



McDERMOTT WILL & EMERY

STATE AND FEDERAL CORONAVIRUS ISSUES FOR INSURANCE

May 2, 2020

McDermott
Will & Emery



NOTICE: WHILE THE CONTENT OF THIS DOCUMENT CONCERNS LEGAL ISSUES, IT IS NOT LEGAL ADVICE BUT IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT A SUBSTITUTE FOR LEGAL ADVICE WITH RESPECT TO A PARTICULAR SET OF FACTS. MOREOVER, THE USE OF THE DOCUMENT IS NOT INTENDED TO CONSTITUTE, AND DOES NOT CONSTITUTE, A SOLICITATION FOR THE FORMATION OF AN ATTORNEY-CLIENT RELATIONSHIP. NO ATTORNEY-CLIENT RELATIONSHIP IS CREATED THROUGH YOUR USE OF THE SURVEY. This survey and the related communications will not preclude McDermott from representing any other person or firm in any matter. If you are not already a client, McDermott cannot enter into an attorney-client relationship with you until McDermott has determined that doing so will not create a conflict of interest, and until you and McDermott have entered into a written agreement or engagement letter that sets forth the terms of our relationship. McDermott does not warrant or guarantee any action, recommendation, or strategy in connection with this summary. We expressly disclaim all liability in respect to actions taken or not taken based solely on this summary.

BACKGROUND ISSUES

SCOPE. This summary focuses on property/casualty, life, and accident and health coverages, but does not include major medical.

VOLUNTARY OR REQUESTED MORATORIUM/WAIVERS/GUIDANCE. As a general matter, regulated entities should carefully consider these non-binding requests, including the following potential factors: first and foremost, treating policyholders fairly (and related issues of possible unfair discrimination), and the entity's reputation and broader relationship with the particular regulator. Such requests might apply only to cancellation/nonrenewal for non-payment due to COVID-19, and thus might not preclude policy termination for other reasons allowed by statute and contract. Some regulators are specifying that they do not view compliance with such requests as an unfair practice or unfairly discriminatory, but they cannot give assurances regarding potential litigation.

SURPLUS/EXCESS LINES. As a general matter, a bulletin or other directive might not be intended to apply to surplus lines insurance unless it expressly references such insurance.

COMMERCIAL VS. PERSONAL LINES. Whether an item applies to commercial lines in addition to personal lines may vary by state.

LITIGATION. We are familiar with multiple, and a growing number of, lawsuits seeking to enforce coverage under business interruption and/or general liability policies for economic losses that might have been caused by COVID-19 related issues. This compilation contains summaries of a select number of these cases, but is not intended to be an exhaustive compilation. We are happy to discuss any such lawsuits or similar coverage-related questions on an individual basis.



PLEASE CLICK ON THE LINKS TO VIEW THE FOLLOWING ISSUES:

1. [Requests or suggestions to relax premium payment, underlying policy qualification requirements, and other optional notices](#)
2. [Mandatory nonpayment moratorium/waivers and other mandates](#)
3. [Data Calls](#)
4. [Business continuity/disaster response plans](#)
5. [Claims processing](#)
6. [Business Interruption/Civil Authority and related Data Calls](#)
7. [Notable Litigation](#)
8. [Electronic Filing](#)
9. [Regulatory Flexibility](#)
10. [Travel Insurance](#)
11. [Workers Compensation Coverage and Rating Notices](#)



MCDERMOTT WILL & EMERY

State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020

ISSUE	STATE & NOTICE	ADDRESSEES	DURATION	MWE OBSERVATION/ADVICE/POSITION
1. Requests or suggestions to relax premium payment, underlying policy qualification requirements, and other optional notices				
	Alabama April 8 Bulletin No. 2020-06	All Insurers Writing Automobile Insurance	April 8 – Indefinite	“Urges” insurers to consider offering an immediate reduction in premium payment to reflect the reduced exposure associated with less driving due to the COVID-19 pandemic through a premium credit or return of premium. Reductions made in accordance with the Bulletin will not be considered a rebate or unfairly discriminatory to the extent they are reasonable and consistently applied.
	Alabama March 30 Bulletin No. 2020-05	All admitted insurers authorized to write property and casualty insurance and life, health or disability insurance in Alabama; the Alabama Insurance Underwriting Association; licensed premium finance companies	March 13 – indefinite	“Recommends” insurers consider certain actions including relaxing due dates for premium payments; extending grace periods; waiving late fees and penalties; allowing premium payment plans; expanding automobile coverage to allow personal vehicles to be covered while delivering food, medicine, or other essential services for commercial purposes.
	Alaska April 15 Order R20-03	Property and casualty insurers	April 15 – Governor’s determination that public health disaster emergency no longer exists.	Insurers “may” allow policyholders to self-audit and self-report changes in exposure or risk profile and adjust premiums accordingly, or may adjust premiums based on broadly averaged estimates of exposure reduction. Reductions in premium or refunds to accommodate COVID-19 will not be considered rebates or unfair discrimination to the extent reasonable and consistently applied, and will not be considered noncompliance with approved rates or forms. (Separate mandate for policies that provide for audit, see Section 2 below.)
	Alaska March 20 Bulletin B20-10	Property & Casualty Insurers;	March 20 – June 1	“Encourages” insurers to allow policyholders to self-audit and self-report changes in exposure or risk profile and adjust premium accordingly.



MCDERMOTT WILL & EMERY

State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020

Arizona April 16 Bulletin 2020-4	All insurers providing any insurance coverage including life, health, motor vehicle, property, casualty, and other types of insurance for individuals, groups, and businesses	April 16 – after the public health emergency has ended or as long as reasonably practicable so insureds have time to recover	“Encourages” insurers to work with insureds to continue coverage and give claimants adequate time to fulfill requirements to obtain coverage or claim payment. “Urges” insurers to consider relief, including not cancelling or nonrenewing due to non-payment of premium, granting grace periods for premium payments, working with insureds on premium payment plans, waiving late fees, delaying premium increases, suspending use of credit reports for rating, not cancelling auto policies due to deferred expiration of driver’s license, extending timeframes for policyholders to replace or repair, and extending timeframes for medical examinations.
California April 9 Notice	All Admitted and Non-Admitted Insurance Companies and Other Interested Parties	April 9 - indefinite	The Department “requests” that insurers (1) not deny claims under a personal auto policy solely because the insured was engaged in providing delivery service for a California essential business impacted by the COVID-19 related closures; (2) add delivery coverage to personal auto policies for drivers engaged in essential business activities and not enforce exclusions for commercial activity; (3) allow California essential businesses to retroactively add drivers under commercial policies; (4) allow delivery coverage for drivers who use a personal motorcycle, motor scooter, and/or bicycle to engage in delivery services for essential businesses; and (5) notify their CGL insureds that commercial automobile coverage is available if requested, and provide it through a rider or stand-alone policy. “Requests” insurers to provide these coverages as soon as possible and for at least thirty days after the SOE.
California April 3 Notice	All Admitted and Non-Admitted Insurance Companies, All Licensed Insurance Adjusters and Producers, and Other Licensees and Interested Parties	Until 90 days after the end of any state of emergency	“All licensees ... should not” enforce deadlines on policyholders until ninety (90) days after the end of any state of emergency that impacts a specific policyholder, including claims forms or other actions required for proof of loss. Focuses on the claims process, but includes any “policy, statutory, or insurer imposed deadlines ... where failure to comply could result in the forfeiture, limitation, or waiver of any policyholder(s) rights to benefits under any policy of insurance.”
California March 18 Notice [#1]	All Admitted and Non-Admitted Insurance Companies, All Licensed Producers, and Other Interested Parties	60 Days Beginning March 16	“Requesting” that all insurance companies, including nonadmitted companies, provide their policyholders with at least a 60-day grace period to pay insurance premiums.



MCDERMOTT WILL & EMERY

State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020

California March 18 Notice [#2]	All Admitted and Non-Admitted Property & Casualty Automobile Insurance Companies and Other Interested Parties	60 Days Beginning March 16	“Strongly encourage[ing]” insurers to refrain from using the expiration of policyholders’ drivers licenses or vehicle registrations in auto insurance coverage decisions including good driver discounts, eligibility for a California Low Cost Auto policy, or rates.
Connecticut April 6 Notice	Notice to the general public	April 6 - indefinite	“Urging” all Connecticut automobile insurers to consider offering an immediate reduction in premiums to reflect the reduced exposure to automobile accidents. This could be accomplished through premium credits and could be implemented immediately. A filing could be made after-the-fact without penalty.
Connecticut April 2 Notice	All entities licensed or regulated by the CT Department including admitted and non-admitted insurers, insurance producers, and surplus lines brokers	April 1 - indefinite	“It would be appropriate” for insurers to notify insureds, brokers and producers of the 60-day grace period mandated by Executive Order No. 7S (see Section 2 below) by any reasonable means including, but not limited to, electronic communications, but written notice is not required.
Connecticut March 24 Bulletin IC-40	All Admitted and Non-Admitted Insurance Companies, All Licensed Producers, and Other Interested Parties	March 24 – indefinite	Changed to mandatory by Governor’s April 1 Executive Order 7S. <u>See summary in the following section regarding mandatory actions.</u>
Connecticut March 26 Bulletin IC-41	All Companies Licensed to Write Auto/Motorcycle Liability Insurance in Connecticut	March 26 – End of SOE	“Urges” personal auto/motorcycle carriers to “consider” an endorsement where necessary to broaden coverage use of personal vehicle/motorcycle for commercial purposes for the delivery of goods (not passengers). The Bulletin is not intended to affect drivers who otherwise have coverage for deliveries, or drivers working for a transportation network company or similar delivery company.
Delaware April 3 Bulletin 117 and 33	All insurance companies authorized to transact business in DE and all licensed insurance producers	April 3 - indefinite	The Bulletin notes the <u>mandatory nature of Governor’s Order (see section 2 below).</u> “Encourages” insurers to contact insureds and try to modify payment schedules or otherwise make premium payment modifications during the State of Emergency, and “can and should” get validation of the COVID-19 hardship.



MCDERMOTT WILL & EMERY

State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020

				Such accommodations “ should not ” be made in an unfairly discriminatory manner, but otherwise will not be deemed to violate insurance laws. “ Encourages ” insurers to not require appraisers to do in-person inspections of property or autos.
Delaware April 1 Bulletin 32	All property & casualty insurers writing private passenger automobile (PPA) liability coverage	April 1 - indefinite		Insurers may make an endorsement form filing temporarily suspending commercial use exclusions until the SOE is ended. Fees for the filing are waived and approvals will be made within 24 hours if possible.
Delaware March 20 Bulletin 116 and 32	All Insurers Authorized to Transact Insurance in Delaware and All Licensed Insurance Producers	March 20 – indefinite		Changed to mandatory by Governor’s March 24 Sixth and April 1 Ninth Amended Declarations of a State of Emergency. <u>See summary in the following section regarding mandatory actions.</u>
Delaware March 9 Bulletin 115	All Insurers Authorized to Transact Health Insurance in Delaware and Other Interested Parties	March 9 - indefinite		“ Encourages ” health insurers to be proactive in planning for COVID-19 even though no reported cases in the state. Reminds insurers of existing requirements under the Delaware Code.
Florida March 25 Informational Memorandum OIR-20-04M	All Insurers and Entities Regulated by OIR	March 25 – indefinite		Regulated entities are “ encouraged ” to be flexible with premium payments to avoid a lapse in coverage, including relaxing due dates; extending grace or reinstatement periods; waiving late fees and penalties; and allowing payment plans. Regulated entities are “ encouraged ” to only cancel policies if all possible efforts to work with consumers to continue coverage have been exhausted. Regulated entities are “ encouraged ” to consider allowing insureds to utilize their personal automobile for purposes that might otherwise be considered a commercial use, provided that it is limited to the duration of the Emergency Order.
Hawaii April 27 Memorandum 2020-4A	All admitted and non-admitted insurers offering policies in the state of Hawaii	April 27 – June 26 (subject to extension by the Commissioner)		“ Encourages ” insurers to (a) waive late fees and penalties, (b) extend grace periods for payment of premium, (c) grant additional time before nonrenewal or cancellation becomes effective, (d) extend proof of loss deadlines, (e) allow self-auditing and self-reporting in lieu of physical audits, and (f) encouraging electronic payment technology. These activities will not be considered unfair trade practices or unfair methods of competition.



MCDERMOTT WILL & EMERY

State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020

Hawaii March 27 Memo 2020-31	All Admitted and Non-Admitted Insurers Offering Policies in the State of Hawaii	March 27, for a period of 60 days after the health emergency has passed	“Encourages” insurers to work with their insureds to ensure coverage continues and policies do not lapse, and to consider refraining from cancelling or non-renewing policies due to non-payment and granting a grace period for premium payments, working with insureds on a structured payment plans, waiving late fees and penalties, extending timeframes to complete property and automobile inspections or undergo medical examinations.
Idaho April 15 Bulletin 20-5	All property or casualty insurance companies	During the state of emergency	Department will not regard certain activities as unfair practices, including (a) waiving fees or penalties for late premium payment or response to insurer inquiries, (b) extending grace periods, (c) additional time before nonrenewal or cancellation becomes effective, (d) extending deadline for proof of loss, (e) permitting self-auditing and self-reporting in lieu of physical audits, (f) using electronic payment technology, and (g) expanding auto coverage to personal vehicles while delivering food etc. for commercial and charitable purposes. Department will consider proposals to adjust to changes in risk exposure, including waiving enforcement and allowing deviation from filed rates or forms so long as the action is applied uniformly and the insurer has notified the director in writing.
Illinois April 3 Company Bulletin 2020-09	All companies and other entities licensed to transact insurance business in the State of Illinois who issue or deliver property and casualty (P&C) insurance policies	March 9 – April 30	“Requests” that insurers implement various safeguards to address problems consumers may face through circumstances beyond their control. Insurers should seek to postpone or withdraw any previous notice of cancellation or nonrenewal and are requested to consider granting an extension of any policy provisions or other requirements that impose a time limit for an insured or claimant to perform any act, including the submission of a claim or proof of loss, reporting of information, or submission of bills.
Indiana April 21 Bulletin 253	Insurers	April 21- indefinite	“Requests” that medical malpractice insurers extend coverage for temporary healthcare facilities established in response to the COVID-19 emergency. Recommends that temporary health care facilities be associated with and operate under a primary hospital which provides liability insurance coverage and Patient’s Compensation Fund qualification under the Medical Malpractice Act. Recommends that student healthcare providers be associated and employed through a hospital for the purposes of qualification under the Medical Malpractice Act.
Indiana	All insurance companies and HMOs in Indiana	60 days for premium	Regulated entities are “requested” to institute a moratorium on policy cancellations and non-renewals of any insurance policy in effect for a



MCDERMOTT WILL & EMERY

State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020

	March 26 Bulletin 252		payment due March 19 – May 18	policyholder in Indiana to allow a grace period; applies only to cancellations and non-renewals.
Kansas	April 15 update to COVID-19 FAQs	Insurers, public	April 15 (updated version)	Insurers are encouraged to proactively notify the Consumer Assistance Division of any issues they may have with complying with claims handling laws that are a result of a COVID-19 response measure taken by the insurer. The Department encourages insurers to send notifications, press releases, announcements or other public communications about COVID-related rate or policy changes to Heather Droge, Director of the Department’s Property and Casualty Division.
Kansas	COVID-19 FAQ	Policyholders	April 2 (updated version)	The Commissioner of Insurance does not have the authority to mandate a moratorium on policy cancellations due to non-payment of premium. Consumers are “encouraged” to work directly with their insurer to explore options on payment plans, extended grace periods, etc.
Kentucky	April 24 Guidance re: Premium Relief	All insurers transacting insurance business	April 24 – duration of SOE	The Department “notifies” all insurers that, during the state of emergency and subject to the conditions in this guidance, it will not regard certain activities as unfair trade practices or unfair methods of competition, including: (a) performing mid-term adjustments to retroactively or prospectively apply returned premium; (b) placing coverage in abeyance, at the request of the insured; (c) waiving fees, penalties, or other charges relating to an insured’s temporary inability to submit premium; (d) virtual auditing or allowing self-auditing and self-reporting in lieu of physical auditing; (e) extending grace periods for premium payment; (f) extending the effective termination date of non-renewals and cancellations; (g) extending submission deadlines for proof of loss; and (h) encouraging insureds to use electronic payment technology that aids social distancing. The Department “may” also “permit” reasonable deviation from filed rates or contractual language when such actions are applied uniformly and without prejudice, and the insurer has notified the Commissioner in writing of their specific proposal.
Maine	April 15 Bulletin 444	All property casualty insurers, producers with property or casualty authority, surplus lines insurers, and surplus lines brokers	April 15 – July 1	The Superintendent “commends” voluntary efforts to reduce or refund auto insurance premiums and “encourages” others to do the same where possible. The Superintendent will not consider prospective reductions in premium or refunds of premium made to accommodate COVID-19 related changes in exposure or risk profile to be an unfairly discriminatory rating practice to the extent reasonable and



MCDERMOTT WILL & EMERY

State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020

				consistently applied, nor will he regard reasonable and consistently applied premium adjustments as violations of statutes related to the return of premium, limit of premium changes, rebating, or the duty to adhere to approved rating plans.
<p>Maine</p> <p>March 12 Bulletin 442</p>	<p>Insurance companies, third-party administrators, adjusters, insurance agencies, and other licensees</p>	<p>March 12 – indefinite</p>		<p>Carriers “must” make all “reasonable” accommodations for late payments and other problems that are beyond the consumer’s control.</p>
<p>Maryland</p> <p>April 13 Bulletin 20-20</p>	<p>All Property & Casualty Insurance Companies and Producers</p>	<p>April 13 – N/A</p>		<p>All insurers writing commercial policies such as workers’ compensation and commercial general liability “should” work to accommodate policyholder requests for mid-term revisions to premium based on COVID-19 related changes in payroll or revenue. MIA “requests” all insurers to waive or reduce to the greatest extent possible short-rate cancellation penalties during the COVID-19 crisis. MIA “requests” that insurers using credit / financial rating reviews of applicants and insureds for pricing and / or payment plan eligibility weight such reviews heavily on pre-COVID-19 data and minimize the impact of COVID-19 by reviewing an insured’s or applicant’s credit / financial history over a period of several years. MIA “requests” all commercial insurers to refrain from attaching any adverse underwriting or pricing outcomes for insureds who have made inquiries or filed Business Interruption claims that have not resulted in a claim payment.</p>
<p>Maryland</p> <p>March 20 Bulletin 20-10</p> <p>March 26 Bulletin 20-14</p>	<p>All Life & Health Carriers, Property & Casualty Insurers and Producers, and Premium Finance Companies</p>	<p>March 20 – N/A</p> <p>March 26 – N/A</p>		<p>The Commissioner “encourages” all Life & Health Carriers and Property and Casualty Insurers doing business in the State to make reasonable accommodations (e.g., suspension of premiums due, extension of billing due dates and premium grace periods, and waiver of installment and late payment fees) so that insureds do not lose coverage due to non-payment of premium. Insurers “should” also take steps to encourage policyholders to use electronic payment technology whenever possible.</p> <p>Maryland-domiciled insurers that provide premium grace periods to policyholders “may” request a permitted accounting practice to waive the Statutory Accounting Principle that requires an insurer to non-admit premium receivable assets over 90 days past due. The permitted accounting practice will be effective for the year 2020.</p>



MCDERMOTT WILL & EMERY

State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020

Maryland March 30 Bulletin 20-15	All Property & Casualty Insurers writing Private Passenger Auto (PPA) Liability Coverage	March 30	“Strongly encourages” PPA insurers to suspend the commercial use exclusionary language in their contracts. The MIA will waive the filing fee for endorsements that seek to accomplish this and will aim to review and approve the endorsement within 24 hours of submission.
Maryland March 23 Bulletin 20-12	All Property & Casualty insurers	March 23	“Encourages” all Property & Casualty insurers to “consider” making rate filings that provide temporary relief to insureds (e.g., a premium discount for specific perils or coverages, or any other appropriate reduction in premium commensurate with reduced loss exposure). Filing fees for these filings will be waived and the filings will be review on an expedited basis.
Massachusetts March 27 Bulletin 2020-08	All Insurance Carriers, Surplus Lines Carriers and RRGs Offering Medical Malpractice Coverage in Massachusetts	March 27 – N/A	“Asks” that all Medical Malpractice Carriers review their existing coverage and/or coverage forms to ensure that such coverage provides flexibility where needed and/or to file or add endorsements to their existing policies to ensure that existing coverage will apply to health care professionals who are acting within the scope of their professional license when they respond to the COVID-19 public health crisis, whether within Massachusetts or in another state.
Massachusetts March 23 Bulletin 2020-05	All Insurance Carriers Issuing Coverage in Massachusetts and Self-Insurance Groups Covering Employers in Massachusetts	March 23 – N/A	Carriers are “advised” to provide employers and individuals with as much flexibility as is reasonably possible to maintain their existing coverage, including by (1) exploring ways to streamline or delay the submission of administrative paperwork that may jeopardize the maintenance or issuance of coverage, (2) explaining grace periods that usually allow distressed policyholders experiencing significant financial hardship to delay payments without coverage being terminated, (3) on a case-by-case basis, working with employers or individuals experiencing financial hardship to find the best ways to address concerns with the timing of premium payments in order to delay any cancellation of coverage for non-payment and collection activity, and (4) explore all possible ways to relax due dates for premiums payments; to extend grace periods; waive late fees, non-sufficient funds fees, installment fees and penalties; allow payment plans for premiums payments; assist affected policyholders to find ways that insurance policies do not lapse; and consider cancellation or non-renewal of policies only after exhausting other efforts to work with policyholders to continue coverage.
Michigan April 13 Bulletin 2020-16-INS	All insurers	April 13- 90 days after expiration of March 10 SOE	“Strongly encourages” insurers to provide their insureds with at least a 60-day grace period to pay insurance premiums to avoid cancellation. “Encourages” insurers to allow for payment plans for the back due premium at the end of an insured’s 60-day grace period, in lieu of a single premium bill.



MCDERMOTT WILL & EMERY

State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020


				Automobile and home insurers “should consider” allowing flexibility related to eligibility determinations related to non-payment of premium. “Urges” insurers to work with insureds experiencing financial hardship. “Asks” that insurers make adjustments to claim filing deadlines to accommodate insureds facing difficulty in timely providing notice of a claim.
Minnesota April 30 Press Release	To public		April 30	Commissioner sent a letter to property and casualty insurers to companies that hold or issue auto and homeowners insurance policies “urging” all carriers to provide relief during the COVID-19 pandemic, such as premium rebates, credits, payment plans or extending grace periods. Urges insurers to take lifestyle changes into account.
Minnesota April 29 Memorandum	Property and Casualty Insurers doing business in Minnesota		April 29	The Department “encourages” all carriers offering coverage in Minnesota to consider relief to policyholders such as premium rebates or credits, postponing cancellations, payment plans, waiving fees and extending grace periods to pay premiums. “Encourages” carriers to consider waiving or discounting premiums for coverages “that can be used to a limited extent, if at all” due to Stay Home Orders (e.g., private passenger and commercial auto, commercial multiple peril, including BI, commercial property, commercial liability, workers’ compensation). Carriers wishing to adopt premium discounts should, for lines that require filing, provide department with informational filings in support of discounts. Discounts may be implemented immediately. Encourages additional flexibility with insureds.
Mississippi March 23 Bulletin 2020-2	Insurers of Commercial Insurance Policies		March 23 – N/A	“Strongly encourages” insurance companies to allow mid-term audits, self-audits, or other adjustments to rating bases thereby reducing associated premium and accurately reflecting annual exposure projection.
Missouri March 21 Insurance Bulletin 20-05	All insurers conducting the business of insurance in the State of Missouri		March 13 – Until later of State of Emergency termination or Bulletin rescinded	The Director “strongly encourages” insurers – including property and casualty insurers, surplus lines insurers – regarding any and all types of insurance to adhere to a grace period and insurers are “strongly encouraged” not to cancel, nonrenew, or terminate coverage while this Bulletin is in effect. Additional FAQs (issued March 29) are available here .
Montana March 26 Letter to Industry	All Insurance Companies		March 26 – indefinite	“Recommend[s]” that insurers take steps to problem solve for consumers, including through flexible payment solutions such as grace periods, suspending premium billing for small businesses, waiving late fees, pausing cancellation for motorists, expanding auto coverage to allow personal vehicles to be used for



MCDERMOTT WILL & EMERY

State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020

				delivery of essential provisions for commercial purposes, and streamline administrative procedures and paperwork.
Nebraska March 27 Notice	All insurers licensed to do business in Nebraska	March 27 – N/A		If insurers administer accommodations (e.g., notice of loss requirements, premium payment provisions, and cancellation and non-renewal timeframes) on a consistent and fair basis, the Department does not consider such accommodations to be violations of the Unfair Trade and Settlement Practices Acts.
Nevada April 20 Guidance  Adobe Acrobat Document	Property and casualty insurers who have experienced significant decrease in insured risk exposure	April 20 - indefinite		“Encourages” insurers to offer premium reductions that reflect decreases in exposure (but requires that such plan be filed, see section 2 below).
Nevada March 30 Statement for PC	All commercial and personal lines of insurance in the state of Nevada.	March 30 – indefinite		“Guidance” is to provide an extended grace period before cancellation of coverage, provide flexibility with due dates for premiums, waive late fees and penalties, have payment plans for premiums to avoid lapse in coverage, cancel or non-renew only if all other efforts are exhausted. The goal is to try and continue coverage when possible for home and personal vehicle coverage for consumers affected by the COVID-19 emergency to the extent practical.
New Hampshire April 23 Press Release	To public	April 23		Announcement listing 24 auto insurers returning premium to policyholders. Commissioner thanked these companies for “stepping up” and will result in fairer premiums and lower costs for customers. Governor was “pleased” insurance companies have decided to pay back premium.
New Jersey March 19 Bulletin No. 20-04	All Entities Licensed or Regulated by DOBI	March 19 – N/A		“Encourages” entities to relax premium due dates, extend grace periods, allow payment plans, extend deadlines for inspections, exercise forbearance with respect to cancellation/non-renewal, and otherwise work with policyholders to make sure their policies to not lapse.
New Mexico April 29 Bulletin 2020-011	All insurance companies, corporations, exchanges, mutuals, county mutuals, reciprocals, associations, Lloyd’s plans, other insurers	April 29 - indefinite		“Encourages” insurers to (a) conduct midterm premium audits if requested by policyholders; (b) consider reduced risks for businesses that change operations or elect to pay employees when they are not working; (c) allow policyholders to self-audit and report changes in exposure used to calculate premium; and (d) make adjustments necessary to reduce premiums appropriately.



