Commissioner).

Accordingly, Emergency Rule 45 shall apply to any and all types of insurers as set forth in R.S. 22:48, and any and all kinds of insurance as set forth in R.S. 22:47, including, but not limited to all property and casualty insurers, all life insurers, all annuity insurers, and all health

maintenance organizations (HMOs), managed care organizations (MCOs), preferred provider organizations (PPOs), pharmacy benefit managers (PBMs), and third party administrators (TPAs) acting on behalf of an HMO, MCO, PPO, and any and all other insurance related entities licensed by the Commissioner or doing business in Louisiana (collectively known as "health insurance issuers") and their insureds, policyholders, members, subscribers, enrollees and certificate holders.

Hurricane Laura and its aftermath has created a mass disruption to the normalcy previously enjoyed in Louisiana and is an immediate threat to the public health, safety, and welfare of Louisiana citizens. To minimize these threats, the State of Louisiana has had to impose significant measures that will certainly have a negative economic impact on the state, resulting in financial hardship for the citizens of Louisiana regarding all matters related to all types of insurers and all kinds of insurance and also threatening access to adequate insurance coverage following an event of this magnitude when such insurance coverage is especially important. In order to respond to the ongoing 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 45.

Title 37

INSURANCE

Part XI. Rules

Chapter 45. Emergency Rule 45—Suspension of Certain Statutes Regarding Cancellations, Terminations, Non-Renewals, and Nonreinstatements, Premium Payments, Claim Filings and Related Provisions Regarding Any and All Insurance Matters Affecting Insureds in Louisiana Caused by the State of Emergency Declared by Governor John Bel Edwards on August 21, 2020, Due to Hurricane Laura

§4501. Benefits, Entitlements, Protections and Applicable Parishes

A. The benefits, entitlements and protections of Emergency Rule 45 shall be applicable to insureds, policyholders, members, subscribers, enrollees and certificate holders (hereinafter "insureds") who, as of 12:01 a.m. on August 27, 2020 have an insurance policy, insurance contract, or certificate of coverage for any of the kinds of insurance enumerated in §4503, as delineated below, and who meet one of the following criteria.

1. Any person who, as of August 27, 2020, resided in one of the following sixteen (16) parishes, to wit: Acadia; Allen; Beauregard; Calcasieu; Cameron; Grant; Jackson; Jefferson

Davis; Lincoln; Natchitoches; Ouachita; Rapides; Sabine; Vermilion; Vernon; or Winn. Said person is entitled to the protections of Emergency Rule 45 for the kinds of insurance set forth in §4503.A and B.

2. For the kinds of insurance enumerated in §4503.B, any person whose primary place of employment was in, or whose permanent employer had assigned said person to a business located in, one of the sixteen (16) parishes identified in §4501.A.1, shall be eligible for the benefits, entitlements and protections of Emergency Rule 45 if said person verifies such employment status by written documentation to his health insurance issuer. No health insurance issuer shall unreasonably withhold eligibility to insureds upon receipt of such written documentation.

3. For the kinds of insurance enumerated in §4503.A, any insured who does not reside in one of the sixteen (16) parishes enumerated in §4501.A.1, but has filed with an authorized insurer or surplus lines insurer a notice of loss on a property claim for damage caused by Hurricane Laura and its aftermath to property located in one of the sixteen (16) parishes enumerated in §4501.A, shall be entitled to contact the insurer and request the benefits, entitlements, and protections of Emergency Rule 45. These insurers are directed to work with their insureds who have filed a notice of loss on a property claim for damage caused by Hurricane Laura and its aftermath and provide accommodation as applicable, relevant and appropriate.

B. Emergency Rule 45 shall apply to any authorized insurer as defined in R.S. 22:46(3) operating in Louisiana, and to any approved unauthorized insurer, eligible unauthorized insurer, or domestic surplus lines insurer as defined in R.S. 22:46(17.1) operating in Louisiana (sometimes hereinafter referred to as a surplus lines insurer).

C. Emergency Rule 45 shall apply to every health and accident insurer, health maintenance organization (HMO), managed care organization (MCO), preferred provider organization (PPO), pharmacy benefit manager (PBM), and third party administrator (TPA) acting on behalf of a health insurance issuer, HMO, MCO, PPO, and any and all other insurance related entities licensed by the Commissioner or doing business in Louisiana (collectively known as "health insurance issuers").

