

BEFORE ALLAN L. MCVEY, INSURANCE COMMISSIONER
OF THE STATE OF WEST VIRGINIA

In the Matter of:

**COVID-19 and Emergency Order 20-EO-01,
Emergency Order 20-EO-02, Emergency Order 20-EO-03,
Emergency Order 20-EO-04, Emergency Order 20-EO-05,
Emergency Order 20-EO-06, Emergency Order 20-EO-07,
Emergency Order 20-EO-08, Emergency Order 20-EO-09,
and Emergency Order 20-EO-10.**

Emergency Proceeding: 23-EO-01

EMERGENCY ORDER

NOW COMES ALLAN L. MCVEY, Insurance Commissioner of the State of West Virginia (“Insurance Commissioner”), by virtue of the authority vested in him pursuant to West Virginia law and the Proclamation of the Governor of West Virginia issued March 16, 2020, does **FIND** and **DECLARE** as follows:

1. On January 31, 2020, then Secretary of the United States Department of Health and Human Services (HHS), Alex M. Azar II, declared that, as of January 27, 2020, a public health emergency existed nationwide as the result of the 2019 novel coronavirus (COVID-19).
2. On March 13, 2020, the President of the United States declared a National Emergency in relation to the COVID-19 pandemic;
3. On March 13, 2020, the Insurance Commissioner entered Emergency Order 20-01 declaring that an insurance emergency existed in the State of West Virginia, which insurance emergency declaration remains in full force and effect;
4. On March 16, 2020, the Governor of West Virginia issued a Proclamation declaring a State of Emergency for every county in the State of West Virginia with respect to the COVID-19 pandemic, and in which the Governor recognized that it was of the utmost importance for all Cabinet

Secretaries, Commissioners and Directors to have the ability to take all measures necessary to ensure the safety of citizens in this state;

5. On November 12, 2022, the Governor of West Virginia issued a *Proclamation* in accordance with his executive authority under W.Va. Code § 15-5-6 terminating the COVID-19 emergency declaration in West Virginia, effective January 1, 2023;

6. On or about February 9, 2023, the HHS announced that it was planning for the federal Public Health Emergency (PHE) for COVID-19, declared under Section 319 of the Public Health Service (PHS) Act, to expire at the end of the day on May 11, 2023;

7. On or about February 10, 2023, the President of the United States declared that he anticipated terminating the National Emergency in relation to the COVID-19 pandemic on May 11, 2023;

8. The Insurance Commissioner, under the provisions of Chapter 33 of the *West Virginia Code* has broad authority to regulate the insurance industry in West Virginia, specifically including but not limited to, the regulation of insurance companies, insurance brokers, agents (producers) and/or insurance agencies;

9. Pursuant to the State of Emergency, the National Emergency and existing state law, the Insurance Commissioner issued a series of *Emergency Orders* in 2020 related to COVID-19, most of which were rescinded or modified through Emergency Order 20-EO-09; and

10. To the extent that any *Emergency Orders* relating to COVID-19 remain in effect, the Insurance Commissioner believes that it is the appropriate time to clearly indicate that all such orders are now terminated.

THEREFORE, after review and consideration, it is hereby **ORDERED** that all COVID-19 *Emergency Orders* of the Insurance Commissioner, to the extent any are still in force and effect, are hereby **RESCINDED** in their entirety effective immediately.

ENTERED this 24th day of March 2023.



Allan L. McVey
Insurance Commissioner