MCDERMOTT WILL & EMERY

State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020

		writing property and casualty insurance in New Mexico, including workers' compensation insurance; agents and representatives; premium finance companies; and other relevant parties		
New Mexico April 10 Announcement	Auto insurers who write business in New Mexico		April 10 - indefinite	"Calls on" insurers to refund premium because policyholders are driving less during the pandemic. Also urges policyholders to adjust their anticipated annual mileage estimates either online or through their brokers or agents.
New Mexico March 20 Bulletin 2020-006	All Admitted and Non-Admitted Insurance Companies		March 20 until 30 days after emergency is over	"Requests" that insurance companies (i) refrain from cancelling or non-renewing policies due to non-payment of premium for businesses and individuals negatively impacted by disruption or at a minimum provide extended grace periods for payment of premiums and (ii) work with insureds after the emergency is over to allow them to catch up on past due premiums in installments without loss of coverage.
New York March 19 Insurance Circular Letter No. 7	Regulated Insurance Entities		March 19 – N/A	"Urges" all regulated entities to offer payment accommodations; work with consumers to avoid cancellation/nonrenewal; prepare clear and concise coverage descriptions; ensure no disruptions in customer service; and provide information and timely access to all medically necessary covered health care services.
North Carolina March 24 Press Release	Insurance Industry		March 24 – N/A	Be "economically flexible" with consumers and consider relaxing due dates for premium payments, extending grace periods, waiving late fees and penalties, allow payment plans for premium payments to otherwise avoid a lapse in coverage, and consider cancellation or non-renewal of policies only after exhausting other efforts to work with policyholders to continue coverage.
North Dakota March 11 Bulletin 2020-1	Insurance Carriers offering Health Insurance Policies or Travel Policies in North Dakota		March 11 – May 1	Travel insurers are "asked" to identify and remove barriers to testing and treatment for COVID-19. Department is "asking" health carriers providing short-term limited duration to take the following immediate measures: "Unless a travel insurance policy contains an exception applicable to COVID-19, a policy of travel insurance that covers the risks sickness, accident, or death incident to travel presumptively must cover such risks relating to COVID-19. The extent of coverage for health



MCDERMOTT WILL & EMERY

State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020

				care services, emergency transportation within a foreign country, as well as the costs of returning to the United States for further treatment.”
North Dakota	Consumers	April 7	April 7 News Alert	“ Encouraged ” renters, homeowners, farmers and business owners to take advantage of the flood insurance renewal grace period extension to renew flood insurance policies from 30 to 120 days.
North Dakota	All insurers, producers, adjusters, and other persons authorized to transact insurance business	March 30	March 30 Bulletin 2020-8	“ Urges ” flexibility and possible relief from certain insurance requirements including: extension of premium payment deadlines, extension of premium grace periods, additional time before non-renewals or cancellations become effective; extension of proof of loss deadlines
Oregon	All auto insurers	April 22	April 22 Bulletin 2020-11	Division continues to “ encourage ” insurers to extend certain coverage for deliveries. Insurers who want to extend coverage on a temporary basis should file proposed endorsements or any revisions through SERFF, labeling the filings as COVID-19 in the Product Name for identification and priority review. Insurers proposing to temporarily reduce rates should be made in SERFF as a rule filing, and labeling the filing as COVID-19. Should indicate amount of rate reduction, duration and classes to which it applies. Insurers “ must ” provide 30 days’ notice to policyholders on any decrease in coverage or increase in rates. Insures wishing to make one or more mid-term payments in recognition of lower exposure may do so if the amounts are in its filed rating plan.
Oregon	All property and casualty automobile insurance companies and other interested parties	Retroactive to March 17 until removal of state emergency by Governor	April 9 Bulletin 2020-8	Division of Financial Regulation (DFR) is “ calling on ” insurers to extend coverage for personal delivery drivers, and to limit the application of commercial delivery exclusions “during the COVID-19 outbreak”. Insurers are “ encouraged ” to file endorsements with DFR to allow for coverage to be broadened for those using personal autos to deliver essential goods for a fee. This is not intended to affect drivers working for TNCs. Once the SOE ends, policyholders must be given at least 30 days’ notice of a mid-term reduction in coverage (<i>i.e.</i> , reinstatement of commercial exclusion).
Oregon	All insurance companies	April 2, 2020	FAQs to March 25 Order March 25 Order	Notable guidance: Postponement of policy cancellations and nonrenewals is not limited to nonpayment. “ Encourages ” surplus lines insurers to provide comparable relief to Oregon insureds.



MCDERMOTT WILL & EMERY

State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020

Oregon March 25 Order	Premium Finance Companies	March 25 – April 23	<p>All insurers must immediately institute grace period for premium payment for all policies issued in the state and immediately suspend cancellations and non-renewals (see next row).</p> <p>Premium finance companies (PFCs) are “encouraged” to provide a 30-day grace period for payments and take other reasonable actions to help customers affected by COVID-19. Any notice given by a premium finance company should be consistent with state requirements and with the terms of the agreement. The Emergency Order does not <i>specifically</i> apply to PFCs however.</p>
Oregon March 23 Memorandum	All admitted and non-admitted property and casualty automobile insurance companies and other interested parties	March 23 - until further notice	“Expects” insurers not to use the expiration of a driver’s license or vehicle registration to change eligibility for insurance discount, or in coverage or rating determinations.
Pennsylvania April 13 Notice # 2020-11	Pennsylvania Premium Finance Companies and Insurance Carriers	April 13	<p>Department is “encouraging” premium finance companies (PFC) to accommodate insureds by providing grace periods for loan payments, and be otherwise flexible with default determinations and cancellations for default, and to waive or temporarily eliminate delinquency or other charges.</p> <p>Department is also “encouraging” insurance carriers to work with PFCs to facilitate modifications. Insurance carriers should also “recall” that their ultimate responsibility is to the policyholder, so when a policy is being cancelled because of a PF default, the Department “advises” that insurance carriers should work directly with the policyholder to provide any reasonable flexibility and accommodations to the policyholder to allow the policy to remain in effect.</p>
Pennsylvania March 19 Notice 2020-04	Licensed Insurance Companies	March 19 – N/A	“Encourages” regulated entities and individuals to “assist” those affected. Insurers should “consider”: relaxing premium payment due dates, extending grace periods, waiving late fees and penalties and allowing payment plans for premium payments to otherwise avoid a lapse in coverage. Applicable to commercial and personal, property, casualty, accident and health and life policies.
Pennsylvania March 31 Notice 2020-07	All insurers writing commercial and personal automobile insurance in Pennsylvania	March 31	“Alerts” insurers to Pennsylvania DOT guidance relating to expiration of driver’s licenses: licenses set to expire from March 16 – March 31 will have extensions until May 31, 2020. “Expects” insurers to apply product features such as exclusions, rates or underwriting rules applicable to license expirations in a



MCDERMOTT WILL & EMERY

State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020

				manner consistent with the DOT guidance. “Encourages” insurers review other eligibility criteria similarly. “A declining credit score may not be used to increase a premium at renewal.”
Rhode Island April 3 Banking Bulletin 2020-4	Premium Finance lenders	April 3, 2020		“Requests” premium finance lenders writing business in the state to take steps to preserve access to insurance coverage during emergency: provide flexibility to maintain existing coverage and extend grace periods for payments to assist insureds in avoiding or delaying cancellation or lapse in coverage; institute alternative methods of payment (e.g., electronic); flexibility in form of waivers of later payments, etc.
Rhode Island March 25 Bulletin Number 2020-4	Insurers writing business in Rhode Island	March 25 – N/A		“Requests” that insurers provide as much flexibility as possible to allow insureds to maintain their existing coverage by offering grace periods for premium payments, allowing payment plans and alternative methods of payment, waivers of late fees, installment fees and other penalties, extension of billing due dates and premium grace periods, explore streamlining or delaying the submission of administrative paperwork that may jeopardize the maintenance and/or issuance of coverage, consider filings to alter policies to reflect the anticipated effects of the emergency, and explore more efficient and responsive claims processing and payment.
South Carolina March 25 Bulletin Number 2020-02	Authorized Insurers and other regulated entities	March 25 – indefinite		The Department of Insurance “expects” insurers to work with citizens to provide relief (e.g., extend premium payment deadlines; extend proof of loss deadlines; provide additional time before non-renewal or cancellation becomes effective; waive fees, penalties, charges associated with temporary inability to pay).
South Dakota Undated Workers' Compensation Q&As	To Public	N/A		Is COVID-19 compensable under workers' compensation? Maybe. For an employee who is infected with COVID-19 to be covered by workers' compensation, the worker must establish COVID-19 is an “occupational disease” which means that exposure to the disease is something that is an essential part of the job (example: doctor or nurse) and not a result of incidental contact from a job that working with the public is expected (example: cashier or waiter). ... A person's occupation must require that person to be exposed to COVID-19, otherwise, it is not compensable.
Tennessee April 3 Bulletin 20-05	Premium finance companies and Insurance carriers	April 3 – indefinite		The Department of Financial Institutions is “encouraging” premium finance companies to accommodate insureds by extending or providing grace periods for loan payments or to be otherwise flexible with respect to determinations of default. To facilitate this accommodation, the Department of Commerce and



MCDERMOTT WILL & EMERY

State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020

				Insurance is “encouraging” insurance carriers to work with premium finance companies to facilitate any grace period modifications.
Tennessee March 24 Bulletin 20-03	Carriers writing insurance coverage in Tennessee	March 24 – indefinite		The Tennessee Department of Commerce and Insurance “requests” that carriers provide employers and individuals with as much flexibility as practicable during the period of the COVID-19 public health crisis (e.g., to work with policyholders who have concerns about their ability to pay in a timely fashion, explain existing grace periods, explore the elimination of fees).
Tennessee March 26 Bulletin 20-04	Carriers writing automobile insurance in Tennessee	March 26 – expiry of Executive Order No. 17		The Tennessee Department of Commerce and Insurance “requests” that carriers: add delivery coverage to personal auto policies for restaurant employees engaged in delivering food (riders/endorsements will be approved within one day); allow restaurants to retroactively add employees to commercial auto policies; providing CGL policies notify restaurants that such coverage is available. Coverage may provide retroactive coverage beginning March 22, at the insurer’s discretion.
Texas April 21 Bulletin B-0022-20	Property and casualty insurers making material changes to policies	April 21		“Reminds” insurers that Notices of material change must be: clear, written in plain language, appear in a conspicuous place, and provided to the insured at least 30 days before renewal or the date the policy expires.
Texas April 17 Bulletin B-0021-20	All insurance companies, or other insurers writing property and casualty insurance in Texas, agents, and representatives	April 17		“Reminds” carriers that the insurance code allows an insurer to grant an exception to an insurer’s rates, rating classifications, or underwriting rules for a consumer whose credit information has been directly influenced by certain events. Applies to personal insurance, including personal automobile, residential property, residential fire and allied lines insurance policies, and also applies to noncommercial insurance policies covering a boat, personal watercraft, snowmobile, or recreational vehicle.
Texas Bulletin B-0020-20	All insurance companies, other insurers writing property and casualty insurance in Texas, including workers’ compensation insurance; agents and representatives; premium finance companies; and other relevant parties	April 15		TDI “expects” insurers to work with commercial policyholders that have reduced operations due to the COVID-19 outbreak. “Encourages” insurers to: <ul style="list-style-type: none"> • Conduct midterm premium audits if requested by policyholders. • Allow policyholders to self-audit and report changes in the auditable exposure the company used to calculate the premium. • Consider any reduced risk for businesses that change operations or elect to continue paying employees when they are not working. • Make other adjustments to reduce the premium as appropriate.



MCDERMOTT WILL & EMERY

State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020

Texas March 19 SLTX Response	Surplus lines agents and brokers	March 19	Encourages brokers and agents who typically complete surplus lines filings and payment processes by mail to use electronic means.
Texas Undated Workers' Compensation COVID-19 Landing Page	To public, including workers' compensation insurers	N/A	Created a covid-19 landing page with Bulletins and FAQs; links to Bulletins and news items, but no specific requests or requirements of note.
Texas March 23 Bulletin #B-0007-20	All insurers and certain other regulated entities	March 23 - TBD	"Encourages" carriers to use grace periods for payments, temporary suspension of premium payments and payment plans
U.S. Virgin Islands April 8 Bulletin 2020-08	Admitted Insurers, Surplus Lines Carriers, Air Ambulance Companies, Premium finance Companies, Purchasing Groups, Risk Retention Groups, Exemption International Insurers (Captives), International Insurer Support Businesses (Service Providers), and Third Party Administrators	April 8 – N/A	OPT <i>ins</i> has been expanded to allow electronic submission of licensing and miscellaneous filings and payment of accompanying fees. The Division will continue to accept paper filings, but "encourages" the use of OPT <i>ins</i> in lieu of paper submissions.
Utah April 30 Bulletin 2020-8	Property and casualty insurers doing business in Utah	April 30 - indefinite	Asks insurers to "please be sensitive" to vehicle, vessel, and trailer owners temporarily left with expired registrations by recognizing methods of proving ownership other than registration. Where expired registration may serve as a basis for denying a claim, "please" show the same flexibility as with cancellations and nonrenewals.
Utah April 2 Bulletin 2020-4	All property and casualty insurers, brokers, and agents	April 2 - indefinite	"Encourages" insurers to adjust premiums where based on projections that don't reflect actual performance or on operations that have ceased, and "should consider" offering additional coverage options to support new operations adapted to meet coronavirus. "Encourages" producers to initiate discussions with clients regarding need for changes in coverage due to coronavirus.



MCDERMOTT WILL & EMERY

State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020

Utah March 26 Bulletin 2020-3	Insurers Offering Workers' Compensation Insurance in Utah	March 26 – indefinite	“Guidance” that insurers are not barred from electing not to receive premium during the time that an employer is closed due to COVID-19 but continuing to pay employees and the Commissioner “expects” that a carrier will exercise sound business and actuarial judgment in deciding whether to receive premium under these circumstances. An insurer that elects not to receive premium must notify the Department.
Vermont March 20 Notice Regarding Calculation of Commercial Lines Premiums	Insurance Carriers	March 23	“Encourages” insurance carriers to be flexible with premium payment plans and premium deposit requirements for businesses that are temporarily closed due to COVID-19 mitigation actions.
Virginia March 27 Notice Regarding Consideration of Hardship	All insurers licensed to write life and accident and health insurance, health maintenance organizations, MEWAS licensed in Virginia; all insurance companies, corporations, exchanges, mutuals, reciprocals, associations, Lloyds, other insurers writing property and casualty insurance in Virginia, including workers’ compensation insurance; managing general agents, premium finance companies; and other regulated entities	March 27 – N/A	Insurers “should consider” relaxing due dates for premium payments, extending grace periods, waiving late fees and penalties, and allowing payment plans for premium payments to otherwise avoid a lapse in coverage. Insurers “should also consider” cancellation or non-renewal of policies only after exhausting all other reasonable efforts to work with policyholders to continue coverage.
Washington Undated FAQs Coronavirus and Property Insurance	General Public	N/A	Explains that the insurance commissioner cannot order auto insurers to file or lower rates, although Commissioner Kreidler has “encouraged” auto insurers to offer temporary reductions during the stay at home order. Also explains that insurers are responsible for processing claims in accordance with policy terms and if the policy does not include loss of rents coverage due to the stay at home



MCDERMOTT WILL & EMERY

State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020

				order, the insurance commissioner cannot compel the insurer to extend the coverage.
Washington April 7 Press Release	All insurers doing business in Washington	April 7 - indefinite		“Urges” insurers to consider refunding auto insurance premiums to their policyholders since most are driving less. Also “urges” insurers to “help out” with endorsements on auto policies to help delivery drivers for retail and service operations during the pandemic and stay-home order.
Washington March 27 Statement	All insurers doing business in Washington	March 27- indefinite		Commissioner “urges” insurers to extend automobile insurance coverage for personal delivery drivers.
Wisconsin March 20 Bulletin	Insurers	March 20 – indefinite		“Encourages” insurers to offer flexibility to insureds who are incurring economic hardship, including by offering non-cancellation periods, deferred premium payments, premium holidays and acceleration or waiver of underwriting requirements. “Encourages” insurers to file required forms electronically and to consider utilizing electronic signatures in their business operations.
Wisconsin March 31 Letter	All Insurers writing Healthcare Liability Insurance Policies	March 31 - indefinite		“Requests” that medical malpractice insurers provide coverage to providers who begin providing telemedicine services to their patients and to providers who are temporarily authorized to offer telemedicine services in the state.



2. Mandatory nonpayment moratorium/waivers and other mandates				
	Alaska April 15 Order R20-03	Property and casualty insurers	April 15 – Governor’s determination that public health disaster emergency no longer exists.	For policies subject to audit, insurers “ shall ” allow self-auditing and self-reporting in lieu of physical audits to the extent physical audits are impractical.
	Alaska April 15 Order R20-04 April 16 Order R20-07	Carriers	April 15 – Governor’s determination that public health disaster emergency no longer exists, except that the prohibition on terminating policies due to nonpayment expires June 1, 2020.	“ Prohibits ” carriers from terminating insurance contracts due to non-payment. Carriers “ shall ” work with policyholders in collection of premiums and waiving late fees. Policyholders or their brokers “ shall ” notify insurers that they intend to continue coverage, but the extension of the grace period does not eliminate the obligation to pay the premium. “ Expectation ” is that problems with premium payment will be resolved without consumer complaint being filed. Insurers are “ not permitted ” to increase premium rates or terminate 2. <i>Mandatory nonpayment moratorium/waivers and other mandates</i> a group policy based on decreased enrollment due to COVID-19 and “ shall ” permit employers to continue covering employees under group policies despite an employee’s ineligibility due to decrease in hours worked.
	Alaska March 18 Bulletin 20-8	Authorized Insurers	March 18 - June 1	“ Prohibits ” carriers from terminating insurance contracts due to non-payment.
	Arizona April 14 Executive Order 2020-29	All workers’ compensation insurance plans regulated by the Arizona Department of Insurance, self-insurance plans regulated by the Industrial	April 14 – duration of the SOE	Workers’ compensation insurance plans “ are required ” to provide coverage for covered healthcare services that can be provided through telemedicine and “ may not, ” except where approval is granted by the Industrial Commission in cases of suspected fraud, require injured workers to submit to in-person examination or treatment.



MCDERMOTT WILL & EMERY

State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020

		Commission of Arizona, and the Special Fund		
Arkansas March 20 Bulletin No. 6-2020	All admitted and surplus lines insurance carriers, and other interested parties	60 Days Beginning March 11	The Commissioner “ directs ” insurers to provide a grace period to policyholders who are unable to pay premiums due to a positive COVID-19 diagnosis, provided that such a grace period is requested.	
Arkansas March 27 Bulletin No. 12-2020	All admitted and surplus lines insurance carriers, and other interested parties	60 Days beginning March 11	The Commissioner “ directs ” personal lines insurers to provide a grace period for policyholders who are unable to pay premiums due to a job loss created by COVID-19, provided that such a grace period is requested.	
California April 14 Notice	All Admitted and Non-Admitted Insurance Companies, All Licensed Insurance Adjusters and Producers, and Other Licensees and Interested Parties	April 14 - indefinite	Notice seeks to “ ensure ” that all licensees accept, forward, acknowledge, and fairly investigate all business interruption insurance claims submitted by businesses. Licensees are “ required ” to comply with their contractual, statutory, regulatory, and other legal obligations, including fair claims handling regulations. No licensee shall dissuade policyholders from filing a notice of claim under its Business Interruption insurance coverage, or refuse to open and investigate such claims.	
California April 13 Bulletin 2020-3	All Property and Casualty Insurers and Workers Compensation Insurers	March 1 – April 30 (can be extended)	“ Requires ” premium reductions for March and April for the following lines of insurance <u>if the projected loss exposures for those months were overstated or misclassified due to COVID-19.</u> Must be provided (premium credit, reduction, return of premium, or other adjustment) as quickly as possible but no later than August 11. Lines of coverage affected: (1) Private passenger automobile; (2) commercial automobile; (3) workers’ compensation; (4) commercial multiple peril; (5) commercial liability; (6) medical malpractice; and (6) “any other line of coverage <u>where the measures of risk have become substantially overstated as a result of the pandemic.</u> ” We believe the Bulletin applies only to admitted carriers. Permitted to make these adjustments without a rate filing if reclassify exposures (e.g., commute vs. pleasure use) or reduce exposure bases (e.g., lower miles driven) consistent with current rating plan. Ordered to report to the Department before June 12 all actions taken and contemplated future actions to refund premium in response to or consistent with this Bulletin (the report must contain 7 data points specified in the Bulletin).	
California	All Admitted and Non-Admitted Insurance Companies, All	Until 90 days after the end of	For homeowners coverage, the COVID-19 pandemic constitutes “good cause” under applicable laws such that insurers must provide no less than 36 months,	



MCDERMOTT WILL & EMERY

State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020

	April 3 Notice	Licensed Insurance Adjusters and Producers, and Other Licensees and Interested Parties	any state of emergency	plus additional 6 month extensions for “good cause,” for insureds to collect full replacement cost and ALE for delays in the reconstruction process.
Colorado	April 6 Bulletin B-5.39	All insurers issuing property and casualty policy forms and offering discounts or premium relief during the coronavirus (COVID-19) pandemic.	April 6 - indefinite	If an insurer chooses to implement a discounts or premium relief actions during the pandemic, a filing “ shall ” be submitted to the Property & Casualty Rates & Forms Section with support and justification; such filings are file-and-use and may be implemented the same day as filing (no prior approval required). Not required to submit a Form A or complete the Company Rate Information under the Rate/Rule Schedule tab. “ Should ” include as much actuarial and statistical justification as is then available.
Colorado	March 26 Emergency Regulation 3 CCR 702-5	All insurers that issue or renew personal automobile coverage	March 26, through the period of time in which Public Health Order 20-22 is in effect.	Emergency regulation states that insurers “ shall ” waive or suspend commercial use exclusion under specified circumstances for claims involving a restaurant employee delivering food to restaurant patrons.
Colorado	March 27 Bulletin B-5.38	All insurance companies issuing coverage to personal and commercial policyholders	March 27 for as long as SOE is in effect or until Bulletin is rescinded.	“ Directs ” insurers to make reasonable accommodations to prevent individuals and businesses from losing coverage due to cancellation for non-payment of premium, including extending grace period, waiving late fees, moratorium on cancellation for non-payment of premium, deferring nonrenewal actions, providing continuation of coverage for expiring policies.
Connecticut	April 20 Notice	All life insurance companies authorized to conduct business in CT	April 20 – termination of the SOE	Although the notice states that life insurance companies are merely “advised” that form filings “ should not ” include medical or other questions related to COVID-19, the Notice then states that “Any life insurance application form filing that contain such questions will not be approved. ”
Connecticut	April 1 Executive No. Order 7S April 2 Guidance on Exec. Order 7S	Addressed to general public; text specifies “entities licensed or regulated by the Insurance Department including admitted and non-admitted insurance companies that provide any insurance coverage in Connecticut”	April 1 to June 1	“ No insurer may, ” without a court order, lapse, terminate or cause to be forfeited a covered insurance policy because a covered policyholder does not pay any amount due under the policy. Covered policyholders include individuals and entities with adverse employment impacts, and must be requested by the policyholder with supporting documents. If an insurer already extended the grace period of 60 days pursuant to Bulletin IC-40 (before the Exec. Order), the company is in compliance with Order even if



MCDERMOTT WILL & EMERY

State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020


				such 60-day period ends before June 1. Any extended grace period issued on or after April 1 is not required to go beyond June 1. It would be appropriate for insurers to notify insureds, brokers, and producers of the 60-day grace period by any reasonable means.
Delaware April 3 Bulletin 117 and 33	All insurance companies authorized to transact business in DE and all licensed insurance producers	April 3 - indefinite		The Bulletin notes the mandatory nature of Governor’s Order (see next row). Any licensee must report known or suspected fraud or criminal activity.
Delaware March 24 Sixth Modified Declaration	“Insurers”	Effective March 25 until the termination of the SOE, but in all events no later than May 15, except as may be rescinded, superseded, amended, or revised by additional orders		<p>“No insurer may,” without a court order, lapse, terminate or cause to be forfeited a covered insurance policy (health, life, disability, property, motor vehicle, and commercial/business insurance) because a covered policyholder (see below) does not pay a premium or interest or indebtedness on a premium under the policy that is due during the pendency of the declared state of emergency.</p> <p>“Covered policyholder” only includes individuals or business entities who, as a result of the Governor’s Declarations of Emergency or the public health emergency, was <u>laid off or fired</u> from their employment or was <u>required to close or significantly reduce its business</u>.</p>
Delaware April 1 Ninth Modified Declaration April 29 Press Release	“Insurers”	Effective April 2 until the termination of the SOE, except as may be rescinded, superseded, amended, or revised by additional orders		<p>Clarifies that covered policyholders get an extension to pay premium due under covered insurance policies during the declared state of emergency without penalty or interest, but the Order does not vary the terms and conditions of any policy. The Order is not a forgiveness of premium due before, after, or during the state of emergency. After the state of emergency, any premium due from covered policyholders will remain due.</p> <p>Press release lists auto insurers providing favorable treatment to insureds.</p>
District of Columbia April 27 Order 03-2020	All insurance companies authorized to conduct business in the District, including life, health maintenance organizations, hospital and	April 27 – duration of the public health emergency		Insurers and premium finance companies “ are prohibited ” from terminating insurance contracts due to nonpayment. Insurers “ shall ” allow policyholders to repay unpaid premiums in installments over 12 months beginning one month after the end of the public health emergency. Insurers “ shall ” waive late fees. “ Directs ” insurers to make reasonable accommodations for policyholders,