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-108, Proclamation JBE 2020-115, R.S. 22:2, R.S. 22:11, and R.S. 22:1961 et seq, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the

Commissioner, LR 46:____

§4503. Applicability and Scope

A. Emergency Rule 45 shall apply to any and all kinds of insurance set forth in R.S. 22:47, including, but not limited to, life, vehicle, liability, workers' compensation, burglary and forgery, fidelity, title, fire and allied lines, steam boiler and sprinkler leakage, crop, marine and transportation, miscellaneous, homeowners', credit life, credit health and accident, credit property and casualty, annuity, surety, and industrial fire. The applicability of Emergency Rule 45 to health and accident insurance is specified in §4503.B.

B. Emergency Rule 45 shall apply to any and all kinds of health and accident insurance, including, but not limited to, group and individual health and accident insurance, limited benefit insurance, Medicare supplement insurance, Medicare select insurance, HMOs, PPOs, MCOs except those subject only to licensure and financial solvency regulation pursuant to R.S. 22:1016, excess loss insurance, stop loss insurance, disability income insurance, short-term health insurance, long-term care insurance, and any and all other health insurance.

C. Emergency Rule 45, §4515 and §4527.B & C shall apply to only those kinds of insurance provided for in §4503.A and those types of insurers specified in §4501.B.

D. Emergency Rule 45, §4513, §4519, §4521, §4525, §4527.A, §4531, §4533, and §4535 shall apply only to those kinds of insurance provided for in §4503.B and those health insurance issuers specified in §4501.C.

E. All provisions of Emergency Rule 45 not expressly limited in §4503.C and D shall apply to all types of insurers and all kinds of insurance as defined in §4501 and §4503.

F. Nothing in §4503 shall be interpreted to apply the provisions of Emergency Rule 45 to policies of insurance issued for the benefit of insureds not subject to the Benefits, Entitlements, and Protections enumerated in §4501.

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-108, Proclamation JBE 2020-115, R.S. 22:2, R.S. 22:11, and R.S. 22:1961 et seq, R.S. 49:950 et seq.

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

§4505. Cancellation, Nonrenewal, and Nonreinstatement

A. Emergency Rule 45 hereby suspends any notice of cancellation, notice of nonrenewal, nonreinstatement or any other notice related to any of the types of insurance enumerated in §4503

that was in force and effect at 12:01 a.m. on August 27, 2020, and any such notice shall be null and void and have no force of effect. Furthermore, any such notice shall be reissued de novo to the insured in accordance with existing statutory requirements after the expiration of Emergency Rule 45 as provided for in §4549.

B. Insurers may issue a notice of cancellation for non-payment of premium during the pendency of Emergency Rule 45. When any such notice is issued during the pendency of Emergency Rule 45, the applicable notice period required by statute or the policy may begin to run, but in no event may the insurer cancel the insurance policy for non-payment of premium until after the expiration of Emergency Rule 45.

C. No policy shall be cancelled or nonrenewed solely because of a claim that is filed during or is caused by Hurricane Laura or its aftermath.

D. Unless otherwise expressly authorized in writing by the Commissioner, the cancellation, nonrenewal or nonreinstatement of any insurance policy related to any of the types of insurance enumerated in §4503 is hereby suspended and shall not be allowed until after the expiration of Emergency Rule 45 as provided for in §4549.

E. All cancellation, nonrenewal, or nonreinstatement provisions, including, but not limited to, R.S. 22:272, 22:887, 22:977, 22:978, 22:1068, 22:1074, 22:1266, 22:1267, and 22:1335 are hereby suspended, except to the extent such provisions apply to acts or practices constituting fraud or intentional misrepresentations of material fact.

F. As set forth in §4537, Emergency Rule 45 shall not prevent an insurer from cancelling or terminating an insurance policy for fraud or material misrepresentation on the part of the insured.

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-108, Proclamation JBE 2020-115, R.S. 22:2, R.S. 22:11, and R.S. 22:1961 et seq, R.S. 49:950 et seq.

