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## Louisiana INsight Regulations: Regulatory Activity Proclamation 169 JBE 2020



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## Regulatory Activity Proclamation 169 JBE 2020

EXECUTIVE DEPARTMENT

PROCLAMATION NUMBER 169 JBE 2020

**RENEWAL OF STATE OF EMERGENCY AND EXTENSION OF EMERGENCY PROVISIONS FOR HURRICANE ZETA**

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, pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, La. R.S. 29:721, *et seq.*, Governor John Bel Edwards declared a state of emergency in response to the imminent threat posed by Hurricane Zeta on October 26, 2020, in Proclamation Number 144 JBE 2020;

WHEREAS, Hurricane Zeta made landfall on the Louisiana coast during the afternoon hours on Wednesday, October 28, 2020, bringing devastating winds, widespread power-outages, and severe damage to Louisiana;

WHEREAS, the State of Louisiana suffered severe damage to the state which threatens the safety, health, and security of the citizens of the State of Louisiana, along with private property and public facilities;

WHEREAS, the State of Louisiana desires to promote and protect the health, safety, and wellbeing of all Louisiana residents, and specifically those residents in nursing facilities;

WHEREAS, La. R.S. 40:2116(D)(2) prohibits the Department of Health from approving additional beds in nursing facilities;

WHEREAS, the State of Louisiana desires that residents and evacuees in nursing facilities be able to temporarily evacuate to safe sheltering locations during an emergency;

WHEREAS, the State of Louisiana, recognizing the potential significance of Hurricane Zeta, desires to minimize the impact of the tropical storm/hurricane on the residents of nursing facilities;

WHEREAS, Louisiana Revised Statute 29:724 confers upon the Governor emergency powers to deal with emergencies and disasters and 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 citizens of the State of Louisiana, including the authority to suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business, or the orders, rules, or regulations of any state agency, if strict compliance with the provisions of any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency; and

WHEREAS, damage from this storm continues to pose a threat to citizens and communities across the Gulf Coast and create conditions which place lives and property in the state in jeopardy.

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: GENERAL PROVISIONS**

- A) 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 as a result of the imminent threat of emergency conditions that threaten the lives and property of the citizens of the State.
- B) 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.
- C) 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 2: LICENSED BED CAPACITY FOR NURSING HOMES**

- A) The suspension of the provisions of La. R.S. 40:2116(D)(2) is hereby continued for the purpose of allowing the Secretary of the Department of Health, at her discretion, to establish such protocols, policies, and procedures as to allow a licensed nursing facility which accepts or receives evacuated residents to temporarily exceed its licensed bed capacity in the event of a declared emergency.
- B) The Secretary of the Department of Health may establish such protocols, policies, and procedures without strict compliance with the requirements and provisions of the Administrative Procedure Act.

**SECTION 3: REGULATORY SUSPENSIONS, DEADLINES, AND INSURANCE COMMISSIONER AUTHORITY**

- A) Pursuant to La. R.S. 29:724(D)(1), suspensions of 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 continued 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.

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

C) The provisions of La. R.S. 39:101 (A)(l)(a) and (B)(1)(c) requiring all capital outlay budget requests and letters of support to be submitted by November 1 of each year shall be suspended until November 16, 2020.

D) The Commissioner of Insurance shall continue to 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 Zeta 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 uninhabitability, 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 Zeta 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 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**

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SECTION 5: This order is effective upon signature and shall remain in effect from Wednesday, November 25, 2020 to Thursday, December 24, 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 24<sup>th</sup> day of November, 2020.

/s/

GOVERNOR OF LOUISIANA

ATTEST BY THE SECRETARY OF STATE

/s/

SECRETARY OF STATE

Value Added Table	
Description	<p>Dated November 24, 2020. This order is effective upon signature and will remain in effect from Wednesday, November 25, 2020, to Thursday, December 24, 2020, unless terminated sooner.</p> <p>The governor of Louisiana renews the state of emergency and extends emergency provisions as a result of the damage caused by Hurricane Zeta, which made landfall on October 28, 2020.</p> <p>Specifically regarding insurance, the DOI will continue to 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 Zeta 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 uninhabitability, 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.</p> <p>This order will not relieve an insured who has a claim caused by Hurricane Zeta 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.</p> <p>Extends other provisions regarding licensed bed capacity for nursing homes, government bidding and contracts, etc.</p>
Lines of Business	<p><b>Personal P&amp;C</b>                      Personal Automobile, Personal Credit, Personal Earthquake, Personal Flood, Personal Homeowner Warranty, Personal Homeowners, Personal Inland Marine, Personal Liability, Personal Property, Personal Title, Personal Umbrella/Excess Liability, Personal Vehicle Service Contract, Personal Watercraft</p> <p><b>Commercial P&amp;C</b>                      Commercial Aircraft, Commercial Automobile, Commercial Boiler and Machinery, Commercial Credit, Commercial Crime, Commercial Crop/Hail, Commercial Earthquake, Commercial Farmowners, Commercial Fidelity, Commercial Financial Guaranty, Commercial Flood, Commercial General Liability, Commercial Inland Marine, Commercial Medical Malpractice, Commercial Mortgage, Commercial Ocean Marine, Commercial Professional Liability, Commercial Property, Commercial Surety, Commercial Title, Commercial Umbrella/Excess Liability, Workers' Compensation</p> <p><b>Life</b>                      Funeral Service Contract, Group Annuities, Group Blanket Life, Group Corporate Owned - Key Man, Group Credit Life, Group Deferred Annuities, Group Fixed Annuities, Group Industrial Life, Group Term Life, Group Universal Life, Group Variable Annuities, Group Variable Life, Group Whole Life, Individual Annuities, Individual Corporate Owned - Key Man, Individual Credit Life, Individual Deferred Annuities, Individual Fixed Annuities, Individual Industrial Life, Individual Term Life, Individual Universal Life, Individual Variable Annuities, Individual Variable Life, Individual Whole Life, Viatical Settlements</p> <p><b>Health</b>                      Continuing Care Facilities, Group Accident, Group Blanket Medical and Disability, Group Comprehensive Major Medical, Group Credit Accident and Health, Group Critical Illness/Specified Disease, Group Dental, Group HMO/Managed Care, Group Industrial Health, Group Long Term Care, Group Long Term Disability, Group Medical/Surgical - Outpatient Benefits, Group Medicare Supplement, Group Short Term Disability, Group Stop Loss, Group Supplemental - Hospital Indemnity, Group Vision, Individual Accident, Individual Comprehensive Major Medical, Individual Credit Accident and Health, Individual Critical Illness/Specified Disease, Individual Dental, Individual HMO/Managed Care, Individual Industrial Health, Individual Long Term Care, Individual Long Term Disability, Individual Medical/Surgical - Outpatient Benefits, Individual Medicare Supplement, Individual Short Term Disability, Individual Stop Loss, Individual Supplemental - Hospital Indemnity, Individual Vision, Medicaid</p>
Functions	<p>Actuarial                      Claims                      General Compliance                      Legal                      Policy Management</p>

	Underwriting
Subject Category	011 - All Lines 060 - Health insurance / insurers 065 - Health service corporations 080 - Group insurance (all lines) 300 - The policy 350 - Noninsurance contracts 700 - Trade practices 760 - Premium rates / rating organizations 840 - Government agencies
Status	New
Actions	New
Citations Affected	Proclamation 169 JBE 2020
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