MCDERMOTT WILL & EMERY

State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020

		medical service corporations, property and casualty, taxicab, fraternal benefit societies and insurance premium finance companies but not captives and risk retention groups		including deferring cancellation, nonrenewal, and adverse underwriting actions, ensuring that late payments are not considered in future premium calculations, and providing an option to use electronic payment technology when possible. “Directs” insurers to allow policyholders to self-audit and self-report changes in exposure so that premium adjustment can be made. Insurers “shall” waive or suspend commercial or livery use exclusions in personal passenger auto coverage to accommodate insureds delivering food, medicine, or medical supplies as a result of the public health emergency. Insurers that provide commercial and general liability coverage to business instituting delivery service as a result of the emergency “shall” notify them that hired and non-owned coverage is available upon request and “shall” provide such coverage to any insured restaurant if requested.
District of Columbia April 13 Draft Order (unsigned)  Adobe Acrobat Document	All insurance companies authorized to conduct business in the District, including life, health maintenance organizations, hospital and medical service corporations, property and casualty, taxicab, fraternal benefit societies and insurance premium finance companies but not captives and RRGs	TBD	Draft Order – “Prohibits” insurers and premium finance companies from terminating contracts due to non-payment. “Directs” insurers (i) to make reasonable accommodation for policyholders during the public health emergency; and (ii) to allow self-auditing and self-reporting of changes in exposure so that premium can be adjusted - reduction and refund of premium due to change in risk exposure during the public health emergency will not be considered a rate change or a rebate or unfair discrimination if reasonable and consistently applied. Insurers “shall” waive or suspend the commercial or livery use exclusion in personal auto coverage to accommodate insureds delivering food or medical supplies under specified circumstances. Insurers providing commercial general liability coverage to a restaurant “shall” notify the insured that hired and non-owned auto coverage is available and “shall” provide this coverage upon request.	
Georgia March 20 Directive 20-EX-5 [Updated] April 28 Directive 20-EX-7	All licensed insurance companies in the State of Georgia	60 Days Beginning March 20 [UPDATED] Expires on May 19 for P&C insurers.	The Commissioner “directs” that all Property and Casualty Insurers to refrain from canceling any commercial policies that include business interruption or business income coverage for non-payment of premium. <i>(A previous version of Directive 20-EX-5 any commercial policies, including policies that include business interruption or business income coverage.)</i>	



MCDERMOTT WILL & EMERY

State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020

Indiana March 14 Notice	Liability insurers	March 14 – indefinite	Insurers “cannot” cancel coverage without filing an endorsement change in the terms of the policy with the Department. This notice was issued in order to address concerns that that facilities providing services such as childcare and meals to the community will lose their liability insurance if they remain open during COVID-19 pandemic.
Kansas April 15 update to COVID-19 FAQs	Insurers, public	April 15 (updated version)	Insurers are required to file through SERFF any changes to rating plans, forms, and endorsements for approval by the Kansas Insurance Department. COVID-19 related filings will receive expedited review.
Louisiana April 4 Emergency Rule 40 (Revised)	Any authorized insurer operating in Louisiana, and any approved unauthorized insurer, eligible unauthorized insurer, or domestic surplus lines insurer operating in Louisiana	March 12 – May 12	“Suspends” any notice of cancellation, nonrenewal, nonreinstatement, or any other notice for certain policies (e.g., life, P/C, title, health and accident) in effect at 12:01 a.m. on March 12, 2020. Insurers may issue a <i>notice</i> of cancellation for non-payment of premium during the pendency of Emergency Rule 40, but in no event may the insurer cancel the insurance policy for non-payment of premium until after the expiration of Emergency Rule 40.
Louisiana (extension) March 26 Emergency Rule 39	All admitted insurers; surplus line insurers	March 26 – May 12	Commercial lines policyholders with auditable exposures can “demand” from an admitted insurer a mid-term audit by the insurer. Surplus line insurers are “urged and requested” to adhere.
Maine April 7 Bulletin 443 Supplemental Order	Property casualty insurers, producers with property or casualty authority, surplus lines insurers, and surplus lines brokers	April 7 – Indefinite (and no earlier than June 1)	“No insurer” may use COVID19 as a reason to attempt to narrow or cancel the coverage of a policy already in effect. Any such attempt will be considered a violation of Maine’s Trade Practices and Frauds law. The emerging threat of COVID-19 may not be treated as a “substantial change in the risk” justifying policy termination or unilateral policy modification when the exposure to COVID-19 is coincidental to risks that the policy already covers.
Maryland April 9 Advisory on Temporary Rate Relief Filings	All Property & Casualty Insurers	April 9 – N/A	Reminds Property & Casualty Insurers that temporary rate relief filings are “required.” Filing fees for these programs are waived, the Department “relaxed standard practices to allow insurers to implement rate relief measures without delay.”
Massachusetts	All Carriers Offering Automobile Policies	April 13 – N/A	Reminds carriers that form filings and rule filings, where appropriate, are required for refunds or premium credits for changes relevant to work-at-home orders. The Division is instituting processes to expedite review of all filings



MCDERMOTT WILL & EMERY

State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020


	April 13 Filing Guidance Notice 2020-B			being made to implement COVID-19 refunds and credits. Submissions must be made via SERFF and are subject to a filing fee of \$75.
	Michigan April 13 Bulletin 2020-18-INS	Automobile insurers	April 13-indefinite	Automobile insurers planning to issue refunds or premium waivers to their customers must complete a “COVID-19 Refund/Premium Waiver” filing available in SERFF. They must attach a memorandum outlining certain information, including the amount of the refund or premium waiver, summary of the method for determining the refund or premium waiver, and the timeframe during which such refund or premium waiver applies.
	Minnesota April 30 Executive order 20-48 Template Preparedness Plan Employer Preparedness Plan Requirements Checklist	All Minnesota residents	Stay at home extended until May 17	Governor Order extending stay-at-home. “Before workers may return to work at a Non-Critical Exempt Business under this Executive Order, the Non-Critical Exempt Business “ must ” establish and implement a COVID-19 Preparedness Plan (“Plan”). Each Plan must provide for the business’s implementation of Minnesota OSHA Standards and MDH and CDC Guidelines in their workplaces.” An optional template COVID-19 Preparedness Plan, which covers the requirements, is available: Template Preparedness Plan
	Minnesota MN HB 4537	Of interest to workers’ compensation insurers	N/A	If passed, creates a workers’ compensation claims rebuttable presumption that first responders and certain related employees who contract COVID-19 have an occupational disease brought on by their employment.
	Mississippi April 6 Executive Order 1467	To public	Duration of State of Emergency and 14 days thereafter	Permits notaries to perform notarizations for a principal not in the physical presence of the notary public, provided certain mandatory conditions are met (e.g., simultaneous sight and sound communication).
	Mississippi March 27 Memorandum	To Mississippi Premium Finance Company Licensees	March 27, 2020	Department of Banking and Consumer Finance issued an Interim Regulatory Guidance Memorandum that “ directs ” all premium finance company licensees acting under a premium finance agreement that contains a power of attorney clause for a policy issued or issued for delivery in Mississippi to comply with the provisions of Bulletin 2020-3 (moratorium on cancellation/nonrenewal due to nonpayment).



MCDERMOTT WILL & EMERY

State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020


 DBCF Interim Guidance - Premium			
Mississippi March 25 Amended Bulletin 2020-3 Q & As related to Bulletin 2020-3	All insurers that have issued policies in Mississippi	60 Days Beginning March 24	60-day moratorium on the cancellation or non-renewal of policies for the failure to pay premiums during the applicable 60-day premium. The moratorium is not a waiver of premium. Cancellation or non-renewal of policies for legally recognized reasons other than a failure to pay premiums may be made.
Mississippi April 1 Bulletin 2020-4	All insurers that have issued policies in Mississippi	April 1, 2020	Clarifies scope of moratorium in Bulletin 2020-3: (1) Insurers may issue cancellation/non-renewal notices for non-payment of premiums during the 60 day moratorium period. (2) When such notices are issued during the 60 day moratorium, notice periods required by statute or the policy may begin to run, but a cancellation/non-renewal for non-payment may not be effective until after the 60 day moratorium period expires.
Montana April 9 Informational Bulletin April 14 Amendment	All property and casualty insurers who have issued or may be considering COVID-19 related premium refunds, discounts or credits, Licensed Independent Adjusters	April 9 - indefinite	Insurers desiring to issue refunds, discounts or credits " must " submit a rate filing, and the Department will expedite review of filings identified as COVID-19 related.
National Flood Insurance Program (NFIP) March 29 FEMA Press Release	NFIP customers	NFIP policies with expiration date between Feb. 13 – June 15, 2020	Federal Emergency Management Agency has extended the grace period to renew flood insurance policies from 30 to 120 days.
Nevada April 20 Guidance	Property and casualty insurers who have experienced significant decrease in insured risk exposure	April 20 - indefinite	Although premium reductions are only encouraged, not mandated (see section 1 above), " requires " that premium relief plans, including working with insureds to extend payments to future dates, must be filed, with the understanding that rapid turnaround will be provided, and filings may have retroactive effective dates.



MCDERMOTT WILL & EMERY

State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020

 Adobe Acrobat Document			
New Hampshire April 10 Bulletin 20-025-AB	Property & Casualty Automobile Insurance Companies	April 10 (1) endorsement option shall be valid no more than six months after the filing's approval date	Auto insurance companies initiating payback or credit programs to reflect reduced exposure to loss during the pandemic "require a product filing." The Department is "committed" to an expedited (i.e. one business day) review of these product filings if they are in one of three forms: (1) endorsement attaching to all policies and effectuates a payback; or (2) rate filing that details the amount of premium reduction and effectuates a payback; or (3) a rate filing for a premium credit.
New Jersey Bulletin No. 20-19	All automobile insurers that provide medical expense benefits under personal injury protection coverage	From April 24 th for the duration of the state of emergency under Executive Order 103	Provides guidance on telemedicine and telehealth, and among other things "requires" carriers to review or establish telemedicine and telehealth networks and encourage their use, update procedures to include reimbursement for telehealth services, and disseminate this information on their websites or other means. Carriers may not impose specific requirements on the technologies used to deliver telemedicine or telehealth services, may not reimburse less than would typically be paid for in-person services, may not require a telemedicine or telehealth provider to be licensed in a particular state so long as the provider is in compliance with N.J. P.L. 2020, c.4 on emergency licensing, and may not impose additional prior authorization requirements on treatment delivered via telemedicine or telehealth services.
New Jersey April 9 Executive Order 123 Bulletin No. 20-15 (property/casualty) Bulletin No. 20-16 (life)	Executive Order addressed to: All property and casualty insurance companies, life insurance companies, insurance premium finance companies, health insurance companies, health maintenance organizations, health service corporations and other entities issuing health or dental benefits plans in NJ	90 days from April 9 for life and property/casualty; 60 days for health	90 day moratorium on cancellation for non-payment of premium (not conditioned on a COVID-19 related or other reason for non-payment). Insurers must notify policyholders of the grace period in a manner to be prescribed by the Commissioner. Insurers must allow insureds to select whether the premium grace period will be retroactive to April 1st or will commence on May 1 st . Insurers must relax collection documentation and other regulatory requirements as to be prescribed by the Commissioner, including with respect to late fees, interest, and other charges associated with delays in premium payments. Insurers must post information on their websites about the grace period, and provide each policyholder with an "easily readable written description" of the



MCDERMOTT WILL & EMERY

State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020

	<p>Bulletin No. 20-17 (premium finance companies)</p> <p>April 23 Update to FAQs on Bulletin 20-17</p>			<p>grace period which shall be submitted to the Department through SERFF as an informational filing.</p> <p>The Commissioner will direct insurers on permissible payment plans for unpaid premium following the emergency grace period. The Order as drafted raises a number of questions as to scope and intent, e.g., with respect to commercial lines and surplus lines.</p> <p>The Commissioner published several bulletins on April 10th, “directing” <u>all licensed</u> property/casualty or life insurers or premium finance companies (as applicable) to provide insureds who may be facing a financial hardship due to COVID-19 with at least a 90 day grace period for payment of premium, during which time insurers may not charge late fees or report insureds to credit reporting agencies. Insurers must allow insureds to pay unpaid premiums after the grace period either during the remainder of the policy term or for up to 12 months in equal installments, whichever is longer. We note that these bulletins appear to be narrower in scope than the Governor’s Executive Order. The Department also published FAQs on the bulletin addressed to premium finance companies.</p>
<p>New Mexico</p> <p>April 21 Bulletin 2020-10</p>	<p>All insurers authorized to transact business in New Mexico</p>	<p>April 21 – indefinite</p> <p>Due date of April 28</p>		<p>Each New Mexico authorized insurer “shall” designate at least one individual, position, or department to serve as contact to receive directives concerning regulatory matters, and within one week from publication of the bulletin each contact “shall” subscribe to the Department’s Regulatory Compliance/Government Relations newsletter.</p>
<p>New Mexico</p> <p>April 21 Order</p>	<p>Every insurer who issued or delivered a private passenger or commercial auto insurance policy to a New Mexico person or entity with coverage in effect on or after March 23, 2020</p>	<p>April 21 – April 30, or through the extension date of any public health emergency proclamation by the Governor or Department of Health</p>		<p>Insurers “shall” determine within 21 days of the Order whether rates and premiums for New Mexico auto policies are excessive considering COVID-19 related usage reductions. Insurers that determine that the premium is excessive “shall” submit a filing through SERFF conforming to specified requirements, and the filing will be deemed approved and usable upon submission, subject to subsequent disapproval upon substantive review. Insurers that voluntarily adjusted premium “shall” submit the filing for retroactive approval. Premium adjustment “shall” be calculated through the earlier of April 30 or policy termination and “shall” be paid either by issuing a check or credit against premium due through April 30, but not as a credit applicable to renewal.</p>



MCDERMOTT WILL & EMERY

State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020

	<p>New York</p> <p>March 30 Executive Order No. 202.13</p> <p>Consolidated NY Emergency Regulations</p> <p>NYDFS Guidance to Insurance Producers on Notice Obligations</p> <p>NYDFS Guidance to Insurance Companies on Notice Obligations</p> <p>ELANY Bulletin No. 2020-17 REVISED April 6, 2020</p> <p>NYDFS Emergency Regulation FAQs</p> <p>ELANY Bulletin No. 2020-18</p>	<p>Life and property/casualty insurers, including unauthorized insurers that sell insurance through a licensed excess lines broker and are subject to Insurance Law article 34, except for commercial excess lines insurance.</p>	<p>Notices must be sent by April 13</p> <p>Emergency regulations expire June 28</p>	<p>Executive Order No. 202.13 “imposes” a moratorium on insurers cancelling, nonrenewing, or conditionally renewing life insurance and property/casualty insurance policies issued to individuals or to NY resident businesses with 100 or fewer employees for 60 days and “directs” the Superintendent to promulgate emergency regulations regarding: (1) the waiver of late fees; (2) the prohibition on reporting negative data to credit reporting agencies; and (3) the repayment of late premiums over a one-year period.</p> <p>The emergency regulations require producers to provide notices regarding the regulations to all NY policyholders and group certificate holders subject to the regulations. According to DFS guidance, producers and insurers may email the notices to policyholders even if they have not consented to receiving notices electronically, and should put the notices on their website ASAP. The DFS prepared model notices for producers and insurers. DFS has also published FAQs regarding the emergency regulation and moratorium on its website; the DFS has updated these FAQs to state that the moratorium and emergency regulation do not apply to commercial excess lines policies, except for excess lines commercial fire insurance policies.</p>
	<p>North Carolina</p> <p>April 23 NCDOI Advisory</p>	<p>To public</p>	<p>April 24</p>	<p>Under no circumstances should premium remitted to the North Carolina Reinsurance Facility also be reduced as a result of the “savings” shared with consumers permitted under permissible savings options under April 21 COVID-19 Advisory and April 14 Guidelines</p>
	<p>North Carolina</p>	<p>Insurance Companies</p>	<p>April 21</p>	<p>Companies that have filed for an enhancement to share with customers the benefits received from less than anticipated losses “should not be expensed”</p>



MCDERMOTT WILL & EMERY

State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
 May 2, 2020

	April 21 COVID-19 Advisory			(the context seems to make this mandatory). Details on how savings benefits should be reported will be forthcoming. Department determined that, in addition to the permitted savings detailed in April 14 Guidelines , companies may also offer a “savings option” as another option to provide a financial benefit to policyholders under certain guidelines. “Savings” must be a true savings that companies received from an extraordinary event, such as the COVID pandemic.
North Carolina	FAQs on Bulletins 20-B-06 and 20-B-07 and Related Orders	To public (excludes self-funded single-employer groups, Medicare plans, or Medicaid)	April 23	Clarifies that the Commissioner’s Order and Extended Order require companies to give policyholders or consumers affected by the COVID-19 health emergency the option to defer premium and debt payments; the deferral period is extended through May 26. Any payments that are due from April 27 – May 26, including payments that were previously deferred may be deferred for 30 days. Orders apply to policy cancellations and non-renewals.
North Carolina	April 21 Extended Order Bulletin 20-B-07	All licensed companies and other entities licensed under North Carolina Insurance Code, including surplus lines insurers and premium finance companies	April 27 at 12:01 am – May 27	Extends the automatic stay proof of loss requirements, premium and debt referrals from March 27 Order, as amended on March 30 (March Order). Deferral of premium and debt payments will apply to all payments coming due under the Extended Order, including payment previously deferred under the March Order. All entities subject to N.C. External Review Law shall allow consumers, whose requests may have been impacted by the disaster, additional time for requests to be received and reviewed
North Carolina	March 27 Bulletin 20-B-06 Referencing original Order March 30 Amended Order	All insurance companies, including surplus lines companies, premium finance companies	March 27 – April 26	Activates the state of disaster automatic stay of proof of loss requirements, and premium and debt deferrals. “Requires” insurance companies to give customers affected by COVID-19 “the option” to defer premium and debt payments during the period of the Order. Premium deferrals do not have to be given automatically. Policyholders must pursue the option to defer. Insurers may not process cancellations, <i>regardless of the reason</i> , or non-renewals during the period of the Order. <i>See also</i> Order FAQs
Ohio	March 24 Bulletin 2020-06	All Auto Insurers	March 24 – 30 days past expiration of March 9	“Must” not cancel, non-renew, or refuse to issue a policy of automobile insurance, or deny a claim, solely because the driver license of a named insured or other covered family member has expired since the Governor’s March 9 declaration of emergency.



MCDERMOTT WILL & EMERY

State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020

			declaration of emergency	
Ohio March 30 Bulletin 2020-07	All Insurers providing property and casualty, life, and long term care insurance policies	March 30 – expiration of SOE		“Orders” insurers to provide their insureds with at least a 60-day grace period to pay insurance premiums so that insurance policies are not cancelled for nonpayment of premium.
Oklahoma April 30 correction to April 27 PC Bulletin No. 2020-03	Oklahoma authorized insurers who have delivered or issued for delivery an auditable insurance policy in Oklahoma	April 27-indefinite		Admitted insurers “shall” honor the demand and assist with a mid-term self-audit requested by an insured who has an auditable insurance policy. If the mid-term self-audit establishes that the presumptive premium charged at the initiation of the policy is now in excess of what the premium would be based on current-rating variables, the insurer “shall” adjust the premium immediately but in “no more than” 10 days. An overpayment of premium shall result in a refund. An admitted insurer has the right to conduct a physical audit of the auditable insurance policy at any time during the policy term or at the end of the policy term as provided by the policy.
Oklahoma April 6 Amended Bulletin No. 2020-01	Property And Casualty Insurers; Premium finance companies	April 6- indefinite		“Directs” all property and casualty carriers to extend any applicable grace period for nonpayment of premium by forty-five (45) days. This provision also applies to premium financing arrangements. Carriers “shall” suspend all claims reporting deadlines for the duration of the emergency declaration and extend all policyholder rights or benefits related to deadlines until 90 days after the state of emergency ends.
Oregon April 23 Extension of March 25 Order	Entities to whom the March 25 Order applies	April 23, extended through May 23		March 25 Order directing insurers to extend deadlines for reporting claims, instituting grace periods for premium payment, suspend cancellations and non-renewals has been extended through May 23, 2020.
Oregon April 16 update to March 25 Emergency Order FAQs	To public	Updated April 16		25 detailed and updated FAQs for March 25 Order (see next row). The FAQs will continue to be updated.



MCDERMOTT WILL & EMERY

State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020

Oregon March 25 Order	All Admitted Insurers	March 25 – April 23	All insurers must immediately institute grace period for premium payment for all policies issued in the state and immediately suspend cancellations and non-renewals.
Oregon FAQs to March 25 Order	All insurance companies	April 2, 2020	Notable guidance: Postponement of policy cancellations and nonrenewals is not limited to nonpayment. “Encourages” surplus lines insurers to provide comparable relief to Oregon insureds.
Oregon March 25 Memorandum	All admitted and nonadmitted commercial liability insurers;	March 25 – N/A	Insurance companies “may not” withdraw from, cancel or non-renew any commercial liability lines of business, including childcare, without prior approval.
Puerto Rico Circular Letter CC-2020-1963-D	Authorized Insurers, Service Contract Providers and the General Public	April 22	Clarifies March 16 Ruling Letter No. CN-2020-267-D and March 31 Ruling Letter No. CN-2020-273-D which require a 30-day grace period for payment of premiums and temporary postponement of cancellation of policies for lack of payment. Insurers “may not” deny request for renewal due to nonpayment of premium when renewal date is within the emergency period and the insured pays the renewal premium within 30 day grace period. After the grace period, if the insured fails to pay premium, the insurer may cancel the policy.
Puerto Rico March 31 Circular Letter No CC-2020-1962-D	All authorized insurers, producers, general agents, consultants, adjusters, reinsurance intermediaries	Extensions of certain deadlines by 15 or 30 days following the resumption of government operations as provided by Executive Order	Amends Circular Letter No. CC-2020-1960-D. Annual report filing previously extended until April 15, 2020 is now extended for “15 calendar days following the date on which resumption of government operations is provided by Executive Order.” Insurers “must” file an interim financial report as of Dec. 31, 2019 including balance sheet, Income Statement, Cash Flow and RBC. Interim report filed on or before April 15, 2020 by e-mail. For producers, general agents, or any other report that is required under the Insurance Code, “[t]erms are also suspended” for answering requests for information, orders for investigation, filing annual reports. Such reports “shall be filed” within 15 calendar days of resuming government operations as provided by Executive Order. Effect of licenses, continuing education requirements or fees paid that expire on or before April 30 will be extended until May 30, 2020. Tacit approval date for all rating files or policy forms that would have been approved between March 16 and April 13, will be extended for an additional 30



MCDERMOTT WILL & EMERY

State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020

				calendar days from the date on which the resumption of government operations is provided by Executive Order.
Puerto Rico March 23 Ruling Letter No. CN-2020-271-D	Authorized Insurers, Service Contract Providers and the General Public	March 23		All insurance contracts or policies of any kind or health insurance, whose expiration date is March 31, 2020 or later and is so requested by the insured, “will be” extended for an additional period of time of 30 days, under the same terms and conditions (including the amount of the premiums) of the current contract or policy. The renewal shall last until a new contract is executed by the parties or until the 30 day period ends, whichever occurs first. Insurers “may not” cancel any insurance policy or contract and shall have the obligation to honor claims that may arise within the additional 30 day term of the extension of the policy. The insured must comply with the payment of the premium for the extended term of the contract, within the grace period as established in the unpublished Ruling Letter No. CN-2020-267-D dated March 16, 2020 (and later amended in March 31 Ruling Letter No. CN-2020-273-D summarized in the next row). “Strict compliance ... is required. Failure to comply with these guidelines will result in . . . severe penalties.”
Puerto Rico March 31 Ruling Letter No. CN-2020-273-D	Authorized Insurers, Service Contract Providers and the General Public	March 16 until such time as the SOE ends or the OCI notifies licensees		Amends March 16 Ruling Letter No. CN-2020-267-D to extend the effect of the guidelines on the grace period for payment of premiums and temporary postponement on cancellation of policies for lack of payment provided therein until such time as the state of emergency ends or the OCI notifies of the suspension of the Ruling Letter.
Puerto Rico (newly available English translation) March 16 Ruling Letter No. CN-2020-267-D	Authorized Insurers, Service Contract Providers and the General Public	March 16 until March 30, unless otherwise provided* (*see March 31 Ruling Letter No. CN-2020-273-D)		Property or casualty insurers “may not” cancel or nonrenew any policy placed in Puerto Rico due to nonpayment of premiums, within 30 days of the due date of the payment. In business lines for which normally the policy or insurance contract has a grace period of thirty (30) days for payment, such as life, health, and/or disability, the insurer, at its discretion, may extend such grace period for an additional term of thirty (30) days, for the benefit of the insured.
Rhode Island April 6 Bulletin 2020-5	“All insurers, regardless of the type of insurance written”	April 6		Insurance carriers “shall” establish reasonable requirements for covering telemedicine services in accordance with guidance issued by OHIC. Insurance carriers “shall not” impose any specific requirement on the technologies used to deliver telemedicine services.



MCDERMOTT WILL & EMERY

State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020

	<p>See also March 18 Executive Order 20-06</p> <p>See also March 13 OHIC Bulletin</p>			The aforementioned orders apply to all medical treatment paid for by insurers regardless of the type of insurance.
Texas	<p>April 20 SLTX Guidance on New Notice</p> <p>New Complaint Notice</p>	Surplus Lines Insurers	Must be implemented no later than May 1, 2020	<p>All policies issued on or after May 1 must include a new version of the compliant notice. Policies submitted to SLTX for processing or audit must include a current version of the complaint notice.</p> <p>Notice must comply with requirements set forth by SLTX (see link).</p>
Washington	April 27 Emergency Order 20-25	All insurers authorized or admitted to transact property and casualty insurance business in WA and all entities regulated by the Insurance Commissioner	April 27 – June 26 (or expiration of the Governor’s stay at home order if earlier)	“ Orders ” regulated entities that have deadlines for policyholders to report completed repairs to claim withheld depreciation payments that expired February 29 – April 27 or that will expire April 27-June 26 (or expiration of the Governor’s stay at home order if earlier) to extend the deadlines to at least 60 days after June 26 (or expiration of the Governor’s stay at home order if earlier).
Washington	April 3 Emergency Order 20-04	All persons subject to regulation by Office of the Insurance Commissioner	April 3 – May 23	“ Orders ” that stand-alone dental plans “ must ” allow a grace period of no less than 60 days for payment of premium and “ must ” pay all claims for services rendered during the first 30 days of the grace period but “ may ” delay adjudicating claims for services rendered during the remainder of the grace period. Any grace period in excess of 60 days “ must ” be applied uniformly to all plans and to all enrollees within the plan.
Washington	Undated FAQs to Emergency Order 2020-03	All insurers authorized or admitted to transact property and casualty insurance business in Washington state and all entities regulated by the Insurance Commissioner	March 25 – May 9	Frequently asked questions regarding Emergency Order 2020-03: among other things, the Order covers policies with a covered property or activity located in Washington and policies where any of the insurance transaction occurred in Washington. Also states that the grace period provisions apply to surplus lines insurance and confirms that cancellation for reasons other than nonpayment of premium is not affected.
Washington	March 25 Emergency Order No. 20-03	All insurers, producers, surplus line brokers, and other regulated entities.	March 25 – May 9	“ Orders ” insurers and other regulated entities to provide grace periods for nonpayment of premium and waive fees associated with nonpayment of premium, such as late fees and reinstatement fees. Also prohibits property and




MCDERMOTT WILL & EMERY

State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020

				casualty insurers from canceling a policy for nonpayment of premium, unless specifically directed to do so by the insured.
	West Virginia March 26 Bulletin 20-08	All Insurers, Insurance Trade Associations, and Other Interested Persons	March 26 - indefinite	Commissioner “ directs ” that no insurance company should report negative claims activity or a claim denial when an insured or policyholder contacts the company or its agent or broker to inquire about business interruption coverage for COVID-19 under its policy.