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

§4507. Renewal

A. The renewal conditions of all kinds of insurance enumerated in §4503 that are subject to renewal after the effective date of Emergency Rule 45 are suspended and shall be deferred until the expiration of Emergency Rule 45 as provided for in §4549. All policies subject to renewal after the effective date of Emergency Rule 45 shall continue in full force and effect at the previously established premium until the expiration of Emergency Rule 45 as provided for in §4549. The

previously established premium for renewals by authorized insurers shall be based on the rate structure, rating plan and manual rules that are approved by the Commissioner of Insurance, regardless of whether their effective date was before or during Emergency Rule 45. The previously established premium by authorized insurers for renewals of commercial deregulated insurance policies shall be based on the rate structure, rating plan and manual rules set forth in any filing submitted to the Commissioner of Insurance before or during Emergency Rule 45.

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-108, Proclamation JBE 2020-115, R.S. 22:2, R.S. 22:11, and R.S. 22:1961 et seq, R.S. 49:950 et seq.

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

§4509. Written Request for Cancellation by Insured

A. Except as provided for in §4537 herein, a cancellation shall not occur prior to the expiration of Emergency Rule 45 unless upon the documented written request or written concurrence of the insured. This written consent may be in electronic format.

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-108, Proclamation JBE 2020-115, R.S. 22:2, R.S. 22:11, and R.S. 22:1961 et seq, R.S. 49:950 et seq.

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

§4511. New Policies

A. Emergency Rule 45 shall not apply to any new insurance policy for any of the kinds of insurance enumerated in §4503 if said insurance policy is issued on or after August 27, 2020.

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-108, Proclamation JBE 2020-115, R.S. 22:2, R.S. 22:11, and R.S. 22:1961 et seq, R.S. 49:950 et seq.

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

§4513. Claims Notification

A. All claims notification procedures, including, but not limited to, R.S. 22:975(A)(3)-(5), Regulation 33, and Regulation 74, are suspended.

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-108, Proclamation JBE 2020-115, R.S. 22:2, R.S. 22:11, and R.S. 22:1961 et seq, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the

Commissioner, LR 46:____

§4515. Premium Offset

A. All insurers subject to Emergency Rule 45 receiving a claim from an insured owing a premium may offset the premium owed by the insured against any claim payment made to the insured under the insurance policy. §4515 shall not apply to health insurance issuers as defined in §4501.C.

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-108, Proclamation JBE 2020-115, R.S. 22:2, R.S. 22:11, and R.S. 22:1961 et seq, R.S. 49:950 et seq.

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

§4517. Obligation of Insured to Pay Premium

A. Unless otherwise cancelled in accordance with the provisions of §4509 herein, nothing in Emergency Rule 45 shall be construed to exempt or excuse an insured from the obligation to pay the premiums otherwise due for actual insurance coverage provided.

B. Those insureds entitled to the benefits, entitlements and protections of Emergency Rule 45 are advised that this suspension is not a waiver, but only an extension or grace period to facilitate your payment of the premium.

C. Insurers are directed to work with and assist their affected insureds who reside in the impacted parishes with the payment of the premium that would have become due during this moratorium period by either establishing for the insured a payment plan for the unpaid premium or providing to the insured a further extension for the payment of the unpaid premium.

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-108, Proclamation JBE 2020-115, R.S. 22:2, R.S. 22:11, and R.S. 22:1961 et seq, R.S. 49:950 et seq.

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

§4519. Timely Payment of Health Claims

A. Only to the extent necessary to permit the pending of claims during a premium payment delinquency by the insured, the provisions of R.S. 22:1832-1834 and Regulation 74 related to timely payment of claims are hereby suspended.

B. For any policy of insurance described in §4503.B which, as a result of nonpayment of premium, would be subject to cancellation or termination but for the suspension ordered in §4505,

the health insurance issuer may pend all claims which would not have been denied under such cancellation or termination until the health insurance issuer receives the delinquent premium payment or until such time the health insurance issuer is subsequently entitled to cancel or terminate the policy for non-payment of premium.

C. Once a health insurance issuer receives the delinquent premium payment, all pending claims associated for the time period to which such payment applies shall be processed and adjudicated. The health insurance issuer shall notify the health care provider that the claim is no longer pending and is being processed and adjudicated for payment. Furthermore, the suspension provided for in §4519.A shall be automatically lifted and all applicable timely payment requirements reinstated upon the date of the payment of premium.

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-108, Proclamation JBE 2020-115, R.S. 22:2, R.S. 22:11, and R.S. 22:1961 et seq, R.S. 49:950 et seq.

