

BEFORE JAMES A. DODRILL, INSURANCE COMMISSIONER
OF THE STATE OF WEST VIRGINIA

In the Matter of:

PROCLAMATION OF STATE EMERGENCY

Emergency Proceeding: 20-EO-02

EMERGENCY ORDER

NOW COMES JAMES A. DODRILL, Insurance Commissioner for the State of West Virginia, by virtue of the authority vested in him pursuant to the West Virginia Governor's Proclamation dated March 16, 2020, proclaiming and establishing a State of Emergency in West Virginia, the Governor's Executive Order No. 2-20 dated March 18, 2020, and Chapter 33 of the *West Virginia Code*, as amended, who does **FIND** and **DECLARE** as follows:

1. On March 13, 2020, the President of the United States declared a National Emergency in relation to the novel Coronavirus 2019 (COVID-19) pandemic.
2. On March 16, 2020, the Governor of the State of West Virginia issued a Proclamation declaring a State of Emergency for every county in the State of West Virginia with respect to the novel Coronavirus 2019 (COVID-19) pandemic.
3. As set forth in the Governor's March 16, 2020, Proclamation, he delegated to all state agencies the authority to suspend rules if strict compliance therewith would, in any way, prevent, hinder or delay necessary action in coping with the emergency and recognized that it is of the utmost importance for all cabinet secretaries, commissioners and directors to have the ability to take measures necessary to ensure the safety of our citizens.
4. On March 18, 2020, due to the ongoing public health risk of COVID-19, the Governor issued Executive Order No. 2-20, closing all casinos in the state and disallowing on-premises consumption of food and drink in bars or restaurants.

5. Executive Order No. 2-20 further delegated each state agency the authority to suspend provisions of applicable regulatory statutes or rules to the extent necessary to cope with the emergency.

6. Due to recommendations and guidance of the federal Centers for Disease Control and other state and federal public health organizations, including the West Virginia Department of Health and Human Resources and the Bureau for Public Health, many citizens of West Virginia may be self-quarantining, working remotely or practicing social distancing in order to stem the spread or transmission of COVID-19 in West Virginia and elsewhere in the United States.

7. Further, many citizens of West Virginia may be quarantined, isolated, unable to work, or working reduced hours during the State of Emergency and due to the mandates of Executive Order 2-20, and West Virginia businesses may experience periods of reduced or diminished revenue due to restrictions placed upon the operation of certain types of businesses or due to Executive Order 2-20 and recommendations from state and federal public health organizations, including the West Virginia Department of Health and Human Resources and the Bureau for Public Health.

8. Still further, businesses in West Virginia already have idled, and many will in the near future idle, workers, such action not only adversely impacting revenue, but also possibly creating a hardship on the business' ability to meet accounts payable, including general liability, workers' compensation and other types or lines of insurance.

9. Therefore, the Commissioner further **FINDS** and **DECLARES** that the insurance emergency found and declared in the Commissioner's prior Emergency Order, #20-EO-01, continues to exist in the State of West Virginia.

Accordingly, it is hereby **ORDERED** as follows:

1. Insurers, producers and all other insurance-related entities subject to regulation by the Commissioner in the State of West Virginia should consider the difficulties experienced, and to be experienced, by both private citizens and businesses as a result of the current State of Emergency,

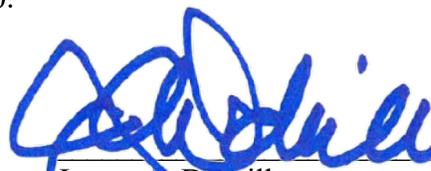
Executive Order 2-20 and any subsequent executive orders or other governmental actions with respect to collection of premiums, cancellations, nonrenewals, claim or other documentation, rating or rates charged, and other requirements or policy provisions including, but not limited to, notifications of hospital admissions or similar notifications, due dates or required documentation relating to claims, premium payments, optional service fees, prior authorization requirements and limitations on prescription drug refills.

2. Workers' compensation insurers shall consider the impact on rates of any idling of workers by employer insureds, and insurers shall, if requested by the employer insured, conduct an audit in order to determine whether the insured is entitled to any adjustment in premium due to the idling, furloughing, laying off or other dismissal of workers.

3. Insurers and other regulated entities must not issue a cancellation notice or nonrenewal notice pertaining to any insurance policy, plan or contract if the reason for cancellation or nonrenewal is a result of circumstances stemming from the COVID-19 pandemic and the corresponding State of Emergency, Executive Order 2-20, any subsequent executive orders or other governmental actions. Insurers and other regulated entities should be flexible with respect to allowing alternative payment arrangements for the satisfaction of premiums that are due or that which may become delinquent as a result of the emergency. However, nothing herein shall be construed to exempt or excuse an insured from the obligation to pay the premiums otherwise due for insurance coverage or benefit actually provided or received.

4. This Emergency Order shall remain in full force and effect until further notice and that it may be extended, amended, modified, altered or rescinded, as to all or any portion hereof, via subsequent order.

ENTERED this 18th day of March, 2020.


James A. Dodrill
Insurance Commissioner