3. Data calls				
Arkansas March 20 Bulletin No. 6-2020	All admitted and surplus lines insurance carriers doing business in this state, and other interested parties	"As soon as possible"	Commissioner " directs " all insurers and other regulated entities to provide it with the appropriate email address the company has designated to field consumer contacts during the COVID-19 emergency.	
California March 26 Notice	All Admitted and Non-Admitted Insurance Companies	No later than April 9	" Should ," to the extent it is available, provide the following data regarding business interruption, civil authority, contingent business interruption, and supply chain coverages: (1) How many policies are covered under each such coverage? (2) Out of these policies, how many policies fall under businesses with more than 500 employees or alternatively meet your definition of large business? (3) Out of these policies, how many policies fall under businesses with less than 500 employees or alternatively meet your definition of medium size business? (4) Out of those with less than 500 employees, how many policies fall under businesses with less than 100 employees or alternatively meet your definition of small business?	
Delaware March 12 Letter to Individual Travel Insurers  Delaware Interrogatory COVID	Separate letters addressed to individual insurers ("staff attempted to get a full listing of those potentially writing travel insurance related products")	No later than March 24	The letter asks insurers to " please respond " to questions designed to (1) confirm the companies writing travel insurance or related travel products in Delaware and the 2019 premium volume; (2) obtain contact information from each company; and (3) find out each the company's policy is related to possible disruptions from travel related to the Coronavirus.	
International Association of Insurance Supervisors March 27 Press Release	<i>TBD</i>	<i>TBD</i>	<i>This is a developing story and will be updated.</i> MWE understands that the IAIS Secretariat and its members are discussing a COVID-19 related data call that would require insurers to submit data to their respective supervisors by a certain date in May 2020. We further understand that many industry stakeholders are in contact with U.S. members of the IAIS (<i>i.e.</i> , the NAIC, FIO, and Federal Reserve Board) to encourage a revised timeframe and additional flexibility.	
Maryland (no link)	Pandemic Response Information (All licensed insurers)	N/A (Issued March 16)	E-mail sent to each licensed insurer's primary contact requiring for answers to the following questions: (1) Are you still the primary contact? (2) Has your company taken any steps to make certain that your policyholders and claimants	



MCDERMOTT WILL & EMERY

State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020



<p>March 16 Email</p>  <p>Maryland Pandemic Flu Contact.pdf</p>			are able to continue to promptly receive answers to their questions and assistance with all issues including claims, policy issues, premium payments if you experience a higher than normal rate of absenteeism? If so what steps are you taking? (3) Have you sent out any messages to your customers regarding COVID 19? If so what are those messages? and (4) Do you have anything else you would like to share with us.
<p>Minnesota</p> <p>Undated Letter to PC & Life Insurers</p>	Preparedness, Risk Assessment (Certain Insurers)	March 31 Deadline	Letter “requiring responses” to questions related to COVID preparedness and financial risk.
<p>Missouri</p> <p>March 21 Insurance Bulletin 20-05</p>	All insurers conducting the business of insurance in the State of Missouri	March 21 - May 15	All insurers –including property & casualty and surplus line insurers – are “required” to provide information about the steps they are taking in response to Insurance Bulletin 20-05 (whereby the Director “strongly encourages” insurers to adhere to a grace period).
<p>NAIC</p>  <p>NAIC COVID-19 Information Request T</p>	State Insurance Departments	N/A	The NAIC shared a COVID-19 Information Request Template, which “can” be used by state insurance departments in collecting data from U.S. insurance groups and legal entities related to the operational and financial impact of COVID-19.
<p>New York (no link)</p> <p>March 10 Call for Special Report - Travel Insurance Direct Premiums</p>  <p>NYDFS March 10 Letter - Travel Insuran</p>	All Authorized Property/casualty Insurers	March 18 Deadline	Section 308 letter to travel insurers with a series of interrogatories. Entities must provide certain information regarding the volume of travel insurance written in New York and details on the coverage provided in the types of policies for which it has ongoing exposure.
<p>New York (no link)</p> <p>March 10 Call for Special Report - Business Interruption and Related</p>	All Authorized Property/Casualty Insurers	March 18 Deadline	Section 308 letter asking insurers to provide certain information regarding the commercial property insurance written in New York and details on the business interruption coverage provided in the types of policies for which there is ongoing exposure.



MCDERMOTT WILL & EMERY

State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020

<p>Coverage</p>  <p>NYDFS March 10 Letter - Business Inter</p>				
<p>New York (extension)</p> <p>March 10 Insurance Circular Letter No. 5 (2020)</p>  <p>NY Extension for Circular 5.pdf</p>	<p>Regulated Entities</p>	<p>April 17th</p>	<p>Regulated entities must submit a response to DFS describing its preparedness plan. DFS has advised that this includes all authorized property and casualty insurers, and certain licensed producers who were contacted directly by DFS.</p> <p>On April 6th, NYDFS wrote to regulated entities extending the response deadline to April 17th due to the upcoming religious holidays.</p>	
<p>Oklahoma</p> <p>Unpublished email</p>	<p>Insurers writing private passenger automobile insurance in the state.</p>	<p>Due Wednesday, April 15, 2020.</p>	<p>Insurers must respond to a survey on special allowance they plan to give policyholders who travel less due to the COVID-19 pandemic. Includes (1) whether company has plans to address SOE specific to Private Passenger policies, such as a premium reduction or temporary premium modification, premium refunds, paused billing, payment plan assistance; (2) if yes, how long will these measures remain in place; (3) what criteria used to extend or suspend these allowances, and will it be made on a national or state-by-state basis; (4) Whether company issued COVID-19 communications to private passenger policyholders regarding the above and a copy of same; (5) Whether these responses will change if the crisis extends for another 90 days.</p>	
<p>Washington</p> <p>March 25 Special Data Call</p>	<p>All authorized property and casualty insurers</p>	<p>April 1 Deadline</p>	<p>Insurers “must” provide certain information regarding commercial property insurance in Washington state and details on the business interruption coverage provided in the types of policies for which it has ongoing exposure.</p>	
<p>West Virginia</p> <p>April 2 Bulletin 20-04a</p>	<p>Insurers; Insurers For Whom West Virginia is the Lead State</p>	<p>Survey responses to be provided as soon as</p>	<p>Insurers for whom West Virginia is the lead state must complete the NAIC All State COVID-19 Operational and Financial Impact Survey. Each insurer’s preparedness pan “should” include certain enumerated provisions, and “shall” contain certain other specified provisions.</p>	



MCDERMOTT WILL & EMERY

State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020

			possible, but no later than April 15	
--	--	--	--------------------------------------	--



4. Business continuity/disaster response plans				
	Arkansas March 20 Bulletin No. 6-2020	All admitted and surplus lines insurance carriers doing business in this state, and other interested parties	March 20 – indefinite	Insurers and other regulated entities “must” assess and review their plans of preparedness and plans for continuity of operations to manage the risk of disruption to their operations arising from COVID-19 and actively seek to mitigate the risk of harm to policyholders and claimants
	Florida March 16 Informational Memorandum OIR-20-03M	All insurers and entities regulated by the Florida Office of Insurance Regulation	March 16 – indefinite	If an insurer or other entity regulated by OIR activates its Business Continuity and/or Continuity of Operation Plan in response to COVID-19, it “must” notify OIR within the same day. If in response to COVID-19, business operations are compromised to the extent that it jeopardizes the company’s ability to provide essential insurance services, the company “must” immediately notify ORI detailing the extent of the compromise.
	Maine March 12 Bulletin 442	Insurance companies, third-party administrators, adjusters, insurance agencies, and other licensees	March 12 – indefinite	Insurance carriers “must” have effective business continuity plans in place, and be prepared to implement them.
	New Mexico March 26 Bulletin 2020-007	Domestic insurers and insurers and producers with offices in New Mexico	March 26 - indefinite	If an insurance company, underwriter, agent, broker or producer with an office in New Mexico wishes to close its office to the public, it “must” ensure that it continues business operations through telecommuting and that it provides reasonable access to its clients or customers remotely.
	New York April 13 Guidance to Regulated Entities Regarding Cybersecurity Awareness	All New York State Regulated Entities	April 13	NYDFS identifies several areas of heightened cybersecurity risk as a result of the COVID-19 pandemic, and “reminds” regulated entities of the obligation to report a cybersecurity event to DFS within 72 hours at the most. Regulated entities “should” review their remote working security protocols and issue instructions to employees accordingly; remind employees to be alert for phishing and fraud; and coordinate with critical third-party vendors to determine how they are adequately addressing these risks.
	New York March 10 Insurance Circular Letter No. 5 (2020)	Regulated Entities	April 9	Regulated entities must submit a response to DFS describing its preparedness plan. DFS has advised that this includes all authorized property and casualty insurers, and certain licensed producers who were contacted directly by DFS.



MCDERMOTT WILL & EMERY
State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020

	<p>Oklahoma</p> <p>March 20 Bulletin</p>	<p>Licensed Property & Casualty Insurers</p>	<p>Duration of SOE</p>	<p>All carriers “should” (1) review their internal processes and continuity of operations, including ability to telecommute, to ensure that they are prepared to serve their members, including by providing insureds with information and timely access to all services, (2) continually assess their readiness and make any necessary adjustments, (3) inform insureds of available benefits specifically related to business interruption insurance, quickly respond to insured inquiries, and consider revisions needed to streamline responses and benefits for insureds, (4) make all necessary and useful information available on their websites and staff their helplines accordingly, and (5) extend their applicable grace period for nonpayment of premium by an additional 45 days.</p>
	<p>West Virginia</p> <p>March 23 Emergency Order 20-EO-03</p>	<p>Workers’ Compensation Insurers and other regulated entities</p>	<p>March 23 – N/A</p>	<p>“Must” assess and review their plans of preparedness and plans for continuity of operations to manage the risk of disruption to their operations arising from COVID-19 and actively seek to mitigate the risk of harm to policyholders and claimants.</p>
	<p>West Virginia</p> <p>April 2 Bulletin 20-04a</p>	<p>Insurers</p>	<p>April 2</p>	<p>Guidance on what the OIC “expects” from insurers in regard to continuity of operations and preparedness plans to address any operational risks, and to ensure that insurers are identifying, monitoring, and managing the financial risk posed by the COVID-19 crisis.</p>



5. Claims Processing				
Arkansas	All admitted and surplus lines insurance carriers doing business in this state, and other interested parties	March 20 – indefinite	Commissioner “advises” all insurers and other regulated industries that they must continue to adjust claims as expeditiously as possible during the COVID-19 emergency and utilize all possible methods of adjusting claims remotely (e.g., telephone, email, facsimile, mobile applications, satellite imagery or 3D mapping) while striving to meet normal time frames for the adjustment and resolution of claims whenever possible.	March 20 Bulletin No. 6-2020
California	All Admitted and Non-Admitted Insurance Companies, all Licensed Producers, Independent Adjusters, and Other Interested Parties	March 18 – N/A	“Strongly encourages” all insurance companies and other Department licensees to take steps during the crisis necessary to maintain their ability to process and pay insurance claims and provide other required consumer services for insureds in a reasonable and timely manner. Department “intends” to consider the extraordinary circumstances relating to the COVID-19 outbreak when evaluating whether insurers and other Department licensees have complied with their respective legal and commercial obligations. Insurers must continue to adjust claims as expeditiously as possible	March 18 Notice [#3]
California	All Admitted and Non-Admitted Insurance Companies, All Licensed Insurance Adjusters and Producers, and Other Licensees and Interested Parties	Until 90 days after the end of any state of emergency	“All licensees ... should not” enforce deadlines on policyholders until ninety (90) days after the end of any state of emergency that impacts a specific policyholder, including claims forms or other actions required for proof of loss.	April 3 Notice
Colorado	All insurers that issue or renew property and casualty insurance pursuant to Article 4 of Title 10 [Property and Casualty Insurance]	TBD (comments due by 5 pm April 15.	“Directs” insurers to accept photographs, video, and digital data to document claims for property damage; to provide additional days of motor vehicle replacement coverage/rental vehicle coverage when repairs are delayed due to COVID-19; to extend additional living expense/loss of rent coverage where repairs are delayed for reasons outside the insured’s control; and, for real property policies with replacement coverage, to provide reasonable extension of time to complete repairs. Insurers “shall not” deny or delay claims requiring sworn proof of loss accompanied by an inventory of lost property if the insured is unable to complete the inventory in time due to COVID-19 orders.	Undated Draft Bulletin B-5.XXX
Colorado	All insurers that issue or renew personal automobile coverage	March 26, through the period of time in which Public	Emergency regulation states that insurers “shall” waive or suspend commercial use exclusion under specified circumstances for claims involving a restaurant employee delivering food to restaurant patrons.	



MCDERMOTT WILL & EMERY

State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020

	March 26 Emergency Regulation 3 CCR 702-5		Health Order 20-22 is in effect.	
Florida	March 16 Press Release	Travel Insurance Agents and Insurers:	March 16 – Indefinite	“Asks” that claims be processed promptly when receiving a valid claim; office of the CFO will be “diligent in its efforts to protect consumers from those who create unnecessary barriers to the proper settlement of claims.”
Florida	March 25 Informational Memorandum OIR-20-04M	All insurers and entities regulated by the Florida Office of Insurance Regulation.	Duration of Emergency Order March 18 – N/A	Regulated entities are “strongly encouraged” to explore virtual options for underwriting and adjusting claims in lieu of in-person property inspections and for premium audits of employers’ records.
Illinois	April 3 Company Bulletin 2020-09	All companies and other entities licensed to transact insurance business in the State of Illinois who issue or deliver property and casualty (P&C) insurance policies	March 9 – April 30	Insurers should consider granting an extension of any policy provisions or other requirements that impose a time limit for an insured or claimant to perform any act, including the submission of a claim or proof of loss , reporting of information, or submission of bills.
Kentucky	March 30 Notice	Personal Automobile Insurers.	March 60 – expiry of State of Emergency	Auto insurers “shall not” deny a claim under a personal automobile insurance policy solely because the insured was engaged in delivery services on behalf of a business impacted by closures necessitated by the Governor’s State of Emergency Order 2020-257.
Maine	March 12 Bulletin 442	Insurance companies, third-party administrators, adjusters, insurance agencies, and other licensees	March 12 – indefinite	Carriers “must” prioritize consumers’ needs, must make every effort to expedite claims approvals and payments and other essential customer service functions.
Maryland	April 13 Bulletin 20-20	All Property & Casualty Insurance Companies and Producers	April 13 – N/A	MIA “requests” all commercial insurers to refrain from attaching any adverse underwriting or pricing outcomes for insureds who have made inquiries or filed Business Interruption claims that have not resulted in a claim payment.
Maryland	April 3 Bulletin 20-17	All Property & Casualty Insurance Companies and Producers, All Public Adjusters	April 3 – N/A	“Requests” insurers to be lenient in the application of requirement to provide notice of a claim promptly if an insured is unaware of a loss or unable to provide notice of a claim, due to factors beyond their control directly as a result of COVID-19.



				<p>“Requests” insurers to relax the completion deadline for Sworn Statements in Proof of Loss if necessary to accommodate COVID-19 related circumstances and “consider” requests to delay Examinations Under Oath until social distancing protocols have been relaxed.</p> <p>Policyholders “should not” be penalized for delays in repairs due to the COVID-19 crisis.</p>
Michigan March 30 Bulletin 2020-12-INS	Insurance companies, health maintenance organizations, third party administrators, nonprofit dental care corporations, producers, adjusters, and any workers necessary to the continued operation of these entities	March 30 – N/A		All claims “must” continue to be processed and paid in a timely manner. Insurers must continue to make all required filings with DIFS. Entities and persons regulated by DIFS “must” continue to comply with all applicable statutory and regulatory deadlines and requirements unless such deadlines and requirements are expressly waived or modified by the Director.
Montana March 26 Letter to Industry	All Insurance Companies	March 26 - indefinite		“Recommend[s]” that insurers streamline administrative procedures and paperwork to ease consumer burdens.
Nevada March 30 COVID Statement	Insurance carriers, agents and brokers	March 30 - indefinite		“Expectation” is that carriers and insurance brokers and agents will continue to provide claim services and consumer service support using electronic means and using telework opportunities when available and that service will continue to be performed in a reasonable and timely manner.
Nevada March 30 Statement for PC	Commercial and personal lines of insurance	March 30 - indefinite		“Supports” virtual inspections of property, use of electronic means for conducting inspections or audit, and increased use of electronic delivery methods for consumer notifications and interactions. The Division requires notification from the carrier before implementing these practices.
Ohio March 24 Bulletin 2020-06	All Auto Insurers	March 24 – 30 days past expiration of March 9		“Must” not deny a claim solely because the driver license of a named insured or other covered family member has expired since the Governor’s March 9 declaration of emergency.



MCDERMOTT WILL & EMERY

State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020

			declaration of emergency	
Oregon March 25 Order	All Admitted Insurers		March 25 – April 23	All insurers must immediately extend deadlines to report claims or other claims communications.
Rhode Island March 25 Bulletin Number 2020-4	Insurers writing business in Rhode Island		March 25 – N/A	“Requests” that insurers provide as much flexibility as possible to explore more efficient and responsive claims processing and payment.
Texas March 23 Bulletin #B-0007-20	All insurance companies (and premium finance companies)		March 23 - TBD	Carriers must continue to promptly identify, evaluate and resolve claims; acknowledge receipt of a claim; Claims handling deadlines extended for an additional 15 days.
Utah March 23 Bulletin 2020-2	Insurers offering property and casualty insurance coverages		March 23 – indefinite	Commissioner “urges” insurers to promptly process and pay claims related to earthquake or COVID-19, particularly claims for business interruption losses, to minimize impact to insureds.
Virginia March 25 Bulletin Regarding Claims Handling	Insurers		N/A	“Encourages” insurers to continue to adjust/process claims during this public health emergency as expeditiously as possible and to utilize all possible methods of adjusting claims remotely, such as telephone, mail, and mobile applications while striving to meet normal time frames in place for adjusting/processing claims whenever possible. However, the Bureau will take current circumstances into account if a subsequent compliance issue arises with respect to claims processing/adjustment time frames.
Washington March 25 Claims Advisory	All authorized and unauthorized P&C companies and licensees that conduct business in Washington;		March 25 – indefinite	The Commissioner “expects” insurers to follow minimum standard of claims handling as provided by regulation.
West Virginia	Insurers and other regulated entities		March 13 –N/A	“Ordered” that normal time frames for claim handling and settlement are suspended in the State of West Virginia until further notice, but insurers and



	<p>March 13 Emergency Order 20-EO-01</p>			<p>other regulated entities “shall” continue to adjust claims as expeditiously as possible during this insurance emergency, and shall utilize all possible methods of adjusting claims remotely, such as telephone, email, facsimile, mobile applications, satellite imagery or 3D mapping, all the while striving to meet normal time frames for the adjustment and resolution of claims whenever possible.</p> <p>The Commissioner “recognizes” that some claims must be adjusted in person and that strict adherence to normal time frames may be impractical in those certain circumstances and others related to staffing and social distancing because of the COVID-19 crisis.</p>
	<p>West Virginia</p> <p>March 18 Emergency Order 20-EO-02</p>	<p>Insurers, producers and other insurance-regulated entities</p>	<p>March 18 – N/A</p>	<p>“Consider” the difficulties experienced, and to be experienced, by both private citizens and businesses as a result of the current State of Emergency 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.</p> <p>“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.</p> <p>“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.</p> <p>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.</p>



MCDERMOTT WILL & EMERY
State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020

	<p>West Virginia</p> <p>March 23 Emergency Order 20-EO-03</p>	<p>Workers' Compensation Insurers and other regulated entities;</p>	<p>March 23 – N/A</p>	<p>“Ordered” that normal time standards for claims handling applicable to workers' compensation insurers and other regulated entities are suspended until further notice, provided that workers' compensation insurers and other regulated entities shall continue to adjust workers' compensation claims as expeditiously as possible during the insurance emergency and shall utilize all possible methods of adjusting claims remotely, such as telephone, email, facsimile, and mobile applications, all the while striving to meet normal time standards for the adjustment and resolution of claims whenever possible.</p>
	<p>Wisconsin</p> <p>March 23 Bulletin</p>	<p>All insurers</p>	<p>Policies in effect on or after March 17, effective until public health emergency order is lifted</p>	<p>Commissioner “orders” insurers not to deny a claim under a personal auto policy solely because the insured was engaged in delivering food on behalf of a restaurant impacted by the restaurant closure. Insurers providing commercial general liability coverage to a restaurant are also “ordered” to notify their restaurant insureds that hired and non-owned auto coverage is available and to provide this coverage to an insured restaurant upon request.</p>



6. Business Interruption/ Civil Authority and related Data Calls				
	Alabama April 27 FAQs about Business Interruption Insurance	Interested Parties	April 27 – indefinite	Provides answers to FAQs related to business interruption coverage in Alabama. Notes that “while the ALDOI often helps consumers as an advocate in the claims process, the Department does not have the authority to require insurers to extend coverage under existing policies, especially if there are specific exclusions of business interruption coverage”. In addition the FAQs state that “perils or causes of loss that are not listed on, or are not described in, the policy are typically not covered [and that] business interruption coverage typically can only be triggered if there is direct physical property loss that leads to the business interruption – for example, a fire or flood damaging your property that has caused you to suspend your business activities.”
	Arkansas March 23 Bulletin No. 9-2020	All admitted and surplus lines insurance carriers doing business in this state, and other interested parties	March 23 – indefinite	Explains business interruption coverage and notes that “standard [Business Interruption Insurance] policies generally exclude viruses and bacteria and/or communicable disease.” States that the Department has approved the ISO endorsement forms related to Business Interruption Insurance coverage.
	California Undated FAQs on Business Interruption	General public	Undated - indefinite	“Business interruption insurance policies typically cover loss of income, rental value, or both. In general, business interruption insurance policies require a direct physical loss or damage to a property caused by a covered peril (i.e. fire, water damage, etc.) in order for business interruption coverage to apply. Most commercial policies have exclusions for loss due to contamination by virus and similar perils, such as pandemics.”
	California March 26 Notice April 3 updated Q&A	All Admitted and Non-Admitted Insurance Companies	No later than April 9	“Should,” to the extent it is available, provide the following data regarding business interruption, civil authority, contingent business interruption, and supply chain coverages only for CA: (1) How many policies are covered under each such coverage? (2) Out of these policies, how many policies fall under businesses with more than 500 employees or alternatively meet your definition of large business? (3) Out of these policies, how many policies fall under businesses with less than 500 employees or alternatively meet your definition of medium size business? (4) Out of those with less than 500 employees, how many policies fall under businesses with less than 100 employees or alternatively meet your definition of small business?



MCDERMOTT WILL & EMERY

State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020

				<p>“Make every effort” to respond by April 9. CDI will release aggregated data but not individual company data; describes the scope of insurance policies covered by the request; describes differences between CA request and the NY and WA requests, and defines certain terms; specifies that the Department “asks for admitted and non-admitted insurers’ cooperation.”</p>
<p>Colorado</p> <p>April 3 FAQs</p>	Unspecified	April 3 - indefinite		<p>Explains that businesses should business interruption coverage may be available and that businesses should consult with the agent, broker or insurer to identify policy provisions that may permit coverage. References the surplus lines market for COVID-19 specific coverage but cautions that less consumer protection is available. Recommends that businesses that have business interruption coverage file a claim.</p>
<p>Delaware</p> <p>FAQs updated April 29</p>	General public	Indefinite		<p>“Typically, policies require physical damage to the property for payment, and many policies have specific exclusions for viral infections, like COVID-19. Contingent business interruption policies similarly protect against losses due to disruptions in the supply chain, but these policies may require physical damage to the property for payment, and many policies have exclusions for communicable diseases, like COVID-19.”</p>
<p>District of Columbia</p> <p>April 30 Coronavirus Omnibus Emergency Amendment Act of 2020</p>	Policies issued to insureds with fewer than 100 full-time employees, each of whom works 25 or more hours per week as of March 1, 2020	<p>To be placed on the agenda for the May 5 Legislative meeting</p> <p>Effective upon approval of the Mayor and for no longer than 90 days</p>		<p>Would provide retroactively that every insurance policy that includes coverage for loss of use and business interruption “shall” be construed to cover business interruption resulting from a public health emergency. “No insurer may” deny a claim for loss of use and occupancy or business interruption due to actions an insured takes in response to a Mayor’s order issued during a public health emergency (even if the policy excludes loss resulting from virus) or due to no physical damage to property. Insurers may apply to the Commissioner for reimbursement from the Insurance Regulatory Trust Fund. The Commissioner may make assessments against licensed insurers that sell business interruption insurance as necessary to recover amounts paid to insurers.</p>
<p>District of Columbia</p> <p>Undated Statement</p>	General Public	N/A		<p>“In some BI policies, coverage may be triggered when a business is shut down due to an order issued by a civil authority. Mayor Bowser’s Order 2020-053 would not trigger BI coverage, however, because a pandemic peril is not a specified event that causes physical damage to a property. There is a possibility that BI coverage could be triggered if unrelated physical damage occurred to the property during the public health emergency.”</p>



MCDERMOTT WILL & EMERY

State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020

<p>Federal</p> <p>H.R. 6494 - Rep. M. Thompson "Business Interruption Insurance Coverage Act of 2020"</p>	<p>"Insurer" as defined in section 102 of the Terrorism Risk Insurance Act of 2002 (includes admitted and IID listed surplus line carriers)</p>	<p>Date passed into law – indefinite</p>	<p><i>Introduced, text now available.</i> H.R. 6494 would require insurers that offer business interruption insurance coverage to make available insurance coverage for business interruption losses due to viral pandemics, forced closures of businesses, mandatory evacuations, and public safety power shut-offs on a basis that does not materially differ from terms, amounts, and coverage limitations applicable to losses arising from other events; voids any related exclusion in contracts that are in force as of the date the Act is passed into law; preempts any state approval of any such exclusion; provides a mechanism by which insurers can reinstate such exclusions.</p>
<p>Federal</p> <p>Maloney Pandemic Risk Reinsurance Program</p> <p>Rep. C. Maloney "Dear Colleague" Letter</p>	<p>TBD</p>	<p>TBD</p>	<p><i>No current draft.</i> In a letter to congressional colleagues, Rep. Carolyn Maloney (D-NY) states that she is developing the Pandemic Risk Insurance Act of 2020, to create the Pandemic Risk Reinsurance Program, a system of shared public and private compensation for business interruption losses resulting from future pandemics or public health emergencies. The plan would "serve as a backstop to maintain marketplace stability and to share the burden alongside private industry".</p>
<p>Federal (updated)</p> <p>H.R. 6497 - Rep. B. Fitzpatrick "Never Again Small Business Protection Act of 2020"</p>	<p>"Insurer" as defined in section 102 of the Terrorism Risk Insurance Act of 2002 (includes admitted and IID listed surplus line carriers)</p>	<p>Upon certification by the Secretary that there is in effect a federal backstop to reinsure excessive losses</p>	<p><i>Introduced.</i> H.R. 6497 would require every commercial property/casualty policy that includes business interruption coverage to make available optional additional coverage for losses stemming from the closure of a business due to a national emergency or public health crisis, provided that the Secretary of the Treasury certifies that there is in effect a federal backstop mechanism to reinsure insurers for "excessive losses". Coverage would be denied if the employer terminated an employee or if the employer ceased offering health insurance. Such coverage may exclude coverage resulting from national emergencies only if the insurer has received a written statement authorizing such exclusion or the insured fails to pay premium for such coverage.</p> <p>Requires the Federal Advisory Committee on Insurance to study whether there should be a federal backstop for business interruption. As drafted, H.R. 6497 leaves unclear whether the Secretary is <i>required</i> to make a certification and whether there exists a mechanism to provide for a federal backstop.</p>
<p>Federal</p>	<p>TBD</p>	<p>TBD</p>	<p><i>No Current Draft.</i> Senator Mike Rounds (R-SD) reached out to APCIA with proposal for insurers to retroactively cover business interruption claims for</p>



MCDERMOTT WILL & EMERY

State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020

	Rounds Business Interruption Legislative Proposal			excluded coronavirus losses and have the federal government cover the cost of doing so (similar to a “Write Your Own” policy under the NFIP).
	Federal Stivers Business Interruption Legislative Proposal	TBD	TBD	<i>No Current Draft.</i> Housing and Insurance Subcommittee Ranking Member Steve Stivers (R-OH) is considering a bill that would retroactively eliminate any exclusions of business interruption due to the coronavirus. The federal government would provide for the full costs of industry payment of coronavirus business interruption claims as if virus exclusions did not exist.
	Federal Pandemic Risk Reinsurance Act Rep. M. Waters March 18 Press Release Discussion Draft	Entities that are licensed or admitted to engage in the business of providing primary or excess insurance, eligible surplus line carriers listed on the NAIC Quarterly Listing of Alien Insurers, and certain other entities that have received direct earned premiums for certain types of commercial property and casualty insurance.	TBD	The “Pandemic Risk Reinsurance Act” would establish a federal Pandemic Risk Reinsurance Program (Program) in the U.S. Department of the Treasury. The Program would operate in a manner that is similar in nature to the Terrorism Risk Insurance Program, but would apply to certain losses that are covered under commercial business interruption policies in the event of a pandemic or outbreak of communicative disease. Significant elements of the Program include voluntary (rather than mandatory) participation, an aggregate deductible of \$250 million, an aggregate cap on losses at \$500 billion, and a 95% federal share of compensation for insured losses in excess of the aggregate deductible (subject to the aggregate cap). Our analysis of the discussion draft is available here .
	Georgia March 17 Bulletin 20-EX-3	Georgia Consumers	March 17 – indefinite	“Viruses and disease are typically not an insured peril unless added by endorsement”; describes civil authority coverage. The Department is offering expedited review for business interruption endorsements that provide coverage for actual loss of business income and extra expenses caused by a government order closing the insured’s premises or quarantining the premises, and from government suspension of some forms of public transport.
	Hawaii Business Insurance FAQs	Consumers	April 3 - indefinite	Explains business interruption insurance “protects your business against losses you sustain when your business operations are suspended due to direct physical loss or damage,” and notes “it is questionable whether business interruption coverage specifically protects against virus and bacteria losses.”