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

§4521. Payment of Health Claims

A. In the event a health insurance issuer pends a claim, as permitted pursuant to §4519, and is subsequently entitled to cancel or terminate a policy for nonpayment of premium, the health insurance issuer shall pay that claim to the health care provider or health care profession at not less than the following rate or allowance:

1. For contracted health care providers or health care professionals, fifty percent (50%) of the contracted reimbursement rate;

2. For noncontracted health care providers or health care professionals, fifty percent (50%) of the non-participating rate or allowance;

3. With regard to claims submitted pursuant to this section, when the underlying policy is cancelled or terminated for nonpayment of premium, health insurance issuers shall be allowed to conduct medical necessity reviews on claims related to non-elective services. Non-elective services are those services that are emergent, urgent, or necessary in order to not place the health of the insured at risk;

4. With regard to any and all claims paid by health insurance issuers pursuant to the requirements of this Section, the provisions of R.S. 22:1838 and 22:1859 are hereby suspended, and recoupment is prohibited.

B. This Section shall not apply to any claim otherwise compensable under any federal Public Law or appropriation made or adopted in response to the Hurricane Laura emergency, and subsequent guidance or regulations adopted by the U.S. Department of Homeland Security in furtherance thereof. Health insurance issuers may seek recoupment of payment for such claims if otherwise permitted by law.

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-108, Proclamation JBE 2020-115, R.S. 22:2, R.S. 22:11, and R.S. 22:1961 et seq, R.S. 49:950 et seq.

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

§4523. Insureds Obligation to Cooperate in Claim Process

A. Emergency Rule 45 shall not relieve an insured who has a claim filed before or during the pendency of Emergency Rule 45 from compliance with the insured's obligation to provide information and cooperate in the claim adjustment process relative to the claim.

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-108, Proclamation JBE 2020-115, R.S. 22:2, R.S. 22:11, and R.S. 22:1961 et seq, R.S. 49:950 et seq.

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

§4525. Physician Credentialing

A. The Commissioner hereby suspends physician credentialing pursuant to R.S. 22:1009 such that there are no credentialing requirements with regard to any and all licensed physicians who provide medical services to insureds identified in §4501.A or §4501.B between 12:01 a.m. on August 27, 2020 and the expiration of Emergency Rule 45 as provided for in §4549.

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-108, Proclamation JBE 2020-115, R.S. 22:2, R.S. 22:11, and R.S. 22:1961 et seq, R.S. 49:950 et seq.

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

§4527. New Rate or Premium

A. For all health insurance issuers specified in §4501.C, any rate increases that were to take effect after the effective date of Emergency Rule 45 are suspended and shall be deferred until the expiration of Emergency Rule 45 as provided for in §4549.

B. For all other insurers, as specified in §4501.B, Emergency Rule 45 shall not affect the right

of any insurer to file for and/or implement a new rate or premium for any insurance policy for the types of insurance enumerated in §4003.A if the new rate or premium has been approved by the Commissioner.

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-108, Proclamation JBE 2020-115, R.S. 22:2, R.S. 22:11, and R.S. 22:1961 et seq, R.S. 49:950 et seq.

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

§4529. Imposition of Interest, Penalty, or Other Charge

A. The Commissioner hereby suspends the imposition of any interest, penalty, or other charge and declares that no interest, penalty, or other charge shall accrue or be assessed against any insured as the result of the suspensions ordered in Emergency Rule 45.

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-108, Proclamation JBE 2020-115, R.S. 22:2, R.S. 22:11, and R.S. 22:1961 et seq, R.S. 49:950 et seq.

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

§4531. Continuation of Health Coverage

A. The Commissioner hereby suspends R.S. 22:1046. In furtherance thereof, a health insurance issuer who has issued a group health insurance policy shall provide to all members or certificate holders under said group policy the option for the continuation of coverage, which said option shall begin on the day after the end the expiration of Emergency Rule 45 as provided for in §4549. This section is only applicable in those situations where the employer to whom the group policy had been issued remains in business and continues to offer said group health insurance to active employees for the duration of Emergency Rule 45.

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-108, Proclamation JBE 2020-115, R.S. 22:2, R.S. 22:11, and R.S. 22:1961 et seq, R.S. 49:950 et seq.

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

§4533. Prescription Drug Coverage

A. Health insurance issuers shall allow insured individuals to obtain refills of their prescriptions even if the prescription was recently filled, consistent with approval from patients' health care providers and/or pharmacists. This provision does not apply to prescription drugs with

a high likelihood of abuse, such as opioids that are restricted to 7-day prescriptions.

B. The Commissioner hereby suspends any provisions in the Louisiana Insurance Code which place restrictions on replacement prescriptions pertaining to mail order prescriptions. Mail order prescriptions shall be mailed to an alternate address if requested by the insured.

C. All health insurance issuers shall waive any and all restrictions relative to out-of-network access to pharmacy services or prescriptions.

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-108, Proclamation JBE 2020-115, R.S. 22:2, R.S. 22:11, and R.S. 22:1961 et seq, R.S. 49:950 et seq.

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

§4535. Telemedicine Access

A. Health insurance issuers shall waive any coverage limitations restricting telemedicine access to providers included within a plan's telemedicine network.

B. Health insurance issuers shall waive any requirement that the patient and provider have a prior relationship in order to have services delivered through telemedicine.

C. Health insurance issuers shall cover mental health services provided by telemedicine consultation to the same extent the services would be covered if provided through an in-person consultation. This shall not be interpreted to require coverage of telemedicine services that cannot be appropriately provided remotely.

D. Health insurance issuers shall waive any requirement limiting coverage to provider-to-provider consultations only and shall cover telemedicine consultations between a patient and a provider to the extent the same services would be covered if provided in person.

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-108, Proclamation JBE 2020-115, R.S. 22:2, R.S. 22:11, and R.S. 22:1961 et seq, R.S. 49:950 et seq.

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

§4537. Fraud or Material Misrepresentation

A. Emergency Rule 45 shall not prevent an insurer from cancelling or terminating an insurance policy for fraud or material misrepresentation on the part of the insured.

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-108, Proclamation JBE 2020-115, R.S. 22:2, R.S. 22:11, and R.S. 22:1961 et seq, R.S. 49:950 et seq.

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

§4539. Exemption from Compliance

A. Notwithstanding any other provision contained herein, the Commissioner may exempt any insurer from compliance with Emergency Rule 45 upon the written request by the insurer setting forth in detail each and every reason for the exemption and then only if the Commissioner determines that compliance with Emergency Rule 45 may be reasonably expected to result in said insurer being subject to undue hardship, impairment, or insolvency.

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-108, Proclamation JBE 2020-115, R.S. 22:2, R.S. 22:11, and R.S. 22:1961 et seq, R.S. 49:950 et seq.

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

§4541. Sanctions for Violations

A. The Commissioner retains the authority to enforce violations of Emergency Rule 45. Accordingly, any insurer enumerated in Emergency Rule 45 or any other entity doing business in Louisiana and/or regulated by the Commissioner who violates any provision of Emergency Rule 45 shall be subject to regulatory action by the Commissioner under any applicable provisions of the Louisiana Insurance Code.

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-108, Proclamation JBE 2020-115, R.S. 22:2, R.S. 22:11, and R.S. 22:1961 et seq, R.S. 49:950 et seq.

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

§4543. Sixty Day Period to Initiate Adjustment of Property Claims

A. In accordance with R.S. 22:1892(A)(3), Hurricane Laura and its aftermath qualifies as a catastrophic loss event that requires insurers to initiate loss adjustment of a property damage claim within thirty (30) days after notification of loss by the insured claimant.

B. In furtherance of R.S. 22:1892(A)(3), the severity of the devastation caused by Hurricane Laura and its aftermath qualifies for an additional thirty (30) days for insurers to initiate loss adjustment of a property claim after notification of loss by the insured claimant.

C. Therefore, insurers shall have a total of sixty (60) days to initiate loss adjustment of a property damage claim after notification of loss by the insured claimant.

D. This declaration is based on the representation that the additional time period is necessary due to the large volume of claims resulting directly from Hurricane Laura and its aftermath, and with the admonition that insurers will promptly identify, evaluate, and resolve these claims. Insurers must continue to provide timely service to their insured claimants by promptly acknowledging receipt of claims and making appropriate assignments for the adjustment of claims.

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-108, Proclamation JBE 2020-115, R.S. 22:2, R.S. 22:11, and R.S. 22:1961 et seq, R.S. 49:950 et seq.