MCDERMOTT WILL & EMERY

State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020

Idaho Undated COVID-19 Business Interruption FAQ	General Public	N/A	The policy determines what is covered, but “in general, Business Interruption coverage requires a direct physical loss or damage to covered property caused by a covered peril (i.e. fire, water damage, etc.) in order to trigger the coverage.” States that civil authority clauses also may require physical damage to property, but not necessarily the insured’s property or at the insured location, and there may be coverage for closure of a business because of action by a governmental entity because of health and safety concerns.
Idaho April 23 Bulletin 20-08	All property or casualty insurance companies, agents, consumers, and other interested parties	April 23 - indefinite	Explains that some policies may expressly exclude payment for damage from virus or communicable disease, and some policies may provide coverage for closure of a business because of action by a governmental entity because of health and safety concerns if covered physical loss or damage has occurred, but not necessarily to the insured’s property or at the insured location. “Instructs” insurers not to report policyholder inquiries regarding coverage as negative claims activity or claims denial. “Strongly encourages” insurers to consider the factors described in the bulletin in determining whether coverage exists and “reminds” insurers of their responsibility to act in good faith.
Illinois Undated COVID-19 FAQs	Consumers	N/A	Responds to FAQs related to business interruption insurance and states, <i>inter alia</i> , that “most business interruption insurance coverage contains a virus and bacteria exclusion that specifically excludes losses that result from any virus , bacterium, or other microorganism that induces or is capable of inducing physical distress, illness or diseases.” The FAQs also state that “business interruption insurance usually requires direct physical loss ”.
Kansas COVID-19 FAQ	Policyholders	April 2 and 8 (updates on those dates)	It is the Department’s understanding that it is unlikely that a business policy would cover losses related to COVID-19, as most business policies have communicable disease exclusions.
Louisiana House Bill 858	Insurers	TBD	Provides for recovery of losses from insurers providing business interruption coverage for businesses that suffered losses due to interruption as a result of the coronavirus disease 2019 pandemic. Retroactive to March 11.
Louisiana SB 477	Insurers; every policy of insurance insuring against loss or damage to property, which includes the loss of use and occupancy and business interruption in force in this state	TBD	Requires every policy of insurance in force in Louisiana on March 11 and thereafter insuring against loss or damage to property that includes the loss of use and occupancy and business interruption to be construed to include coverage for business interruption due to the threat posed by COVID-19.



MCDERMOTT WILL & EMERY

State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020

Massachusetts Bill SD.2888	Would apply to business interruption policies sold to Massachusetts businesses with 150 or fewer full-time employees, as long as the policies were in place by the March 10 emergency declaration.	March 23 – until the March 10 emergency declaration is rescinded by the governor.	If enacted, would prohibit insurers from denying a claim for the loss of use and occupancy and business interruption on account of (i) COVID-19 being a virus or (ii) there being no physical damage to the property of the insured or to any other relevant property. Insurers may apply to the commissioner of insurance for relief and reimbursement from a fund collected from assessments to be charged in each fiscal year against licensed insurers in the Commonwealth that sell business interruption insurance.
Michigan HIB-5739	Insurers	Introduced April 24 th	An insurer that “delivers, issues for delivery, or renews in this state” a business interruption insurance policy shall include coverage for business interruption due to COVID-19. Coverage must indemnify insureds for any loss of business or business interruption for the duration of the declaration of state of emergency under Executive Order No. 2020-04. This applies to a business interruption policy in force on the effective date of the bill and that is issued to an insured that has less than 100 eligible employees. Eligible employee means a full-time employee who works a workweek of 25 or more hours. Likely applies to surplus line insurers since they issue policies for delivery in the state.
Minnesota Undated Consumer Alert: Business Interruption Coverage	Guidance for Insurance Industry	N/A	Provides explanation of business interruption coverage, noting “The only way to determine whether an event is covered is to read your policy...The industry trend has been to exclude business interruption coverage for viruses, but this may not be universal.”
Mississippi April 24 "Understanding Business Interruption Insurance" Press Release	To public	n/a	Article from Commissioner Chaney explaining that under the business interruption or business income policy, there likely is no coverage as losses occurring as a result of a virus or bacteria are typically excluded by admitted companies. Surplus lines carriers might not have the same exclusions. Business owners with questions about their coverage should read their policies and contact their agent/broker or insurer directly for assistance, and consider whether it is in their best interest to file a claim. They should also consider financial stimulus options from both Federal and State governments. The Insurance Department “ do[es] not have the authority to require insurers to extend coverage under existing policies ” the owner may have, especially if there are specific exclusions of Business Interruption coverage.



MCDERMOTT WILL & EMERY

State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020

Mississippi Consumer Alert on Business Interruption	To public	N/A	“IMPORTANT: While the Mississippi Insurance Department often helps consumers as an advocate in the claims process, we do not have the authority to require insurers to extend coverage under existing policies the owner may have, especially if there are specific exclusions of Business Interruption coverage.”
NAIC COVID-19 and Insurance Brief	Brief available to the public	N/A	Section on Business Interruption Insurance/Event Cancellation Insurance includes a statement that “ Typically, policies exclude coverage for communicable diseases, such as COVID-19.”
NAIC March 25 Statement on Congressional Action Relating to COVID-19	Press release to general public	N/A	Includes a statement that “Business interruption policies were generally not designed or priced to provide coverage against communicable diseases, such as COVID-19 and therefore include exclusions for that risk. ... While the U.S. insurance sector remains strong, if insurance companies are required to cover such claims, such an action would create substantial solvency risks for the sector, significantly undermine the ability of insurers to pay other types of claims, and potentially exacerbate the negative financial and economic impacts the country is currently experiencing.”
New Hampshire FAQs on Business Interruption	To public	N/A	The scope of business interruption coverage varies by policy. You should read your policy or policies carefully and consult with both your insurance agent and insurer to determine the exact scope of coverage provided by your specific policy or policies.
New Jersey Bill AB3844	Every policy of insurance insuring against loss or damage to property, which includes the loss of use and occupancy and business interruption, in force in NJ on the effective date of the Act issued to insureds with less than 100 employees in NJ	Retroactive to March 9	If enacted, this legislation would alter terms of business interruption policies to cover pandemic losses, even when specifically excluded from the contract; insurers may apply for reimbursement from a special apportionment fund that the regulator will collect from all authorized insurers in the state, on a pro rata basis calculated based on net premium written in the state during that calendar year. We understand that committee leadership has held the bill pending further discussion with the industry.
New Jersey	<i>Truhaven Enterprises d/b/a Fiorino Ristorante v. Chubb Ltd.</i>	April 20	Complaint. Fiorino Ristorante in Summit, New Jersey is proposing a class action against Chubb for denying coverage for losses caused by government-ordered business closures stemming from the COVID-19 pandemic. Fiorino claims that



				Chubb improperly rejected its claim for business interruption coverage on the ground that the restaurant had not been physically altered. The plaintiff is seeking to represent a nationwide class of entities that entered into standard all-risk commercial property insurance policies with Chubb covering business income losses that do not expressly exclude coverage for pandemics, and that subsequently suffered losses due to COVID-19.
New York Undated Business Interruption Insurance FAQs	General public		N/A	FAQs on NYDFS website regarding business interruption include statements such as: "It is unlikely that a current business interruption policy has contemplated the coronavirus specifically. However, you should check to see if your policy has an exclusion that would disable coverage for an incident triggered by an epidemic or pandemic, which might apply as the COVID-19 situation evolves. Also, any claim would still need to be related to your property damage for coverage to be triggered." The FAQs also note that the State of Emergency does not change the terms of a business interruption policy.
New York Assembly Bill A10327	Would apply to certain policyholders in the healthcare industry		Retroactive to March 7 th	Every policy of insurance insuring against loss or damage to property, which includes the loss of use and occupancy and business interruption, shall be construed to include coverage for losses arising from COVID-19 for certain policyholders, including mental health outpatient providers, substance use disorder treatment providers, diagnostic and treatment centers, health clinics, community-based programs, certain government funded healthcare programs, home health care providers, primary health care providers, child care services providers, and others. Insurers providing such coverage may apply to the Department for relief and reimbursement through funds collected from assessments imposed on entities transacting business under the NY Insurance Code.
New York Assembly Bill 10226 Senate Bill 8211	Would apply to every property insurance policy which includes the loss of use and occupancy and business interruption, issued to insureds with less than 100 employees		Retroactive to March 7 th	If enacted, this legislation would alter terms of business interruption policies to cover losses arising from COVID-19, even when specifically excluded from the contract; insurers may apply for reimbursement from a special apportionment fund consisting of funds that the regulator will collect from all authorized insurers in the state on a pro rata basis calculated based on net premium written in the state during the calendar year. Amended April 8 th to provide for automatic renewal on the same premium for all business interruption policies that expire during the state of emergency. Identical companion bill introduced in Senate on April 17 th . The Assembly Bill was amended April 29, and the Senate Bill was



MCDERMOTT WILL & EMERY

State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020

				amended May 1, to state that the reimbursement and contributions to the apportionment fund also apply to excess line insurers.
North Carolina April 17 Letter to Business Owners	To Business Owners, Public	April 17		Strongly-worded letter explaining why mandating post-loss business interruption coverage would “ end the very existence of the business interruption insurance market as we know it, ” and “ cripple the insurance industry causing many companies to fail. ”
North Dakota Statement on "Business Disruption" Insurance	To public	N/A		“Unfortunately, it’s unlikely that you will find coverage through your business disruption coverage. Generally, the triggering event for coverage would include physical damage; a pandemic is not considered physical damage. Also, under business disruption coverage there can be Civil Authority coverage, this too generally is triggered by physical damage.”
Ohio House Bill 589	Would apply to business interruption policies held by Ohio companies with 100 or fewer full-time employees, provided the policies were issued by March 9, when a state of emergency was declared.	Retroactive to March 9		Measures would effectively rewrite certain business interruption policies to include the coronavirus pandemic as a covered cause of loss. An insurer that indemnifies an insured for such a loss could apply to the Superintendent of Insurance for relief and reimbursement. The Superintendent shall charge an assessment to insurers engage in the business of insurance to obtain necessary funds.
Oregon Statement on Business Interruption	To public	N/A		“Most business interruption insurance covers only loss of income that results from physical damage to property. Business interruption policies typically exclude coverage for a pandemic/epidemic. A state of emergency declaration does not change the terms of your business interruption policy and is unlikely to trigger business interruption coverage.” “Because coverage varies across policies, you need to read your particular policy and consult your broker or insurer or its agent for more information.”
Pennsylvania Senate Bill 1127	Applies to first-party business interruption and similar coverage with effective dates on or before March 6; excludes life, health or disability insurance, fidelity or surety bonds, credit or mortgage	Introduced April 30, effective immediately upon enacting		COVID-19 Property and Business Interruption Insurance Act. Defines property damage within a structure as follows: “If a person positively identified as having been infected with COVID-19 has been present in, or if the presence of the COVID-19 coronavirus has otherwise been detected in, a building, an office, a retail space, a structure, a plant, a facility, a commercial establishment or other area of business activity, that area of business activity shall be deemed to have experienced property damage.”



MCDERMOTT WILL & EMERY

State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020

		insurance, title insurance, workers compensation, general liability or employer's liability insurance, representations and warranties insurance, and ocean marine, hull and cargo insurance		Loss of market exclusion, and similar exclusions, may not preclude coverage for COVID-19-related losses if one of the reasons for reduced customer demand for a policyholder's goods or services is the COVID-19 pandemic that gives rise to policyholder's losses for which coverage is sought. Governor's March 19 business closure Order constitutes an order of civil authority; and also prohibits ingress/egress as a direct result of physical damage in the immediate vicinity
Pennsylvania Senate Bill 1114	To insurance companies providing for coverage under business interruption insurance during COVID-19 disaster emergency	Applicable to active insurance policies with effective dates prior to March 6, 2020; effective immediately.		COVID-19 Insurance Relief Act would require that a policy insuring against a loss related to property damage, including the loss of use and occupancy and business interruption, shall be construed to include loss due to COVID-19 and coverage for loss due to a civil authority order related to COVID-19. Sets maximum coverage limit percentages for small/non-small businesses. Pennsylvania Supreme Court shall have exclusive jurisdiction to hear any challenges concerning constitutionality of the act.
Pennsylvania Undated FAQ: COVID-19 Business Interruption Insurance	To public	N/A		Business interruption insurance typically covers a company's lost income during a "period of restoration" that must be caused by a "covered cause of loss", like a fire. This "covered cause of loss" is usually related to the damage of the property. The business interruption coverage should pay the lost income until the damage can be repaired and the business is restored. "Business interruption usually requires property damage."
Pennsylvania House Bill 2372	Providing for insurance coverage for business interruption. This applies to an insurance policy issued to an insured of an insurance policy if the insured has fewer than 100 eligible employees (a full time employee who works a normal work week of at least 25 hours) in Pennsylvania, and in force on March 6, 2020.	Effective immediately upon passing.		The bill has 23 co-sponsors. Bill purports to: (1) clarify that business interruption policies include coverage of perils related to COVID-19; (2) allow insurers to receive reimbursement for business interruption insurance claims paid due to COVID-19; and (3) provide for a mechanism to make funds available for such reimbursement.
South Carolina S. 1188	Every policy of insurance that insures against loss or damage to property	Upon approval by the Governor; retroactive to		Amends the insurance code to require insurers providing coverage for loss of use and occupancy or business interruption to cover claims directly or indirectly resulting from COVID-19 virus. Applies only to policies that are issued to



MCDERMOTT WILL & EMERY

State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020

			policies in force before SOE expires	insureds with less than 150 full time employees and that are in force (a) on the effective date of the act or (b) before the date on which the governor's state of emergency declaration expires. Restricts insurers from denying business interruption claims for certain events arising from the COVID-19 crisis.
	Texas Statement on Business Interruption	To public	N/A	Business interruption insurance generally covers financial losses due to property damage that prevents a company from doing business. For any type of insurance, policyholders should read their policy and talk to their insurance company to determine what coverage is available.
	Washington Undated Coronavirus and Business	Washington state businesses	N/A	Explains business interruption insurance and states that the Office of the Insurance Commissioner does not have the authority to mandate insurers sell or retroactively cover pandemic coverage or policy endorsements. States, "It's questionable whether your business interruption or business income policy specifically protects against coronavirus. It's important to read your policy for all exclusions, coverage limits, and deductibles."
	West Virginia March 26 Bulletin 20-08	All Insurers, Insurance Trade Associations, and Other Interested Persons	March 26 - indefinite	"Business interruption insurance policies are governed by contract law and the coverages and exclusions may vary from insurance company to insurance company, as well as from business to business. ... Business interruption coverage is typically triggered under a commercial insurance policy when a covered risk causes direct physical loss or damage to the insured's or policyholder's premises resulting in the need to shut down business operations. ... Perils that are not listed or described in the policy, or that are specifically excluded in the policy, are generally not covered. ... Global pandemics like COVID-19 usually fall into this category of risks or perils that are not covered. Business interruption policies were generally not designed or priced to provide coverage against communicable diseases, such as COVID-19, and therefore usually include exclusions for that risk." Also " directs " that no insurance company should report negative claims activity or a claim denial when an insured or policyholder contacts the company or a producer to ask about coverage for COVID-19.



7. Notable Litigation				
	Alabama	<i>Ollie Irene v. Farmers Insurance Exchange</i>	Complaint filed April 7.	Complaint . A restaurant is suing Farmers in Alabama state court for denying its claim seeking coverage for loss of income due to the COVID-19 crisis. The complaint maintains that an Alabama State Health Officer's order precluded access to and consumption of food or drink on the premises of the restaurant, which constitutes a direct and physical loss of covered property under the policy. The complaint asserts that Farmers denied the claim because there was no direct physical loss or damage to property, access to the premises was not prohibited due to direct physical loss or damage to property, and the policy excludes loss or damage caused by or resulting from any virus that is capable of including physical distress, illness or disease.
	California	<i>Thomas Keller v. Trumbull Insurance Company</i>	Complaint filed March 26	Article Summary Thomas Keller, owner of 6 high-end restaurants in California is seeking a declaratory judgment confirming that the contamination of surfaces in his premises constitutes physical damage and that insurance cover would be triggered by a civil authority shutdown order.
	District of Columbia	Proper Ventures LLC v. Seneca Insurance Company, Inc.	Complaint filed April 9	Complaint A D.C. sports bar is suing its insurer over coverage denial under a business interruption policy. Plaintiff asserts that it was forced to close as a result of the Mayor's order prohibiting restaurants from providing table seating or service, thus triggering a civil authority clause that covers loss "caused by action of civil authority that prohibits access to the described premises" under specified conditions.
	Federal, Eastern District of PA: Possible Multi-district Litigation	In re: COVID-19 business Interruption Insurance Coverage Litigation <i>Newchops Restaurant Comcast LLC v. Admiral Indemnity Company</i> <i>LH Dining LLC vs. Admiral Indemnity Company</i>	Complaint not yet filed	Petition . Businesses filed motions with the US Judicial Panel on Multidistrict Litigation to consolidate cases regarding whether business interruption insurance policies cover losses incurred when businesses are told to shut down pursuant to a government order.
	Florida	<i>Mace Marine Inc., d/b/a Conch Republic Divers v. Tokio</i>	Complaint filed April 6	Complaint . The plaintiff, a scuba diving shop in the Florida Keys, is suing Tokio Marine Insurance Company for denying coverage for losses arising out of the




MCDERMOTT WILL & EMERY

State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020

		<i>Marine Specialty Insurance Company</i>		COVID-19 pandemic. The complaint alleges that Tokio Marine breached the terms of its business interruption policy when it denied coverage to the plaintiff through a letter stating that the pandemic does not constitute direct physical loss under the policy.
Florida		<i>Prime Time Sports Grill, Inc. d/b/a Prime Time Sports Bar v. Certain Underwriters at Lloyd's London</i>	Complaint Filed April 2	Complaint . The plaintiff, a sports bar in Tampa, Florida holds a commercial property insurance policy that, according to the complaint, does not exclude losses resulting from an order by the Governor to suspend business operations. The complaint alleges the defendant denied coverage on March 23 on the ground that the policy only covers work stoppage that results from physical losses and property damage.
Illinois		<i>Big Onion Tavern Group, LLC et al v. Society Insurance, Inc.</i>	Complaint filed March 27	Complaint The plaintiffs include over a dozen Chicago-based owners and operators of restaurants and movie theaters which, the complaint alleges, have been forced, by recent orders issued by the State of Illinois, to cease their operations as part of the State's efforts to slow the spread of the COVID-19 global pandemic. Plaintiffs assert that their insurance company and the sole defendant in the action, Society Insurance, Inc., failed to honor its obligations under commercial business owners insurance policies, which included certain business interruption coverage.
Indiana		<i>Indiana Repertory Theatre, Inc. v. The Cincinnati Casualty Company</i>	Complaint filed April 3.	Complaint . An Indiana nonprofit professional theater is suing an insurance carrier over business interruption coverage due to COVID-19. The complaint alleges that the carrier wrongfully claimed that the theater's closure resulting from COVID-19 does not constitute a physical loss that would trigger the policy. The theater's position is that "all risks" insurance is broad and should therefore apply.
Louisiana		<i>Cajun Conti LLC v. Lloyd's</i>	Complaint filed March 23	Summary and Complaint . Oceana Grill in New Orleans contends that the civil authority prong of its "all risk" property policy with Lloyd's should cover its lost revenue following statewide orders that sharply curtailed the size of public gatherings and required restaurants to cease on-site dining. Like other civil authority provisions, the one in Oceana Grill's policy requires that a government restriction stem from a "direct physical loss" to a nearby property for coverage to apply. Oceana Grill contends that this requirement is met by the COVID-19



				pandemic and cite the Louisiana and New Orleans restrictions damage public space.
Missouri	 <i>Ja-Del v. Zurich American & Lovell Sagebrush & R-T Specialty</i>	April 28		Ja-Del, a Missouri Corporation which appears to own and operate restaurants, contends in a complaint filed in Missouri state court that it has suffered direct physical losses as a result of the COVID-19 crisis and its attendant shut down orders issued by state and local government. The complaint alleges that its claims were unreasonably and wrongfully denied, claiming that the denial letter wrongfully applied a “microorganism exclusion” to the business income coverage provisions pursuant to which the claim was filed. Plaintiff further contends negligence on the part of the specialty insurance broker vis a vis its failure to procure an insurance policy that would fully cover an interruption to Plaintiff’s business.
New Jersey	<i>Truhaven Enterprises d/b/a Fiorino Ristorante v. Chubb Ltd.</i>	April 20		Complaint. Fiorino Ristorante in Summit, New Jersey is proposing a class action against Chubb for denying coverage for losses caused by government-ordered business closures stemming from the COVID-19 pandemic. Fiorino claims that Chubb improperly rejected its claim for business interruption coverage on the ground that the restaurant had not been physically altered. The plaintiff is seeking to represent a nationwide class of entities that entered into standard all-risk commercial property insurance policies with Chubb covering business income losses that do not expressly exclude coverage for pandemics, and that subsequently suffered losses due to COVID-19.
Oklahoma	<i>Chickasaw Nation Department of Commerce v. Lexington Insurance Co.</i> <i>Choctaw Nation of Oklahoma v. Lexington Insurance Co.</i>	March 24 March 24		Chicksaw Complaint Choctaw Complaint The Chickasaw and Choctaw nations filed lawsuits in Oklahoma court against an AIG unit, Lloyd's of London and other insurance companies asking a court for an order that any financial losses to their casinos and other businesses as a result of the coronavirus pandemic be covered by their insurance policies. In two separate petitions, the Oklahoma tribes asked the court for judgments declaring that their insurance policies cover any losses and expenses related to the COVID-19 pandemic and that AIG, Lloyd's of London and other insurance companies named as defendants be responsible for the losses.



MCDERMOTT WILL & EMERY
State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020

Pennsylvania Complaint	<i>LH Dining LLC v. Admiral Indemnity Co.</i> , 2:20-cv-01869, E.D.Pa.	April 10, 2010	Pennsylvania restaurant seeks declaratory relief that it is covered for business losses under insurance policy with Admiral Indemnity Company under its “civil authority” coverage where there is a loss of income when access to the insured property is prohibited by order of civil authority.
Texas	<i>SCGM Inc. v. Certain Underwriters at Lloyd's</i> (S.D. Tex.)	Complaint filed	Case Info and Link to Complaint Theater and restaurant owner filed a complaint against Lloyd’s over their “anticipated refusal” to provide coverage under a “Pandemic Event Endorsement.” Plaintiff anticipated a denial because it received a statement from a Lloyd’s agent that there was not coverage under the Pandemic Event Endorsement because COVID-19 is “not a named disease on that endorsement.” Plaintiff argues that the Endorsement covers a “Covered Disease... <i>their mutations, or variations.</i> ” “Severe Acute Respiratory Syndrome-associated with coronavirus (SARS-CoV) disease” is listed in the Endorsement and plaintiff claims that the current coronavirus strain is a variation and/or mutation of SARS-CoV.
Texas	<i>Barbara Lane Snowden DBA Hair Goals Club v. Twin City Fire Insurance Company</i>	March 26	Complaint Plaintiff, wig store, claims it sustained covered losses as a result of COVID-19 order closing non-essential businesses. Argues that business interruption claim was wrongfully denied.