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

§4545. Authority

A. The Commissioner reserves the right to amend, modify, alter, extend, or rescind all or any portion of Emergency Rule 45.

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-108, Proclamation JBE 2020-115, R.S. 22:2, R.S. 22:11, and R.S. 22:1961 et seq, R.S. 49:950 et seq.

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

§4547. Severability Clause

A. If any section or provision of Emergency Rule 45 or its application to any person or circumstance is held invalid, such invalidity or determination shall not affect other section or provision or the application of Emergency Rule 45 to any person or circumstance that can be given effect without the invalid section or provision or application, and for these purposes the sections and provisions of Emergency Rule 45 and the application to any persons or circumstances are severable.

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-108, Proclamation JBE 2020-115, R.S. 22:2, R.S. 22:11, and R.S. 22:1961 et seq, R.S. 49:950 et seq.

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

§4549. Effective Date

A. Emergency Rule 45 shall become effective at 12:01 a.m. on August 27, 2020 and shall continue in full force and effect until either 11:59 p.m. on October 24, 2020 or 11:59 p.m. on the cessation date of the Governors transfer of authority to the Commissioner presently in effect,

inclusive of any renewal thereof, whichever occurs first.

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-108, Proclamation JBE 2020-115, R.S. 22:2, R.S. 22:11, and R.S. 22:1961 et seq, R.S. 49:950 et seq.

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

Baton Rouge, Louisiana, this 4th day of September, 2020.

JAMES J. DONELON
COMMISSIONER OF INSURANCE

State of Louisiana

EXECUTIVE DEPARTMENT

PROCLAMATION NUMBER 108 JBE 2020

STATE OF EMERGENCY – TROPICAL STORM LAURA AND TROPICAL DEPRESSION 14

WHEREAS, the Louisiana Homeland Security and Emergency Assistance and Disaster Act, La. R.S. 29:721, *et seq.*, confers upon the Governor of the State of Louisiana emergency powers to deal with emergencies and disasters, including those caused by fire, flood, earthquake or other natural or manmade causes, in order to ensure that preparations of this State will be adequate to deal with such emergencies or disasters and to preserve the lives and property of the people of the State of Louisiana;

WHEREAS, when the Governor determines that a disaster or emergency has occurred, or the threat thereof is imminent, La. R.S. 29:724(B)(1) empowers him to declare a state of emergency by executive order or proclamation, or both;

WHEREAS, the National Weather Service has indicated that Tropical Storm Laura and Tropical Depression 14 are expected to move toward the northern Gulf of Mexico over the next few days;

WHEREAS, Tropical Depression 14 is anticipated to be upgraded to Tropical Storm Marco over the next 12 hours;

WHEREAS, both storms have the potential to strengthen into hurricanes once they reach the Gulf of Mexico;

WHEREAS, due to the possibility of two tropical systems making landfall in such close proximity to each other, there is a significant risk for storm surge, high winds, and flooding from rainfall in all southern parishes;

WHEREAS, many parishes across the state will need to take protective measures to help mitigate flooding and wind damage in response to this imminent threat, as well as prepare additional evacuation and sheltering measures required during the COVID-19 pandemic; and

WHEREAS, five parishes have declared states of emergency, the state anticipates that many more parishes will declare states of emergency, and assistance may be needed to assist parishes in their response to this developing threat.

NOW THEREFORE, I, JOHN BEL EDWARDS, Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and the laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: Pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, La. R.S. 29:721, *et seq.*, a state of emergency is hereby declared to exist statewide in the State of Louisiana as a result of the imminent threat of emergency conditions that threaten the lives and property of the citizens of the State.

SECTION 2: The Director of the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) is hereby authorized to undertake any activity authorized by law which he deems appropriate in response to this declaration.

SECTION 3: Pursuant to the La. R.S. 29:732, during a declared state of emergency, the prices charged or value received for goods and services sold within the designated emergency area may not exceed the prices ordinarily charged for comparable goods and services in the same market area at or immediately before the time of the state of emergency, unless the price by the seller is attributable to fluctuations in applicable commodity markets, fluctuations in applicable regional or national market trends, or to reasonable expenses and charges and attendant business risk incurred in procuring or selling the goods or services during the state of emergency.

SECTION 4: All departments, commissions, boards, agencies, and officers of the State, or any political subdivision thereof, are authorized and directed to cooperate in actions the State may take in response to the effects of this severe weather event.