ISSUE	STATES	SCOPE	DURATION	MWE OBSERVATION/ADVICE/POSITION
8. Electronic Filings				
	Arkansas April 14 Bulletin 18-2020	All admitted and surplus lines insurance carriers	April 14 – “until rescinded”	“ Advises ” insurers that they are “ still required ” to make all mandated electronic filings with the NAIC as well as those filed with AID. Companies that will not be able to meet filing deadlines must contact AID. Generally, companies must file certain documents in hard copy form. However, AID “ will accept ” electronic filings with electronic signatures at this time. Companies are “ expected ” to keep a list of all electronic filings and file with the AID within 60 days after a return to work.
	California April 6 Notice	All Admitted and Non-Admitted Insurance Companies and All Interested Parties	April 6 – due dates for 2020 Q1 Financial Statements	“ Strongly encouraged ” to file forms via the Online Assistance System for Insurer Submittals (“OASIS”) or, for corporate affairs applications, via email submission to CAB-SF-Intake@insurance.ca.gov . When remote notarization is unavailable, electronically signed/certified documents will be accepted. The required paper original of a properly executed document must be submitted within 90 days of the lifting of the “shelter-in-place” order in California.
	Colorado March 24 Emergency Regulation 7 CCR 1101-3	All entities subject to the Workers’ Compensation Rules of Procedure.	March 24 – during the state of emergency	Notarization is not required on settlement agreements. Information and requests submitted to the Division of Workers Compensation “ must ” be submitted by email. The 7-day requirement for denial of a request for prior authorization of treatment is extended to 35 days for procedures or treatment unavailable due to emergency restrictions.
	Colorado March 30 Emergency Regulation 7 CCR 1101-3	All entities subject to the Workers’ Compensation Rules of Procedure.	March 30 – July 22	Emergency regulations now in effect address coding and maximum allowance to increase payment for telehealth services for injured workers.
	Delaware	All insurance companies authorized to transact	April 3 - indefinite	Insurers are encouraged to file forms electronically and use electronic signatures “where permitted.” The Department will accept



MCDERMOTT WILL & EMERY

State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020

ISSUE	STATES	SCOPE	DURATION	MWE OBSERVATION/ADVICE/POSITION
	April 3 Bulletin 117 and 33	business in DE and all licensed insurance producers		electronic signatures that comply with the Uniform Electronic Transactions Act. “Encourages” regulated entities to use electronic signatures if appropriate. Notarization of documents is suspended for filings, but properly notarized document shall be filed with 60 days after state of emergency.
	Georgia April 9 Executive Order	General public; Notaries public	April 9 – termination of the SOE	“Suspends” requirement that notarial acts must be performed in the physical presence of a notary public subject to certain conditions, including the use of real-time audio-video communication technology. Instances that require physical presence of another individual “may” be satisfied by use of audio-video communication technology or similar mechanism.
	Illinois March 31 Company Bulletin #2020-06	All companies, consumers, and all others having business with the Illinois Department of Insurance	March 31 – Indefinite	Companies that must file documents or send communications to the Department are advised to do so electronically whenever possible. Where electronic corporate and financial filings are not an option, in addition to normal mailing procedures, companies are advised to reach out to their assigned Department contact
	Kansas April 29 Updated FAQs	Insurers	April 29- indefinite	The Department reminds insurers that any changes to rating plans and forms, including endorsements, must be filed through SERFF. COVID-19 filings will receive expedited review.
	Kansas April 9 Executive Order No. 20-20	Notaries and witnesses	April 9- May 1 or until the SOE expires, whichever is earlier	The requirement that a person must appear before a Notary Public is suspended and satisfied if the Notary Public performs a remote notarization via two-way audio-video communication, provided that both notary and the individual signing are physically in Kansas during the signing, the notary can identify the individual signing the document with sufficient evidence of the individual’s identity, and the transaction otherwise follows published guidance form the Kansas Secretary of State.
	Kansas	Insurers, public	April 15 (updated version)	Insurers are required to file through SERFF any changes to rating plans, forms, and endorsements for approval by the Kansas



ISSUE	STATES	SCOPE	DURATION	MWE OBSERVATION/ADVICE/POSITION
	April 15 update to COVID-19 FAQs			Insurance Department. COVID-19 related filings will receive expedited review.
	Kentucky April 7 Bulletin 2020-02	NAIC domestic insurers filing on the NAIC blank licensed by the Kentucky Department of Insurance	April 7 – Indefinite	Companies are “ required ” to make all required electronic filings with the NAIC (e.g., quarterly financial statements, audited financial statements), or for those that are not filed with the NAIC but to the analyst assigned to your company. However, the Department will permit (upon request) an additional 30 days to complete most of the following filings (and 60 days for some). The NAIC hard copy, original signature, and related filing requirements are currently waived . However, companies are “ expected ” to keep a list of all filings that were made electronically in lieu of hard copy filings so that they can file all the hard copies within 60 days after returning to work. The Department “ expects ” electronic communication will be used by companies on all other financial related communication, with hard copies provided within 60 days if required by law.
	Kentucky April 10 Department of Workers' Claims Admin. Order 2020-01	Workers' Compensation Stakeholders	April 10 – Duration of SOE or until rescinded.	Digital signatures are considered “electronic signatures” for purposes of 803 KAR 25:010 (requiring that an application for resolution of a claim and “all other proceedings” be signed electronically); any document may be signed electronically. The notarization requirement for a claimant’s signature on Form 109 is suspended .
	Maine April 29 Bulletin 447	All insurance carriers	April 29	“ If possible ”, carriers “ must ” make all filings with the Superintendent as and when required by Maine law, including electronic filings with the NAIC. However, any carrier “ may ” contact the Bureau to make a written request for an extension of time. Extensions will not exceed 30 days for certain filings and 60 days for certain other filings. Although the Bureau generally instructs companies to file certain documents in hard copy form with original signature, it “ waives ” these requirements while the insurance emergency remains in effect but “ expects ” companies to keep a list of all filings made



MCDERMOTT WILL & EMERY

State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020

ISSUE	STATES	SCOPE	DURATION	MWE OBSERVATION/ADVICE/POSITION
				electronically so that hard copies can be filed within 60 days after the emergency is lifted.
	Maryland March 30 Executive Order 20-3-30-04	Individuals, Notary Publics	March 30 – Duration of SOE	Authorizes remote notarizations
	Massachusetts April 3 Bulletin 2020-11	All Insurance Companies, HMOS, BSBC, Fraternal Benefit Societies and Workers' Compensation Self-Insurance Groups	April 3	<p>Notarization and hard copy original requirements for the March 31 quarterly financial statement are if the insurer notifies the DOI of its inability to satisfy those requirements; due date extended to June 15 for insurers notifying the DOI.</p> <p>During the SOE and for 10 business days after, holding company filings may be filed via e-mail. Review periods for Form Ds are extended to two months. The due dates for Forms B and F are extended to June 15 for insurer notifying the DOI.</p> <p>CGAD and Audit/Internal Control-related reports may be filed electronically by July 15 for any insurer that notifies the DOI.</p>
	Michigan March 20 Bulletin 2020-08-INS	Insurers	March 20 – Duration of SOE	<p>“Encouraged” to utilize maximum flexibility in rescheduling meetings or allowing alternatives to in-person policyholder or stockholder meetings. Insurers should also consider enacting alternatives such as teleconferences or videoconferences for meeting of the board of directors and committees of the board.</p> <p>Annual Reports “must” be filed in accordance with standard directions for such reports; however, all other filings “can” be made electronically. Companies are “expected” to keep a list of all filings that were made electronically.</p>
	Minnesota Insurance Guidance	Those subject to Regulatory Filings and Examinations	March 31	Department will accept documents filed electronically with NAIC in lieu of hard copy regulatory filings.



MCDERMOTT WILL & EMERY

State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020

ISSUE	STATES	SCOPE	DURATION	MWE OBSERVATION/ADVICE/POSITION
	Mississippi Bulletin 2020-7	Any Company with License/Registration Renewals and Fees, Regulatory Filing Deadlines and Requirements	All revised due dates: June 30, 2020	The hard copy, original signature, notary, mailing and related filing requirements are currently waived . Companies are expected to keep a list of all filings that were made electronically in lieu of hard copy, so that hard copy filings can be made within 60 days after the State of Mississippi has allowed a return to work.
	Mississippi April 6 Executive Order No. 1467	General public; Notaries public	April 6 – duration of SOE plus 14 days	“Permits” notaries public to perform electronic signatures and electronic notarizations without requiring physical presence, provided that certain conditions are satisfied.
	Missouri April 6 Executive Order 20-08	Individuals, Notary Publics	April 6 - May 15	Allows for remote notarization using audio-video technology.
	Missouri March 24 Insurance Bulletin 20-06	All insurers conducting the business of insurance in the State of Missouri	March 24 – May 15	All annual statement supplemental filings will be considered officially filed with the Department when filed electronically with the NAIC. For 2020, any requirements to send signed hard copies of annual statement supplemental filings are optional . All other filings (e.g., holding company filings and dividend or surplus note payment requests) should be made electronically with an electronic signature.
	Nebraska April 8, 2020 Notice	All insurers licensed to write business in Nebraska.	During the duration of the Governor’s emergency declaration.	Waives hard copy and original signature requirements., however, companies are expected to keep a list of all filings made electronically so that they may file all hard copies within 30 days after being notified by the Department of Insurance.
	New Hampshire March 24 Bullet Docket No. 20-021-AB	P&C Insurers and Producers	March 24 – Once crisis subsides	Property and casualty laws do not require wet signatures. Producers and insurers are “free to” obtain electronic signatures.
	New Hampshire	Foreign and domestic insurers	March 26 – N/A	Financial Regulation filing requirements, such as Financial and Annual Statement filings will be accepted electronically. Holding Company filing deadlines extended.



MCDERMOTT WILL & EMERY

State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020

ISSUE	STATES	SCOPE	DURATION	MWE OBSERVATION/ADVICE/POSITION
	March 26 Bullet Docket No. 20-022-AB			
	New Jersey Assembly Bill 3903	General public; notaries public	Bill signed by governor and effective April 14 th ; expires upon rescission of Executive Order 103	Permits notarial acts to be performed remotely using communication technology as long as Executive Order 103 declaring a public health emergency and state of emergency is in effect.
	New York Guidance on Electronic Signatures, Transactions and Filings	All	N/A	The use and acceptance of electronic signatures and records in New York is permissible for all transactions and filings with the DFS.
	North Dakota March 25 Bulletin 2020-5	Insurers and other regulated entities	March 25 – N/A	The Company and Licensing and Examination Division will accept all filings electronically.
	Ohio April 15 Bulletin 2020-09	Individuals, companies, and other entities licensed pursuant to laws of this state relating to insurance.	April 15 – upon expiry of SOE	Companies “ shall ” continue to submit all required financial filings. However, the Department is willing to allow companies an additional 30 days (and in some cases 60 days) to complete certain financial filings, provided that a written request is submitted and approved. Requirements to submit information in physical form – including mailings, wet signatures, and notary requirements – are “ suspended ”. Companies must maintain a record of all such filings and submit physical information within 60 days of the Order’s expiration.
	Pennsylvania Senate Bill 841	General public	April 20. Remote notarization authorization shall expire 60 days after termination or	Governor Wolf signed Senate Bill 841 into law, permitting, <i>inter alia</i> , remote notarization during the COVID-19 crisis.



ISSUE	STATES	SCOPE	DURATION	MWE OBSERVATION/ADVICE/POSITION
			expiration of the COVID-19 disaster emergency.	
	Pennsylvania March 19 Notice 2020-05	Insurers	March 19 – N/A	Electronic filings will be permitted “for a limited time”. “Requests that any filings which are not “immediately necessary” be withdrawn and any planned filings be held until further notice.
	South Carolina April 24 Bulletin 2020-05	All insurance companies including captives and other persons licensed to transact business	April 24 – indefinite	The Department “ will accept ” an electronic signature on the jurat or other pages in lieu of a wet ink signature provided the party submitting the document or other filing has complied with the requirements of the South Carolina Uniform Electronic Signatures Act (SCUETA). Regarding these filing requirements, the Department “ will accept ” and “ encourages ” companies to file only electronic copies of filings during this State of Emergency. Companies are “ expected ” to keep the original filing and a list of all filings that were made electronically in lieu of hard copy filings. Once the State of Emergency has been lifted, companies will have 60 days to submit hard copies.
	Tennessee April 13 Bulletin 20-06 April 20 Guidance	All Insurers	April 13 - Indefinite	Companies are “ required ” to make all required electronic filings. However TDCI is willing to allow insurers an additional 30 days (and in some cases 60 days) to complete certain financial filings, provided that it receives and approves a written request. Hard copy, original signature filing requirements are currently waived; companies are “ expected ” to make all filings electronically. On April 20, the Department issued additional guidance for to Tennessee Captive Insurers. Captive RRGs “ do not ” require hard copy filings in the normal course of business and are advised to “ disregard ” the “Electronic Filing and Signatures” section of the Bulletin.
	Tennessee	Interested parties	April 9 – May 18	Permits remote notarization and remote witnessing of documents to allow the execution of documents without the need for in-person



MCDERMOTT WILL & EMERY

State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020

ISSUE	STATES	SCOPE	DURATION	MWE OBSERVATION/ADVICE/POSITION
	April 9 Executive Order No. 26			contact, provided that such execution occurs via real-time audio and visual communication and other conditions.
	Texas March 19 SLTX Response	Surplus lines agents and brokers	March 19	Encourages brokers and agents who typically complete surplus lines filings and payment processes by mail to use electronic means.
	Texas March 25 Bulletin #B-0009-20	All Insurance Companies	March 25 - TBD	Financial filings should be filed electronically, filings can be submitted without payment, and filings may be submitted using electronic signatures, without notarization, and without fingerprints
	Texas March 27 Press Release	Workers' Compensation	March 27 – Until further notice	Division of Workers' Compensation filings may be submitted without payment, with electronic signatures, and without sworn statements, affidavits and notarization
	U.S. Virgin Islands April 8 Bulletin 2020-08	Admitted Insurers, Surplus Lines Carriers, Air Ambulance Companies, Premium finance Companies, Purchasing Groups, Risk Retention Groups, Exemption International Insurers (Captives), International Insurer Support Businesses (Service Providers), and Third Party Administrators	April 8 – N/A	OPT <i>ins</i> has been expanded to allow electronic submission of licensing and miscellaneous filings and payment of accompanying fees. The Division will continue to accept paper filings, but "encourages" the use of OPT <i>ins</i> in lieu of paper submissions.
	U.S. Virgin Islands March 30 Bulletin 2020-05	Insurance Companies	March 30	The deadline for all documents due April 1 is extended to May 1.
	Virginia	Surety Companies	April 21	Surety companies "may" implement digital signatures on surety bonds during the COVID-19 emergency, but must include an



MCDERMOTT WILL & EMERY

State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020

ISSUE	STATES	SCOPE	DURATION	MWE OBSERVATION/ADVICE/POSITION
	April 21 Letter Regarding Digital Signatures on Surety Bonds			electronic corporate seal and a surety bond seal addendum, which contains language specified in the letter.
	Virginia April 14 Administrative Letter Regarding Filing Requirements during the COVID-19 Public Health Emergency	All Insurers	April 14 – 60 days after Virginia has allowed return to work	Hard copy and notary requirements for filings are waived – the Bureau will accept electronic filings and signatures. However, insurers must file the hard copies within 60 days after Virginia has allowed return to work.
	West Virginia March 26 Bulletin 20-07	All Insurers, Insurance Trade Associations, Consumers and Interested Persons		“Encouraged” to file required forms electronically and utilize electronic signatures where permitted



9. Regulatory Flexibility				
	Alaska April 15 Order R20-03	Property and casualty insurers	April 15 – Governor’s determination that public health disaster emergency no longer exists.	Reduction in premium or refund to accommodate COVID-19 will not be considered a rebate or unfair discrimination to the extent reasonable and consistently applied, and will not be considered noncompliance with approved rates or forms.
	Alaska April 15 Order R20-04	Insurers	April 15 – Governor’s determination that public health disaster emergency no longer exists.	Insurers “ may ” “request filings originally submitted as File and Use be treated as Prior Approval if their company experiences operational challenges due to COVID-19.”
	Alaska Bulletin B20-06	All insurers authorized to transact insurance in the state of Alaska	March 20 - indefinite	Extends the review period for rate, form, and advertisement filings (different durations for different types of filings).
	Arizona Undated Continuity of Work - License Requirements	N/A	N/A	Makes provisional licenses available to Arizona residents who meet all license requirements other than passing the exam and submitting fingerprints. The provision license expires six months after issuance, and a provisional license holder will have 20 days after notification by the Department to pass the examination and 30 days after notice to submit fingerprints.
	Arizona April 16 Bulletin 2020-4	All insurers providing any insurance coverage including life, health, motor vehicle, property, casualty, and other types of insurance for individuals, groups, and businesses	April 16 – after the public health emergency has ended or as long as reasonably practicable so insureds have time to recover	Customer relief programs will not be considered violations of the Unfair Trade Practices Act, including provisions regarding prohibited inducements, so long as they are administered in a uniform, consistent manner. Insurers must make an informational filing in SERFF to document the program. Insurers must continue to handle claims in accordance with regulatory timeframes.
	Arizona	Arizona-authorized insurers	April 14 - indefinite	Department will allow insurers additional time to complete filings, will waive requirements to file hard copies and permit electronic signatures, and will not



MCDERMOTT WILL & EMERY

State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020

	April 14 Bulletin 2020-3			conduct any on-site examination work contrary to the spirit of public health directives.
Arkansas	April 14 Bulletin 18-2020	All admitted and surplus lines insurance carriers	April 14 – “until rescinded”	“ Advises ” insurers that they are “ still required ” to make all mandated electronic filings with the NAIC as well as those filed with AID. Companies that will not be able to meet filing deadlines must contact AID. Generally, companies must file certain documents in hard copy form. However, AID “ will accept ” electronic filings with electronic signatures at this time. Companies are “ expected ” to keep a list of all electronic filings and file with the AID within 60 days after a return to work.
California	April 22 Emergency Rulemaking Electronic Signatures	General public	April 22 – October 20	Specifies what constitutes “ acceptable technology ” for use in electronic signatures that can be used in commerce and with state and local agencies.
California	April 22 Notice	All Admitted Insurers, Surplus line Brokers, and Other Interested Persons	April 22 – October 1	Any insurer or surplus line broker filing a premium tax return that requires paying less than \$1M in premium tax (based on the 2019 Annual Tax Liability) is granted an automatic three month extension to file and pay. Others may request an extension
California	April 6 Notice	All Admitted and Non-Admitted Insurance Companies and All Interested Parties	April 6 – due dates for 2020 Q1 Financial Statements	90 day extension for filing 2019 Annual Statements, 2019 supplemental filings, and 2020 First Quarterly Statements; no extensions for filing Form A 110 – Valuation of Securities. Electronically signed/certified documents will be accepted if remote notarization not available.
California	April 3 Notice	All Admitted and Non-Admitted Insurance Companies, All Licensed Producers, and Other Interested Parties	April 3 - indefinite	The Department will not be issuing temporary licenses or waiving the legal requirements for applicants to pass a qualifying examination and to submit fingerprints for a criminal background check.
Colorado	Draft Order	General public	N/A Comments due May 1	Draft – Division will issue temporary resident producer licenses without examination under specified circumstances, including sponsorship by an insurer. Holders of the temporary license are not eligible for nonresident licenses in other states.
Colorado	Emergency Reg. 3 CCR 702.4	Resident and nonresident licensed insurance producers and agencies, and registered	April 2 - indefinite	Waives proctoring requirements for continuing education exams, allows for the continuation of license and registration renewal deadlines and associated procedures.



MCDERMOTT WILL & EMERY

State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020

		cash- bonding agents and professional cash-bail agents		
Colorado	Finalized/non-draft April 6 Bulletin B.5-40	All insurers issuing private passenger automobile and/or claims made policy forms	April 6 - indefinite	Insurers “ may ” use electronic delivery of documents, but the bulletin does not change, restrict, or broaden existing requirements, including that consent from the insured is required. For electronic delivery consent forms, the 31-day advance filing requirement does not apply.
Connecticut	April 29 Bulletin FS-39	All foreign insurance companies, foreign health care centers, and foreign fraternal benefit societies authorized to do business in CT	April 29 – May 15 filings	Provides conditional regulatory relief and assistance to Connecticut licensed insurers with respect to certain regulatory filings requirements. Foreign companies are still required to make all required electronic filings with the NAIC or CT. However, the CID is “ willing to allow ” insurers an additional 30, 45 or 60 days for specified hard copy filings upon request . The Department may reject requests based on specific facts.
Connecticut	April 29 Bulletin FS-38	All domestic insurance companies, domestic health care centers, and domestic fraternal benefit societies authorized to do business in CT	April 29 – May 15 filings	Provides conditional regulatory relief and assistance to Connecticut licensed insurers with respect to certain regulatory filings requirements. Foreign companies are still required to make all required electronic filings with the NAIC or CT. However, the CID is “ willing to allow ” insurers an additional 30, 45 or 60 days for specified hard copy filings upon request . The Department may reject requests based on specific facts.
Connecticut	April 20 Notice	All Producers and Insurers Transacting the Business of Insurance in Connecticut	April 20 – end to SOE	The Commissioner will issue temporary resident producer licenses without exams during the period covered by the COVID-19 Executive Orders. The Notice has detailed processes to apply for a 180-day resident producer license.
Connecticut	April 15 Press Release	General public	April 15 - indefinite	The Department expedited approval of a new MassMutual life insurance product that offers no-cost, guaranteed issue 3-year term policies to front-line health care workers during the COVID-19 pandemic.
Connecticut	April 9 Bulletin FS-37	All insurance companies, health care centers, and fraternal benefit societies authorized to do business in CT		All licenses previously issued by the CID to insurance companies, health care centers and fraternal benefit societies bearing an expiration date of May 1, 2020, are valid until July 1, 2020 .
Delaware	April 15 Eleventh Modified Order	General public	Effective April 15 until the termination of the SOE, except as	Authorizes notaries to perform notarizations for a principal not in the physical presence of the notary public, provided detailed mandatory conditions are met (e.g., performed by licensed attorney, each individual located in DE, signature verification, simultaneous sight and sound communication).



MCDERMOTT WILL & EMERY

State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020


			may be rescinded, superseded, amended, or revised by additional orders	
Delaware April 9 Bulletin 118	All insurance companies authorized to transact business in DE	Indefinite		“Allowing” insurers to request an extension of certain filing deadlines by an additional 30 to 60 days, depending on the type of filing. Includes chart of 20 different filings with the applicable extension available, but only upon request and approval.
District of Columbia April 27 Order 03-2020	All insurance companies authorized to conduct business in the District, including life, health maintenance organizations, hospital and medical service corporations, property and casualty, taxicab, fraternal benefit societies and insurance premium finance companies but not captives and risk retention groups	April 27 – duration of the public health emergency		Reduction or refund of premium due to change of risk exposure will not be considered a rate change requiring a new filing or a rebate or unfair discrimination to the extent reasonable and consistently applied. Insurers “should” submit new rate filings for premium reductions that create new classifications or are intended to extend beyond the public health emergency and “should” request expedited review. Department will provide expedited review of form and rate filings to insurance companies that offer reasonable accommodations and premium relief to policyholders.
District of Columbia April 23 Bulletin 20-IB-04/10	All insurers, captives and RRGs domiciled in the District of Columbia	April 23 - indefinite		Department is willing to allow an additional 30 or 60 days (depending on the filing) to complete most annual filings upon written request on or before the normal deadline, and Department reserves the right to deny a request. The hard copy, original signature, and related filing requirements are waived , but companies “are expected” to keep a list of electronic filings so they can file hard copies within 60 days after the stay-at home orders are no longer in effect. Department will not conduct on-site examination work while a stay at home order remains in effect and recognizes that company response times may be slower.
District of Columbia April 13 draft order (unsigned)	All insurance companies authorized to conduct business in the District, including life, health maintenance	TBD		Draft Order: The Department will provide expedited review of rate and form filings to insurers that offer reasonable accommodations and premium relief to policyholders.



MCDERMOTT WILL & EMERY

State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020

 Adobe Acrobat Document	organizations, hospital and medical service corporations, property and casualty, taxicab, fraternal benefit societies and insurance premium finance companies but not captives and RRGs		
Federal April 20 Treasury OFAC Press Release re: COVID-19	Persons, including financial institutions and other businesses	April 20	The Office of Foreign Assets Control (OFAC) in the U.S. Department of Treasury “encourages” persons, including financial institutions and other businesses, affected by the COVID-19 global pandemic to contact OFAC as soon as practicable if the person believes it may experience delays in its ability to meet deadlines associated with regulatory requirements administered by OFAC. This includes requirements related to filing blocking and reject reports within ten business days as required by 31 C.F.R. §§ 501.603 and 501.604 , responses to administrative subpoenas issued pursuant to § 501.602 , reports required by general or specific licenses, or any other required reports or submissions.
Georgia March 20 Directive 20-EX-5 [Updated] April 28 Directive 20-EX-7	All licensed insurance companies in the State of Georgia	March 20 – May 31	Certain insurer filing requirements and attendant deadlines, including all non-federal filing deadlines are temporarily suspended , and all applicable late filing fees are waived (not applicable to product filings).
Hawaii April 27 Memorandum 2020-4A	All admitted and non-admitted insurers offering policies in the state of Hawaii	April 27 – June 26 (subject to extension by the Commissioner)	“Supports” measures in claims handling such as virtual inspections of property and increased use of electronic delivery for consumer notifications and interactions. Division will consider proposals to quickly adjust to changes in risk exposure and may waive enforcement of relevant statutes and may allow deviations from filed rates or contract language where new rates are lower than the rate on file, actions are applied uniformly and without prejudice to insureds, and insurer has notified the Commissioner in writing in advance.
Idaho April 22 Bulletin 20-06	All authorized insurers	April 22 - indefinite	Upon request , the Department may allow insurers extensions of time to make certain regulatory filings of 30 days or 60 days, depending the filing. Hard copy and original signature requirements are waived, provided that companies “are expected” to keep a list of filings so that they can file hard copies within 60 days



MCDERMOTT WILL & EMERY

State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020

				after the state has allowed a return to work. The Department will not conduct on-site examination work that is contrary to the spirit of any public health directive and acknowledges that company response times may be slower.
Idaho April 15 Bulletin 20-5	All property or casualty insurance companies		During the state of emergency	Department will not regard certain activities as unfair practices, including waiving fees or penalties for late premium payment or response to insurer inquiries, extending grace periods, additional time before nonrenewal or cancellation becomes effective, extending deadline for proof of loss, permitting self-auditing and self-reporting in lieu of physical audits, using electronic payment technology, and expanding auto coverage to personal vehicles while delivering food etc. for commercial and charitable purposes. Department will consider proposals to adjust to changes in risk exposure, including waiving enforcement and allowing deviation from filed rates or forms so long as the action is applied uniformly and the insurer has notified the director in writing.
Idaho April 6 Bulletin 20-04	Producers and Applicants for Producer Licenses		April 6 - indefinite	Provides for issuance of provisional producer licenses with deferred examination.
Illinois April 16 Company Bulletin #2020-10	All companies subject to Article VIII 1/3 of the Insurance Code (i.e., the “Corporate Governance Annual Disclosure Law”)		April 16 – Indefinite	The first Corporate Governance Annual Disclosure submission is due to the Department by June 1, 2020. Under the Code, any insurer failing, without just cause, to timely file the CGAD will be required to pay a \$200 daily penalty. The Director has “ determined ” that the COVID-19 emergency is “just cause” for an untimely filing and is waiving the \$200 daily penalty until August 1. Insurers that can meet the June 1 deadline are “ encouraged ” to do so. Any late filings up to August 1 “ should note ” that the delay was caused by the COVID-19 emergency.
Illinois Surplus Line Association COVID-19 Response Measures Webpage	Surplus line Insurers			The Surplus Line Association of Illinois has implemented a temporary, automatic 30 day grace period for stamping fee payments.
Indiana April 3 Executive Order 20-17	Licensees		April 5 – May 5	Renews Executive Orders 20-02 and extends deadlines in Orders 20-03 through 20-16. License expiration dates, outstanding license renewal applications and/or continuing education requirements that were due April 30 th are now extended to June 22 (extended from date initially set in Order 20-09).



MCDERMOTT WILL & EMERY

State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020

Iowa March 25, 2020	Licensed resident insurance producers	March 22- indefinite	The Division is waiving the classroom method requirement and proctor requirements for continuing education and allowing self-study courses or classroom equivalent webinars. Producer license renewals can be submitted up to 90 days in advance and should be submitted online via NIPR.
Iowa April 9 Bulletin 20-07	All insurance producers and insurance companies	April 9 th -June 1 st	Implements process to issue temporary licenses to those persons undergoing training. To obtain a temporary license, the applicant must have an Iowa licensed resident producer in good standing supervise business of individual and attesting to being responsible for all business of the applicant. Carriers will not be required to make appointments of temporary licensees through standard appointment filing process and may determine the appointment by receiving a copy of the temporary license certificate.
Kansas Executive Order No. 20-19	All state agencies	April 9- indefinite	Requires state agencies to extend any renewal deadlines for licenses, certificates, registrations, waives late fees and penalties for such renewals, and extends deadlines for continuing education requirements mandated by any state agency until 90 days following termination of the State of Disaster Emergency.
Kentucky April 24 Guidance re: Return of Premium Tax	Interested parties	April 24 – indefinite	The Department is “aware” of the administrative burden placed on insurers if a prorated return of local government premium tax was ordered and “recognizes” that this revenue is needed by local governments to fund critical services. Therefore, the Department takes the position that a refund of local government premium taxes in relation to the return of premium as a result of altered driving patterns during the COVID-19 pandemic is “unwarranted” .
Kentucky April 24 Guidance re: Premium Relief	All insurers transacting insurance business	April 24 – duration of SOE	The Department “notifies” all insurers that, during the state of emergency and subject to the conditions set forth by this guidance, it will not regard certain activities as unfair trade practices or unfair methods of competition, including: performing mid-term adjustments to retroactively or prospectively apply returned premium; placing coverage in abeyance, at the request of the insured; waiving fees, penalties, or other charges relating to an insured’s temporary inability to submit premium; virtual auditing or allowing self-auditing and self-reporting in lieu of physical auditing; extending grace periods for premium payment; extending the effective termination date of non-renewals and cancellations; extending submission deadlines for proof of loss; and encouraging insureds to use electronic payment technology that aids social distancing. The Department “may” also “permit” reasonable deviation from filed rates or contractual



MCDERMOTT WILL & EMERY

State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020

				language when such actions are applied uniformly and without prejudice, and the insurer has notified the Commissioner in writing of their specific proposal.
Kentucky April 7 Bulletin 2020-02	NAIC domestic insurers filing on the NAIC blank licensed by the Kentucky Department of Insurance	April 7 – Indefinite		Companies are “ required ” to make all required electronic filings with the NAIC (e.g., quarterly financial statements, audited financial statements), or for those that are not filed with the NAIC but to the analyst assigned to your company. However, the Department will permit (upon request) an additional 30 days to complete most of the following filings (and 60 days for some). The NAIC hard copy, original signature, and related filing requirements are currently waived . However, companies are “ expected ” to keep a list of all filings that were made electronically in lieu of hard copy filings so that they can file all the hard copies within 60 days after returning to work. The Department “ expects ” electronic communication will be used by companies on all other financial related communication, with hard copies provided within 60 days if required by law.
Kentucky April 2 Advisory Opinion 2020-003	All insurers licensed by the Kentucky Department of Insurance	April 2 – Indefinite		The Department will allow rate reduction, loss control, and loss mitigating value-added products and services that prevent or mitigate risk at no or reduced cost to the policyholders to the extent allowable under applicable law. The Department generally does not interpret these statutes to prevent the offer/provision of a rate reduction, loss control, and or loss mitigation value-added product/service if certain conditions are satisfied.
Maine April 29 Bulletin 447	All insurance carriers	April 29		“ If possible ”, carriers “ must ” make all filings with the Superintendent as and when required by Maine law, including electronic filings with the NAIC. However, any carrier “ may ” contact the Bureau to make a written request for an extension of time. Extensions will not exceed 30 days for certain filings and 60 days for certain other filings. Although the Bureau generally instructs companies to file certain documents in hard copy form with original signature, it “ waives ” these requirements while the insurance emergency remains in effect but “ expects ” companies to keep a list of all filings made electronically so that hard copies can be filed within 60 days after the emergency is lifted.
Maryland March 23 Bulletin 20-12	All Property & Casualty insurers	March 23		“ Encourages ” all Property & Casualty insurers to “ consider ” making rate filings that provide temporary relief to insureds (e.g., a premium discount for specific perils or coverages, or any other appropriate reduction in premium commensurate with



MCDERMOTT WILL & EMERY

State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020

				reduced loss exposure). Filing fees for these filings will be waived and the filings will be review on an expedited basis.
Massachusetts S. 2645	Notaries Public	Signed by the Governor on April 23; effective immediately – 10 days after the SOE ends		A notary public “ may ” use electronic video conferencing to perform an acknowledgement, affirmation, or other notarial act.
Massachusetts April 13 Filing Guidance Notice 2020-B	All Carriers Offering Automobile Policies	April 13 – N/A		“ Reminds ” carriers that form filings and rule filings, where appropriate, are required for refunds or premium credits for changes relevant to work-at-home orders. The Division is instituting processes to expedite review of all filings being made to implement COVID-19 refunds and credits. Submissions must be made via SERFF and are subject to a filing fee of \$75.
Michigan April 22 Bulletin 2020-20-INS	Producers, temporary producers, applicants	April 22- indefinite		Temporary producer licenses will be issued, without examination, to applicants meeting specified requirements, for a period of 90 days or until 30 days after the cessation of the state of emergency related to COVID-19, whichever is later, but no more than a total of 180 days. Applicants must apply through the NIPR. Temporary producers will be subject to certain conditions. The Department is working with a third-party vendor to make remote testing available soon .
Michigan April 13 Bulletin 2020-17-INS	Regulated entities	April 13		Regulated entities or persons may request that the Director allow a 30- or 60-day delay in submitting certain regulatory filings. Requests should be made electronically to DIFS with an email to the entity or person’s assigned analyst with a copy to the analyst’s manger.
Minnesota May 1 Commissioner Order May 1 Regulatory Guidance 20-25 May 1 Regulatory Guidance 20-26	All Affected Parties	May 1		Extends certain filing deadlines for specified licensees. Deadline for licensed insurers writing homeowner’s insurance in Minnesota for property located in the metropolitan area or a statutory or home rule charter city of the first class to file annual report due on or before May 1 is extended to June 1. Extends deadline for which state-chartered banks acquiring “other real estate” must obtain an appraisal of the fair market value of the property.



MCDERMOTT WILL & EMERY

State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020

Minnesota April 27 Commissioner Order April 27 Regulatory Guidance 20-21, 20-22 April 27 Regulatory Guidance 20-23, 20-24	Insurance Producer and Insurance Adjuster Licensees	Extension through May 31	The March and April deadlines for insurance producers and adjusters to comply with renewal requirements is extended to May 31.
Minnesota April 24 Regulatory Guidance 20-20	Minnesota Insurance Businesses and Professionals	License valid for 180 days	Department will issue temporary producer licenses to applicants who meet the statutory requirements without requiring examination or the submission of fingerprints and subject to certain requirements set forth in the guidance.
Minnesota Regulatory Guidance 20-17	All licensed insurance adjustors and others	April 15	Department will temporarily accept surety bonds that have electronic signatures that have been notarized by remote online notary public applies to all surety bonds submitted as part of new applications, amendments, and renewals filed during the declared peacetime emergency, if certain criteria followed. This does not apply to NMLS electronic surety bonds.
Minnesota March 30 Regulatory Guidance 20-01, 20-02 and 20-04	Insurance Producer and Insurance Adjuster Licensees	March 30	March 31 deadline for producers and adjusters to comply with renewal requirements extended until April 30 ; deadline for producers and adjusters to reinstate lapsed license without having to take the exam (by paying fees) extended until test center facilities reopened .
Mississippi April 14 Bulletin 2020-7	Any Company with License/Registration Renewals and Fees, Regulatory Filing Deadlines and Requirements	All revised due dates: June 30, 2020	Extends deadline to June 30 , for filing: (1) Surplus Lines Filing Fees, (2) Property & Casualty Insurer Renewals; (3) Title Insurer Renewals; and (4) Accredited Reinsurer Filing Fees. All electronic filings with NAIC must still be made; and if company is not required to file electronically with the NAIC, these filings must continue to be submitted, companies may request additional 30 days to complete subject filings in accordance with the 2020 Annual Statement Instructions Filing requirements. The hard copy, original signature, notary, mailing and related filing requirements are currently waived. Companies are expected to keep a list of all filings that



MCDERMOTT WILL & EMERY

State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020


				were made electronically in lieu of hard copy, so that hard copy filings can be made within 60 days after the State of Mississippi has allowed a return to work.
Mississippi	To public	Duration of State of Emergency and 14 days thereafter	April 6 Executive Order 1467	Permits notaries to perform notarizations for a principal not in the physical presence of the notary public, provided certain conditions are met (e.g., simultaneous sight and sound communications).
Mississippi	Initial Producer Applicants unable to take state pre-licensing exam	Temporary licenses effective for 180 days	April 7 Bulletin 2020-6	Initial applicants who have completed all pre-licensing requirements except for the pre-licensing state examination may receive a temporary insurance producer license . Temporary license is effective for 180 days, during which licensees shall have the opportunity to take and pass the exam. The temporary license is not renewable and applicant will not be eligible to receive another temporary license.
Missouri	All insurers writing personal and commercial lines of property and casualty insurance in Missouri	April 10 – Indefinite	April 10 Insurance Bulletin 20-08	Insurers choosing to provide premium relief to insureds as a result of the COVID-19 emergency (including but not limited to; premium adjustments, premium reimbursements, premium credits, and insured notifications) are “ strongly encouraged ” to submit SERFF filings in order to document such strategies, and are “ strongly encouraged ” to include certain information in such submissions. Any such filings will receive expedited review, provided that the insurer provides advance notification of the SERFF tracking number.
Nebraska	To public	N/A	Volume 1 Spring 2020 Newsletter	Reiterates various COVID-related consumer alerts and industry guidelines put out by the Department, including March 27 Notice (see below), April 17 Notice (see below).
Nebraska	All Producers Licensed to Sell Insurance in Nebraska	April 17	April 17 Notice	Nebraska Department of Insurance has the option available for candidates to take remotely-proctored exams called ProProctor.
Nebraska	All insurers licensed to do business in Nebraska	N/A	March 27 Notice	If an insurer administers accommodations to policyholders or claimants (such as notice of loss requirements, premium payment provisions and cancellation and non-renewal timeframes) on a consistent and fair basis, the Department does not consider them to be violations of the Nebraska Unfair Trade Practices or Unfair Claims Settlement Practices Acts nor associated regulations. Amendatory filings and prior approvals for accommodation practices will not be required, however it is “ requested ” that an informational email be sent to the Department’s life and health division.



MCDERMOTT WILL & EMERY

State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020

Nebraska March 31 Notice (with April 15 revised supplemental form)	Temporary Producer Licenses	Updated April 15	Department will issue temporary resident producer licenses valid for 90 days with application and supplemental form.
Nevada April 29 Release	General Public	April 29 - indefinite	The Division will promptly review all filings for premium refund credits, checks, dividends, and similar measures and will approve all reasonable proposals for consumer relief.
Nevada April 27 Statement	N/A	April 27 - indefinite	Division of Insurance will not waive testing or fingerprinting requirements, but its testing vendor is offering insurance exams at test centers with safety protocols to prevent spread of COVID-19.
Nevada April 23 Statement	General Public	N/A	Notification that Nevada has provisions in place to allow for electronic notarizations, electronic transactions and digital signatures , and delivery of notices and other documents by electronic means. Licensees “ should ” review these provisions to determine use.
Nevada April 20 Guidance  Adobe Acrobat Document	Property and casualty insurers who have experienced significant decrease in insured risk exposure	April 20 - indefinite	Although premium reductions are only encouraged, not mandated (see section 1 above), “ requires ” that premium relief plans, including working with insureds to extend payments to future dates, must be filed, with the understanding that rapid turnaround will be provided, and filings may have retroactive effective dates.
Nevada March 18 Order in Response to COVID-19	N/A	March 18 – Insurance Division offices are reopened	“ Orders ” that statutory deadline for setting hearings is tolled, and all pending hearings are continued.
New Hampshire April 20 Bulletin 20-030-AB	All Property & Casualty Insurance Companies	April 20 until withdrawn by the Commissioner	Provides guidance on providing expanded coverage and premium changes reasonably related to COVID-19 for all property and casualty policies, expanding upon Bulletin 20-025-AB (immediately below). Commissioner “ encourages ” insurers to make changes where appropriate by making form and/or rate filings consistent with the approaches described in Bulletin 20-025-AB. Such changes will not be considered unfairly discriminatory to the extent they are “ reasonably ”



MCDERMOTT WILL & EMERY

State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020

				and consistently applied; ” and will not be considered to be violations of statutes governing return of premium, improper rebates or inducement so long as the filing is provided for expedited review.
New Hampshire April 16 Bulletin 20-26-AB	All domestic and foreign companies	April 16 – August 1		Department is providing “ flexibility ” by adjusting filing deadlines and financial regulatory requirements, including financial statement and holding company filings. Department may request additional information and insurance companies shall timely respond to said requests. Hard copy, original signature and related filing requirements are waived during the state of emergency. Companies are expected to keep a list of all filings to file within 60 days after the state of emergency ends.
New Hampshire April 10 Bulletin 20-025-AB	Property & Casualty Automobile Insurance Companies	April 10 (1) endorsement option shall be valid no more than six months after the filing’s approval date		The Department is “ committed ” to an expedited (i.e. one business day) review of auto policy endorsements reducing or returning premiums (but filing still required).
New Hampshire March 23 Bulletin 20-019-AB	Property & Casualty Insurance Companies	March 23		“ Advising ” insurers to take appropriate precautions when auditing policies and “ if possible ,” leverage virtual audits. Document your files if you are unable to complete audits within 120-day time limit prescribed in N.H. law. Department will not take regulatory action in regard to audits not completed within the 120-day time limit if failure was result of documented COVID-19 concern.
New Jersey Assembly Bill 3903	General public; notaries public	Bill signed by governor and effective April 14 th ; expires upon rescission of Executive Order 103		Permits notarial acts to be performed remotely using communication technology as long as Executive Order 103 declaring a public health emergency and state of emergency is in effect.
New York Undated DFS Insurance Deadline	Regulated Insurance Entities	N/A		Provides accommodation to make regulatory filings electronically; provides extension of time for Holding Company Act filings; permits free trade zone underwriting office to operate from another state; permits insurance producers to work from home without notifying DFS of an alternate business location;



MCDERMOTT WILL & EMERY

State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020


	Extensions and Accommodations FAQs			clarifies that financial and market conduct exams are not being postponed at this time.
	North Carolina April 17 Notice	All interested parties	April 17	Department will issue temporary licenses, working with its third-party licensing vendor Pearson Vue. Pearson Vue will reopen testing facilities at reduced capacity. Applicants that pass the exam may be issued temporary licenses for 120 days, which may later be converted to permanent licenses subject to meeting certain conditions.
	North Carolina April 3 Agent Services Memo	Resident producers and adjusters	April 3, 2020	Department is unable to issue temporary licenses or add new lines of authority to existing licenses due to closing of test centers and inability to meet fingerprint requirements. All N.C. licensed insurance producers and adjusters whose continuing education compliance period expires in March, April or May 2020 will be granted an extension through June 30, 2020. All continuing education courses previously approved for classroom delivery can be offered via webinar without having to refile.
	North Carolina April 14 Guidelines	Property and Casualty Companies	April 14	Three options for companies that plan to offer a “consumer benefit” as a result of COVID-19 (offer the consumer benefit as a policyholder dividend, savings, or unabsorbed premium deposit without any filing; or offer a policyholder benefit after submitting an Optional Enhancement Form filing; or file a rate deviation). NCDOI will “ not accept ” any language that refers to the policyholder benefit as a “payback”, “giveback”, “refund”, “return of premium” or any other nomenclature that hints of a rebate as defined under G.S. 58-33-85.
	North Carolina April 9 Press Release	Insurers	April 9	To avoid falling afoul of anti-rebating laws, rebates or premium paybacks must be filed in advance for approval. Commissioner has developed a filing mechanism to “ quickly ” allow companies to legally offer discounts to help policyholders. Call Property and Casualty Division at 1-855-408-1212 to offer such a plan/rebate.
	North Dakota Bulletin 2020-9	Resident Insurance Producers whose license expires on April 30	CE requirements extended to May 31, 2020 for licensees with licenses expiring April 30	Producers and consultants whose license expires on April 30 are not required to provide Insurance Department with a request for extension and are granted a Continuing Education reporting extension to May 31. Producer renewal deadline remains April 30.



MCDERMOTT WILL & EMERY

State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020

	<p>Ohio</p> <p>April 15 Bulletin 2020-09</p>	<p>Individuals, companies, and other entities licensed pursuant to laws of this state relating to insurance.</p>	<p>April 15 – upon expiry of SOE</p>	<p>Companies “shall” continue to submit all required financial filings. However, the Department is willing to allow companies an additional 30 days (and in some cases 60 days) to complete certain financial filings, provided that a written request is submitted and approved. Requirements to submit information in physical form – including mailings, wet signatures, and notary requirements – are “suspended”. Companies must maintain a record of all such filings and submit physical information within 60 days of the Order’s expiration.</p>
	<p>Ohio</p> <p>April 13 Notice</p>  <p>ODI April 13 Premium Relief Noti</p>	<p>Property & Casualty Insurers Introducing Premium Relief Initiatives During COVID-19 Emergency</p>	<p>April 13 – indefinite</p>	<p>The Department is “supportive” of efforts to provide premium relief to policyholders. Insurers intending to provide such relief: are “required” to submit filings to SERFF; are “required” to provide actuarial justification; and, “should” explain whether the proposed adjustment is being applied uniformly, explain the mechanism for providing adjustments, provide descriptions of notifications and provide data about the provided relief and aggregate expected adjustment.</p>
	<p>Oklahoma</p> <p>April 8 Bulletin No. 2020-02</p>	<p>All insurance companies</p>	<p>April 8- indefinite</p>	<p>Allows insurers to submit a request for an additional 30- or 60- day extension for certain electronic filings. Hard copy, original signature and related filing requirements are waived, however companies must keep a list of all filings that were made electronically in lieu of hard copy and must submit all hard copies within 60 days after the state has allowed return to work.</p>
	<p>Pennsylvania</p> <p>April 22 Bulletin</p>	<p>All Pennsylvania Insurers, Insurance Agencies and Interested Parties</p>	<p>April 22 until time Department decides temporary licensure is no longer in the public interest.</p> <p>Licenses shall remain in effect until 180 days from date of issuance.</p>	<p>Department will issue temporary producer licenses if licensee complies with certain terms.</p> <p>The temporary license is valid for no more than 180 days from the date of issuance.</p>



MCDERMOTT WILL & EMERY

State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020

Pennsylvania Applicant & Licensee COVID-19 FAQs	Pennsylvania Applicants and Licensees	Licenses expiring March 31 until further notice	Licensing renewal deadline for licenses expiring March 31, and such licenses will remain in active status until further notice.
Pennsylvania April 13 Notice 2020-10	All domestic insurers and licensees	April 13	The Department will “ consider ” granting 30 or 60 day extensions on certain regulatory and financial filings, but reserves the right to reject an extension request based on the financial condition or other unique circumstances applicable to the company. Hard copy, original signature, notarization and other in-person related filing requirements are currently waived . All documents should be submitted electronically. Hard copies should be filed within 60 days after social distancing restrictions are lifted.
Rhode Island Bulletin 2020-3, April 21 Update	Producers, adjusters, surplus lines brokers, reinsurance intermediaries and other licensees	March 19, 2020 Bulletin Amended on April 21, 2020	License expirations extended for 90 days: March 31 expirations extended until June 30; April 30 expirations extended until July 31 and May 31 expirations extended until August 30.
Rhode Island April 17 Bulletin 2020-6	Resident Insurance Producers	Effective April 24	Department will issue temporary producer licenses for 180 days if certain conditions are met.
Rhode Island March 19 Bulletin 2020-2	Motor Vehicle Damage Appraisals	March 19	Department will not take administrative action to enforce appraisal provisions of R.I. law requiring in-person appraisals of motor vehicles for damages exceeding \$2500 under certain conditions.
South Carolina April 24 Bulletin 2020-05	All insurance companies including captives and other persons licensed to transact business	April 24 – indefinite	The Department “ is allowing ” insurers additional time to complete and submit certain filings. To receive the additional time, insurers “ must ” submit a notification for late filing. Insurers that can meet the current filing deadlines as required by law or by order, especially audited financial reports for with upcoming examinations, are “ encouraged ” to do so. Any extensions on company-specific deadlines not listed by Bulletin 2020-05 (e.g., captives with alternate fiscal year-ends) require an extension request and prior approval.
South Dakota April 17 Bulletin 20-03	Insurance Producer Applicants and Insurers	Beginning April 20	Department will issue temporary producer licenses for 180 days (or until 60 days after the COVID-19 emergency concludes) if certain conditions are met.



MCDERMOTT WILL & EMERY

State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020

	Tennessee April 13 Bulletin 20-06 April 20 Guidance	All Insurers	April 13 - Indefinite	Companies are “ required ” to make all required electronic filings. However TDCI is willing to allow insurers an additional 30 days (and in some cases 60 days) to complete certain financial filings, provided that it receives and approves a written request. Hard copy, original signature filing requirements are currently waived; companies are “ expected ” to make all filings electronically. On April 20, the Department issued additional guidance for to Tennessee Captive Insurers. Captive RRGs “ do not ” require hard copy filings in the normal course of business and are advised to “ disregard ” the “Electronic Filing and Signatures” section of the Bulletin.
	Texas Undated Modified Filing Requirements	To persons submitting filings	N/A	Texas has extended deadlines for numerous specified filings listed on a chart. Listed financial filings must be signed (ink or electronic), but you may submit them without a sworn statement, affidavit, or notarization, as applicable, through April 30.
	Texas April 8 Bulletin B-0018-20	Insurers and HMOs domiciled in Texas	April 8	TDI will not require insurers or HMOs to file a corporate governance annual disclosure. An insurer or HMO that is a part of an insurance group, and has a lead state other than Texas, should check their lead state’s filing requirements.
	Texas March 24 Bulletin #B-0008-20	All TDI-regulated carriers, agents, adjusters and licensees	March 24 – N/A	Suspension of certain licensing requirements and fees for Texas-licensed insurance agents, adjusters, and other licensees.
	Texas March 30 Notice	Property and Casualty Insurers	March 30 - TBD	TDI is expediting approvals for property and casualty filings that provide additional coverage or relief to policyholders (e.g., removing delivery exclusions from policies; commercial auto companies filing a rate decrease due to less driving and reduced loss exposure).
	Utah April 21 Order 2020-1	N/A	April 21 - indefinite	Department may issue temporary resident individual producer licenses without exam to applicants who meet specified requirements, including sponsorship by a licensed insurer or producer and supervision by a licensed producer. The temporary license will be valid for 180 days and does not render the holder eligible for a nonresident license in any other state.



MCDERMOTT WILL & EMERY

State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
 May 2, 2020


Utah April 8 Bulletin 2020-6	Utah domestic insurers	April 8 - indefinite	“Allows” insurers additional time to complete financial filings <u>if requested by the insurer</u> , and specifies the extension potentially available for different types of filings.
Virginia April 14 Administrative Letter Regarding Filing Requirements during the COVID-19 Public Health Emergency	All Insurers	April 14 – N/A	The Bureau will grant most insurers an additional 30 to 60 days to complete their filings (e.g., quarterly financial statements, audited financial statements); however, insurers must request the extension by e-mail (to BOIFINFILING@SCC.VIRGINIA.GOV) prior to the filing deadline.
Washington April 27 Emergency Rule	N/A	Licenses expiring March 1 – June 30	For licensees with licenses expiring between March 1 and June 30, 2020 who have experienced hardship due to COVID-19, license expiration date will be extended to July 31, 2020 upon request .
Wisconsin April 22 Bulletin 2020-4-22	All Insurers, Agents and interested parties.	April 17- indefinite	Making available remotely proctored insurance agent licensing exams through a remote testing application.