SECTIONS 5: This order is effective upon signature and shall remain in effect from Friday, August 21, 2020 to Sunday, September 20, 2020, unless terminated sooner.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 21st day of August, 2020.

GOVERNOR OF LOUISIANA

ATTEST BY THE SECRETARY OF STATE

SECRETARY OF STATE

State of Louisiana

EXECUTIVE DEPARTMENT

PROCLAMATION NUMBER 115 JBE 2020

AMENDMENT TO STATE OF EMERGENCY – HURRICANE LAURA

WHEREAS, pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, La. R.S. 29:721, *et seq.*, a state of emergency was declared through Proclamation Number 108 JBE 2020;

WHEREAS, Hurricane Laura made landfall on the Louisiana coast during the early morning hours on Thursday, August 27, 2020, bringing devastating winds, widespread power-outages, and severe damage to Louisiana;

WHEREAS, the damage resulting from Hurricane Laura continue to pose a threat to citizens and communities in the storm's path and create conditions which place lives and property in the state in jeopardy;

WHEREAS, the State of Louisiana, recognizing the significant impact of Hurricane Laura, desires to minimize this impact on the residents and assist communities in their recovery; and

WHEREAS, La. R.S. 29:724 authorizes the governor during a declared state of emergency to suspend the provisions of any state regulatory statute prescribing procedures for conducting state business, or the orders, rules or regulations of any state agency, if strict compliance with the provision of any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency.

NOW THEREFORE, I, JOHN BEL EDWARDS, Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and the laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: Section 3 of Proclamation Number 108 JBE 2020 is hereby amended as follows:

SECTION 3: A) Pursuant to the La. R.S. 29:732, during a declared state of emergency, the prices charged or value received for goods and services sold within the designated emergency area may not exceed the prices ordinarily charged for comparable goods and services in the same market area at or immediately before the time of the state of emergency, unless the price by the seller is attributable to fluctuations in applicable commodity markets, fluctuations in applicable regional or national market trends, or to reasonable expenses and charges and attendant business risk incurred in procuring or selling the goods or services during the state of emergency.

B) Pursuant to La. R.S. 29:724(D)(1), the Louisiana Procurement Code (La. R.S. 39:1551, *et seq.*) and Louisiana Public Bid Law (La. R.S. 38:2211, *et seq.*) and their corresponding rules and regulations are hereby suspended for the purpose of the procurement of any good or services necessary to respond to this emergency, including emergency contracts,

cooperative endeavor agreements, and any other emergency amendments to existing contracts.

C) Pursuant to La. R.S. 29:724(D)(1), the provisions of La. R.S. 39:126 regarding prior approval of change orders are hereby suspended.

SECTION 2: The Commissioner of Insurance shall have limited transfer of authority from the Governor to suspend provisions of any statute of the Louisiana Insurance Code, Title 22 of the Louisiana Revised Statutes of 1950, concerning the cancellation, termination, nonrenewal, and reinstatement provisions of Title 22, including, but not limited to, R.S. 22:272, 22:887, 22:977, 22:978, 22:1068, 22:1074, 22:1266, 22:1267, 22:1311, and 22:1335, where such statutory requirements may prevent, hinder, or delay necessary action in light of the current emergency relative to Hurricane Laura and its aftermath, including providing additional time for policyholders to complete existing claims and to remit premium payments to avoid cancellation of policies, prohibiting cancellations where policyholders are incapable of fulfilling requirements due to evacuation or inhabitability, providing for continuation of coverage and suspending rate increases, providing for the payment of claims incurred during any prohibition on cancellations imposed under this authority, and providing for provider access and prescription drug benefit requirements necessary to protect public health and welfare. This Order shall not relieve an insured who has a claim caused by Hurricane Laura and its aftermath from compliance with the insured's obligation to provide information and cooperate in the claim adjustment process relative to such claim, or to pay insurance premiums upon termination of the provisions of this Order.

SECTION 3: Unless otherwise provided in this order, these provisions are effective from Thursday, August 27, 2020 to Sunday, September 20, 2020, or as extended by any subsequent Proclamation, unless terminated sooner.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 3rd day of September, 2020.

GOVERNOR OF LOUISIANA

ATTEST BY THE
SECRETARY OF STATE

SECRETARY OF STATE