MCDERMOTT WILL & EMERY

State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020


10. Travel Insurance				
Connecticut	All travelers and travel insurers	March 11 - indefinite		"The specific terms and conditions of the issued insurance will control your ability to receive reimbursement for costs you may have incurred. ... The Department is instructing insurers to accommodate travel cancellation requests under the terms of the policies taking into account the seriousness of the circumstances and the Emergency Declaration recently given by Governor Lamont. We would expect companies to carefully advise consumers of their cancellation terms in order to minimize the economic impact to the travelling public."
March 11 Notice				
Connecticut	General public	Indefinite		Numerous FAQs, including statement that "Most standard travel insurance policies are not likely to provide trip cancellation/trip interruption coverage related to COVID-19."
Undated FAQs				
Delaware	Separate letters addressed to individual insurers ("staff attempted to get a full listing of those potentially writing travel insurance related products")	No later than March 24		The letter asks insurers to " please respond " to questions designed to (1) confirm the companies writing travel insurance or related travel products in Delaware and the 2019 premium volume; (2) obtain contact information from each company; and (3) find out each the company's policy is related to possible disruptions from travel related to the Coronavirus.
March 12 Letter to Individual Travel Insurers				
 Delaware Interrogatory COVID				
Florida	Travel Insurance Agents and Insurers:	March 16 – Indefinite		" Asks " that claims be processed promptly when receiving a valid claim; office of the CFO will be "diligent in its efforts to protect consumers from those who create unnecessary barriers to the proper settlement of claims."
March 16 Press Release				
Illinois	All Issuers of Health Insurance Coverage and Travel Insurance	March 2 – indefinite		Unless a travel insurance policy contains an exception applicable to COVID 19, a policy of travel insurance that covers the risks sickness, accident, or death incident to travel presumptively must cover such risks relating to COVID 19
March 2 Company Bulletin 2020-2				
Nevada	Consumers	N/A		Explains travel insurance. States that most travel insurance policies have a foreseeable event exclusion, and many insurers have declared that coronavirus is now a foreseeable event, which may preclude coverage for trip cancellation, trip interruption due to coronavirus.
COVID-19 Travel FAQs				



MCDERMOTT WILL & EMERY

State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020

	<p>New York (no link)</p> <p>March 10 Call for Special Report - Travel Insurance Direct Premiums</p>  <p>NYDFS March 10 Letter - Travel Insuran</p>	All Authorized Property/casualty Insurers	March 18 Deadline	Section 308 letter to travel insurers with a series of interrogatories. Entities must provide certain information regarding the volume of travel insurance written in New York and details on the coverage provided in the types of policies for which it has ongoing exposure.
	<p>North Dakota</p> <p>March 11 Bulletin 2020-1</p>	Insurance Carriers offering Health Insurance Policies or Travel Policies in North Dakota	March 11 – May 1	<p>Travel insurers are “asked” to identify and remove barriers to testing and treatment for COVID-19.</p> <p>Department is “asking” health carriers providing short-term limited duration to take the following immediate measures: “Unless a travel insurance policy contains an exception applicable to COVID-19, a policy of travel insurance that covers the risks sickness, accident, or death incident to travel presumptively must cover such risks relating to COVID-19. The extent of coverage for health care services, emergency transportation within a foreign country, as well as the costs of returning to the United States for further treatment.”</p>
	<p>North Dakota</p> <p>Undated COVID-19 and insurance webpage</p>	To public	Indefinite	<p>Trip cancellation/interruption: COVID-19 is now a known pandemic event, meaning it is not likely that travel insurance policies will cover changes in plans or cancellations for that reason. However, if your policy was purchased before it became a “known event” and you became sick or quarantined, and can provide documentation of it, you might have coverage depending on your policy.</p> <p>Travel sickness/accident: “Pursuant to Bulletin 2020-1, unless a travel insurance policy contains an exception applicable to COVID-19, a policy of travel insurance that covers the risks sickness, accident or death incident to travel presumptively must cover such risks relating to COVID-19 including emergency transportation within a foreign country, as well as the costs of returning to the U.S. for further treatment.”</p>
	<p>Pennsylvania</p>	To public	N/A	“Most standard travel insurance policies are not likely to provide trip cancellation/trip interruption coverage related to COVID-19.”



MCDERMOTT WILL & EMERY
State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020

	FAQ: Travel Insurance and COVID-19			
--	--	--	--	--



MCDERMOTT WILL & EMERY

State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020

11. Workers Compensation Coverage and Rating Notices				
	Alaska April 10 Bulletin SB 241	N/A	March 11 - indefinite	New legislation establishes conclusive presumption of compensability under workers' compensation insurance for emergency response and health care employees who contract COVID-19 under specified circumstances; retroactive to March 11.
	Arizona April 14 Executive Order 2020-29	All workers' compensation insurance plans regulated by the Arizona Department of Insurance, self-insurance plans regulated by the Industrial Commission of Arizona, and the Special Fund	April 14 – duration of the SOE	Workers' compensation insurance plans " are required " to provide coverage for covered healthcare services that can be provided through telemedicine and " may not ," except where approval is granted by the Industrial Commission in cases of suspected fraud, require injured workers to submit to in-person examination or treatment.
	Arizona March 11 Executive Order 2020-29	All workers' compensation insurance plans regulated by the Arizona Department of Insurance, self-insurance plans regulated by the Industrial Commission of Arizona, and the Special Fund	March 11 - indefinite	Workers' compensation insurance plans " are required " to provide coverage for covered healthcare services that can be provided through telemedicine and " may not ," except where approval is granted by the Industrial Commission in cases of suspected fraud, require injured workers to submit to in-person examination or treatment.
	Arkansas April 21 Executive Order 20-22	Arkansas national guard soldiers and airmen on state active duty, and front-line health care workers	April 21 – duration of SOE	First responders, Arkansas National Guard Soldiers, Airmen on State Active Duty, and front-line healthcare workers (as defined) who test positive for COVID-19 " may " be eligible for workers compensation if they can demonstrate a causal connection between their diagnosis of COVID-19 and exposure to COVID-19 as a result of their employment or occupation; Claims for workers compensation due to exposure to COVID-19 " must " be actually incurred due to employment and not due to exposure outside the line of duty.
	California AB664	General applicability	January 1, 2020	Defines "injury" for certain first responders to include being exposed to or contracting, on or after January 1, 2020, a communicable disease, including coronavirus disease 2019 (COVID-19), that is the subject of a state or local



				declaration of a state of emergency. Creates a conclusive presumption that the injury arose out of and in the course of employment. Applies to injuries that occurred before the declaration of the state of emergency.
California SB1159	General applicability	Unspecified		Defines “injury” for a critical worker (as defined) to include illness or death that results from exposure to coronavirus disease 2019 (COVID-19) under specified circumstances. Creates a disputable presumption that an injury that develops or manifests itself while a critical worker is employed arose out of and in the course of the employment.
California WCIRB Governing Committee Action (meeting minutes not yet publicly available)	Workers compensation insurers	Unspecified		The Board voted unanimously for a special regulatory filing as soon as possible to: (a) exclude COVID-19 claims from the experience rating; (b) exclude payments to employees who continue to be paid while not working; and (c) allow assignment of classification 8810 for temporary change in duties. The Committee also determined that there will be no mid-year pure premium rate filing.
California April 13 Bulletin 2020-3	All Property and Casualty Insurers and Workers Compensation Insurers	March 1 – April 30 (can be extended)		“Requires” premium reductions for March and April for the following lines of insurance <u>if</u> the projected loss exposures for those months were overstated or misclassified due to COVID-19. Must be provided (premium credit, reduction, return of premium, or other adjustment) as quickly as possible but no later than August 11. Lines of coverage affected: (1) Private passenger automobile; (2) commercial automobile; (3) workers’ compensation; (4) commercial multiple peril; (5) commercial liability; (6) medical malpractice; and (6) “any other line of coverage <u>where the measures of risk have become substantially overstated</u> as a result of the pandemic.” We believe the Bulletin applies only to admitted carriers. Permitted to make these adjustments without a rate filing if reclassify exposures (e.g., commute vs. pleasure use) or reduce exposure bases (e.g., lower miles driven) consistent with current rating plan. Ordered to report to the Department before June 12 all actions taken and contemplated future actions to refund premium in response to or consistent with this Bulletin (the report must contain 7 data points specified in the Bulletin).
California April 6 Notice	All Workers’ Compensation Insurers and Other Interested Persons			“Reminds” licensees and interested persons that California law requires the payment of workers’ compensation benefits to injured workers regardless of their citizenship or immigration status. Injuries caused by COVID-19 that arise out of and occur in the course of employment are compensable to the same extent as any other compensable injury or disease.



MCDERMOTT WILL & EMERY

State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020

California March 12 Press Release related to Executive Order of same date	General public	March 12 - indefinite	Although not contained in the Executive Order, the Press Release notes that “If workers are unable to do their usual job because they were exposed to and contracted COVID-19 during the regular course of their work, they may be eligible for workers’ compensation benefits.”
California April 3 Notice from DWC	General public	April 3 - indefinite	Documents subject to a statutory time limit may be sent by e-mail directly to the district offices where the filing party could not otherwise e-file, JET file or file the document by mail.
California Undated FAQs on Law Enforced by DIR	General public	Indefinite	10 FAQs, predominantly related to the use of sick leave and related laws.
California Undated LWDA Resource Page	General public	Indefinite	In a chart entitled “Benefits for Workers Impacted by COVID-19” the LWDA notes that, “If you are unable to do your usual job because you were exposed to and contracted COVID-19 during the regular course of your work, you may be eligible for workers’ compensation benefits.”
Colorado March 24 Emergency Regulation 7 CCR 1101-3	All entities subject to the Workers’ Compensation Rules of Procedure.	March 24 – during the state of emergency	Notarization is not required on settlement agreements. Information and requests submitted to the Division of Workers Compensation “ must ” be submitted by email. The 7-day requirement for denial of a request for prior authorization of treatment is extended to 35 days for procedures or treatment unavailable due to emergency restrictions.
Colorado March 30 Emergency Regulation 7 CCR 1101-3	All entities subject to the Workers’ Compensation Rules of Procedure.	March 30 – July 22	Emergency regulations now in effect address coding and maximum allowance to increase payment for telehealth services for injured workers.
Connecticut April 9 Executive Order 7W	General public	April 9 – end of SOE	Base period contributing employer's accounts cannot be charged with respect to benefits paid to a claimant due to partial or total unemployment attributable to COVID-19, including but not limited to benefits paid to a claimant who becomes partially or fully unemployed during the SOE.



MCDERMOTT WILL & EMERY

State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020

Connecticut March 23 Executive Order 7K	General public	March 23	Suspended enumerated non-critical Workers' Compensation Commission statutory, regulatory and administrative deadlines, including time requirements, statutes of limitation, and other limitations or deadlines relating to chapter 568.
Delaware April 13 Notice	Workers compensation insurers and general public	April 1	The Department of Insurance approved a filing revising the Delaware Statistical Plan Manual to establish new coding values for use in recording and tracking losses applicable and/or attributable to COVID-19. The changes are effective April 1 for the reporting of claims with accident dates of December 1, 2019 and later.
Florida April 6 OIR Informational Memorandum	All insurers and entities regulated by the Florida Office of Insurance Regulation authorized to write workers' compensation insurance	April 6 – Indefinite	Regulated entities are " reminded " that section 440.09 Fla. Stat. " requires " an employer to provide workers' compensation coverage if the employee suffers a compensable injury arising out of work performed in the course and scope of employment. First responders, health care workers, and others that contract COVID-19 due to work-related exposure would be eligible for workers' compensation benefits under Florida law.
Florida March 30 CFO Directive 2020-05	Florida Division of Risk Management	March 30 – Until rescinded or superseded	"Directs" the Division of Risk Management to process Workers' Compensation claims submitted by "Frontline State Employees" who have tested positive for COVID-19 as compensable claims for occupational disease.
Florida March 30 Division of Workers' Compensation Notice	Licensed workers' compensation practitioners	March 30 – Indefinite	"Reminds" practitioners that telehealth and telemedicine services are governed by the Department of Health. Authorized services must be in compliance with 456.47 Fla. Stat and Department of Health Emergency Order 20-002. Such services must be mutually agreed upon by the carrier and health care provider prior to treatment. Emergency services and care do not require prior authorization. Carriers and providers should utilize CMS coding standards.
Georgia March 17 State Board of Workers' Compensation Order (Extended by April 7 Order)	Workers' Compensation claimants	March 17 – May 13	Extends deadlines for all workers' compensation claims through May 13.



MCDERMOTT WILL & EMERY

State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020

	Hawaii Undated COVID-19 Employer Workers' Compensation FAQs	General public	N/A	Responding to whether an employer can stop paying workers' compensation premiums because it has laid off all employees, states to please contact legal counsel or the insurer, especially if the employer is closed only due to COVID-19 and reminds that employers are required by law to have worker's compensation insurance.
	Hawaii Undated COVID-19 Q&As	Employees	N/A	Disability Compensation Division informs employees who contract COVID-19 can receive workers compensation benefits only if the contraction is directly attributable to their employment duties.
	Idaho April 27 Bulletin 20-09	Workers' Compensation Carriers	Revisions effective March 1 – December 31	"Advises" carriers to review NCCI April 21, 2020 revision to the Basic Manual and Statistical Plan, make necessary system changes, and clearly communicate the revisions and recordkeeping expectations to all insureds. Revisions include clarifying that idle time is paid downtime and is distinct from paid furloughed employees, and excluding payments to paid furloughed employees from premium calculations. Carriers "should consider" advising insureds to evaluate operations to see changes in classifications warranted during the emergency.
	Illinois April 13 Workers' Compensation Commission Notice of Emergency Amendment WITHDRAWN on April 27	Interested parties	150 days beginning April 13	Implements a rebuttable presumption that "First Responders" and "Front-Line Workers" who are exposed to COVID-19 during the State of Emergency were exposed out of and in the course of their employment. This rule was withdrawn by the Commission on April 27.
	Illinois April 13 Workers' Compensation Commission Notice of Emergency Amendment	Interested parties	150 days beginning April 13	Implements a rebuttable presumption that "First Responders" and "Front-Line Workers" who are exposed to COVID-19 during the State of Emergency were exposed out of and in the course of their employment.



MCDERMOTT WILL & EMERY

State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020

Kansas April 27 Updated FAQs	General public	April 27	The Department is directing employees inquiring about a reduction in premiums for workers compensation to the recently approved NCCI updated rules containing definitions, treatment, and reporting of payments by an employer to paid furloughed employees.
Kentucky April 10 Department of Workers' Claims Admin. Order 2020-01	Workers' Compensation Stakeholders	April 10 – Duration of SOE or until rescinded.	Digital signatures are considered “electronic signatures” for purposes of 803 KAR 25:010 (requiring that an application for resolution of a claim and “all other proceedings” be signed electronically); any document may be signed electronically. The notarization requirement for a claimant’s signature on Form 109 is suspended .
Kentucky March 23 Department of Workers' Claims Notice	All interested workers' compensation stakeholders	March 23 – Indefinite	Medical treatment and services, including physical therapy, may be offered and performed via telehealth, as defined in KRS 304.17A-005 (47), or telephysical therapy, as defined in 201 KAR 22:001(25). An injured worker shall have the right to decline to participate in telehealth and telephysical therapy.
Maryland April 24 Bulletin 20-21	All Property & Casualty Insurance Companies and Producers	March 1, 2020 – December 31, 2020 (the expiration date may be revised)	For the purpose of calculating workers' compensation premiums, employers are “allowed” to exclude payroll for workers who are not performing any employment functions but still being paid.
Maryland April 13 Bulletin 20-20	All Property & Casualty Insurance Companies and Producers	April 13 – N/A	All insurers writing commercial policies such as workers' compensation and commercial general liability “should” work to accommodate policyholder requests for mid-term revisions to premium based on COVID-19 related changes in payroll or revenue. MIA “requests” all insurers to waive or reduce to the greatest extent possible short-rate cancellation penalties during the COVID-19 crisis. MIA “requests” that insurers using credit / financial rating reviews of applicants and insureds for pricing and / or payment plan eligibility weight such reviews heavily on pre-COVID-19 data and minimize the impact of COVID-19 by reviewing an insured’s or applicant’s credit / financial history over a period of several years. MIA “requests” all commercial insurers to refrain from attaching any adverse underwriting or pricing outcomes for insureds who have made inquiries or filed Business Interruption claims that have not resulted in a claim payment.



MCDERMOTT WILL & EMERY

State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020

Massachusetts April 3 Bulletin 2020-11	All Insurance Companies, HMOS, BSBC, Fraternal Benefit Societies and Workers' Compensation Self-Insurance Groups	April 3	<p>Notarization and hard copy original requirements for the March 31 quarterly financial statement are if the insurer notifies the DOI of its inability to satisfy those requirements; due date extended to June 15 for insurers notifying the DOI.</p> <p>During the SOE and for 10 business days after, holding company filings may be filed via e-mail. Review periods for Form Ds are extended to two months. The due dates for Forms B and F are extended to June 15 for insurer notifying the DOI.</p> <p>CGAD and Audit/Internal Control-related reports may be filed electronically by July 15 for any insurer that notifies the DOI.</p>
Michigan March 30 Emergency Rules	Insurers and Employers.	March 30-September 30	A first response employee suffers a personal injury arising out of and in the course of employment if the first response employee is diagnosed with COVID-19. Denial of a claim for a first response employee diagnosed with COVID-10 is a violation of the Worker's Disability Compensation Act of 1969.
Minnesota Workers' compensation – Updates related to COVID-19	To public	N/A	Department of Labor and Industry webpage with frequent updates related to Workers' Compensation
Minnesota April 13 Worker Protections Related to COVID-19	To public	March 26	If you contract a disease that arises out of and in the course of your employment, you may be entitled to workers' compensation benefits, including payment for wage loss and medical benefits. However, you must show you contracted the disease due to your employment. If you are not ill, but must stay home from work because you were exposed to the virus, you are not entitled to workers' compensation benefits under current law
Minnesota MN HB 4537	Of interest to workers' compensation insurers	N//A	If passed, creates a workers' compensation claims rebuttable presumption that first responders and certain related employees who contract COVID-19 have an occupational disease brought on by their employment.



MCDERMOTT WILL & EMERY

State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020

Missouri April 8 Division of Workers' Compensation Emergency Rule	Interested parties	April 22 – February 1, 2021	“First Responders” (i.e., law enforcement officers, firefighters or EMTs) who have contracted or are quarantined for COVID-19, are presumed to have an occupational disease arising out of and in the course of their employment. The presumption shall retroactively apply to all First Responders who otherwise meet the requirements set forth in the emergency rule.
Montana March 19 COVID-19 FAQ	Public	N/A	Department of Labor & Industry states that workers’ compensation probably does not cover most workers infected by COVID-19, except for health care and emergency medical services placed in a higher risk of exposure through covered employment.
New Hampshire April 24 Emergency Order 36	To public	April 24	Establishes a prima facie presumption that a First Responder’s COVID-19 exposure and infection were occupationally related for purposes of Workers’ Compensation Coverage.
New Jersey April 29 Workers Compensation Rating and Inspection Bureau Manual Amendment #496	All Bureau Members and Subscribers	Effective April 29, applicable to any policies issued during the stay-at-home order, not to exceed 45 days after such order has been lifted.	Amends NJ Schedule Rating Plan to temporarily amend the maximum total Schedule Rating credit that can be applied to an individual risk to -35%, to allow member carriers to issue premium credits to their insureds for the reduction of risk.
New Jersey April 21 Compensation Rating and Inspection Bureau Manual Amendment Bulletin #495	All Bureau Members and Subscribers	Effective April 21, retroactive to policies issued on/after March 21. In effect until 45 days after the stay-at-home order is lifted.	Amends Manual to address how certain payroll, premium, classification, experience rating, and statistical reporting of claim matters should be handled due to COVID-19.
New Jersey	General public	Indefinite	“If a person is directed to self-quarantine by their employer or a public health official following known exposure to the virus <i>during the course of their work</i> , that person could be eligible for workers’ compensation.”



MCDERMOTT WILL & EMERY

State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020

	Undated Statement on Department of Labor and Workforce Development Website			
New Mexico	April 23 Executive Order 2020-025	All state executive agencies	April 23 – indefinite	“Directs” agencies to employ a presumption that certain agency employees and eligible volunteers, such as emergency medical technicians, medical personnel, and staff at COVID-19 care centers suffered a compensable occupational disease. The presumption would apply to employees or volunteers who contracted COVID-19 within 2 weeks of providing care or assistance to COVID-19 patients or working in a facility that provides care, assistance, or housing to COVID-19 patients.
New York	S08117	Interested Parties	Introduced on March 23	<i>Introduced.</i> Creates a presumption that impairment of health caused by COVID-19 was incurred in the performance and discharge of duty of certain police, parole, and probation officers and other emergency responders. Would amend the general municipal law and the workers' compensation law.
New York	Undated Guidance on NYS Workers' Compensation Board website	General public; workers' compensation insurers	Until expiration of Executive Order 202.13	If a carrier cancels, non-renews or conditionally renews a policy for a small business suffering financial hardship from COVID-19, the WCB will impose sanctions against the insurer. Carriers are directed to immediately file reinstatement or other appropriate transactions to negate any pending cancellations that would violate Executive Order 202.13.
North Carolina	April 17 Commissioner's Order Extending WC Deadlines	Self-insurers	April 30 filing deadlines extended to May 30	April 30 workers' compensation filing deadlines for self-insurers stayed for period of 30 days
Ohio	Ohio Bureau of Workers' Compensation March 16 Policy Alert #2020-01	Providers	March 16 – until SOE is lifted	BWC will temporarily permit the injured worker's home as an acceptable origination site for purposes of providing telemedicine, and will temporarily permit MCOs to authorize the use of telephone visits in lieu of face-to-face visits for injured workers in a state of crisis or who are at risk to travel to a face-to-face visit during the state of emergency. BWC is waiving the prior authorization requirement for telephone services when certain conditions are satisfied.



MCDERMOTT WILL & EMERY

State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020

	April 28 COVID-19 FAQs			
	Ohio Ohio Bureau of Workers' Compensation March 16 Policy Alert #2020-01	Providers	March 16 – until SOE is lifted	BWC will temporarily permit the injured worker's home as an acceptable origination site for purposes of providing telemedicine, and will temporarily permit MCOs to authorize the use of telephone visits in lieu of face-to-face visits for injured workers in a state of crisis or who are at risk to travel to a face-to-face visit during the state of emergency. BWC is waiving the prior authorization requirement for telephone services when certain conditions are satisfied.
	Oregon April 10 Bulletin 2020-9	All Workers' Compensation Insurers and Employers	April 10, 2020	At the request of the policyholder, workers' compensation insurers " must " re-rate a business to reflect a change in operation due to COVID-19. For enforcing premium audit requirements, the regulator will deem insurers as having met the field audit requirements under prescribed circumstances.
	Oregon April 10 Bulletin 2020-10	All Workers' Compensation Insurers and Employers	April 10, 2020	Payments to employees furloughed or placed on administrative leave as a result of pandemic-related public health measures " shall " be classified as vacation time and excluded from payroll reported to workers compensation insurers for the for the purposes of calculating the premium basis.
	Oregon March 25 Industry Notice	Oregon Workers' Compensation Community	March 25, 2020	The Workers' Compensation Division cannot waive statutory requirements, but will consider the impact of COVID-19 in areas where the director has discretion to penalize or take action against an insurer, service company, or others. " Encourages " claims processors to communicate with the Division if they cannot meet timelines, such as providing a timely response to inquiries. Where possible, the Division will determine whether an extension or procedural waiver should be granted on a case-by-case basis, including whether COVID-19 is considered "good cause" or "reasons beyond a worker's control."
	South Carolina March 26 Workers Compensation Commission Advisory Notice	Interested parties	March 26 – Indefinite	The Commission has approved the addition of two new codes regarding the COVID-19 Pandemic. These codes are anticipated to be used for the reporting of any claim effective December 2019 or later.
	South Carolina	Interested parties	April 3 – Indefinite	To reduce the potential exposure to the coronavirus, the Commission encourages the use of telemedicine when possible for the provision of medical care to the injured worker.



	April 3 Workers Compensation Commission Advisory Notice (Procedural Clarifications)			
	South Dakota Undated Workers' Compensation Q&As	To Public	N/A	Is COVID-19 compensable under workers' compensation? Maybe. For an employee who is infected with COVID-19 to be covered by workers' compensation, the worker must establish COVID-19 is an "occupational disease" which means that exposure to the disease is something that is an essential part of the job (example: doctor or nurse) and not a result of incidental contact from a job that working with the public is expected (example: cashier or waiter). ... A person's occupation must require that person to be exposed to COVID-19, otherwise, it is not compensable.
	South Dakota Workers Compensation Coverage and COVID-19	To public	N/A	COVID-19 may or may not be compensable under workers' compensation. "For an employee who is infected with COVID-19 to be covered by workers' compensation, the worker must establish COVID-19 is an "occupational disease" which means that exposure to the disease is something that is an essential part of the job (example: doctor or nurse) and not a result of incidental contact from a job that working with the public is expected (example: cashier or waiter). Further, to be eligible for workers' compensation benefits, an employee must be unable to work for at least 7 consecutive days."
	Tennessee April 1 Bureau of Workers' Compensation Press Release - FAQ	Interested parties	April 1 – Indefinite	Telehealth visits may be used by all providers to provide appropriate care continuation and to improve functional considerations for established patients. For initial visits or new patients, appropriate care can be rendered via telehealth as well.
	Texas April 27 Request for Comments Draft WC Data Call	Workers' Compensation System Participants	Accepting comments until May	WC Division asking for comments on a draft data call for <u>selected carriers</u> requesting information related to COVID-19 exposures and injuries reported. DWC anticipates initiating the data call in late May with initial data due August 15, 2020. Initial submission will require reporting all COVID-19 exposures, injuries, and benefit payments.



MCDERMOTT WILL & EMERY

State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020

	List of possible selected insurance carriers			
Texas	Bulletin B-0020-20	All insurance companies, other insurers writing property and casualty insurance in Texas, including workers' compensation insurance ; agents and representatives; premium finance companies; and other relevant parties	April 15	TDI "expects" insurers to work with commercial policyholders that have reduced operations due to the COVID-19 outbreak. "Encourages" insurers to: <ul style="list-style-type: none"> • Conduct midterm premium audits if requested by policyholders. • Allow policyholders to self-audit and report changes in the auditable exposure the company used to calculate the premium. • Consider any reduced risk for businesses that change operations or elect to continue paying employees when they are not working. • Make other adjustments to reduce the premium as appropriate.
Texas	Undated Workers' Compensation COVID-19 Landing Page	To public, including workers' compensation insurers	N/A	Created a covid-19 landing page with Bulletins and FAQs; links to Bulletins and news items, but no specific requests or requirements of note.
Texas	March 27 Press Release	Workers' Compensation	March 27 – Until further notice	Division of Workers' Compensation filings may be submitted without payment, with electronic signatures, and without sworn statements, affidavits and notarization
Utah	HB3007	N/A	Sent to governor April 22	Would create rebuttable presumption that a first responder who contracts COVID-19 contracted it by accident during the course of the first responder's duties under specified circumstances; establishes a presumed date of accident for a first responder; and establishes an amount of benefits for a first responder who provides services for minimal or no compensation or as a volunteer.
Utah	March 26 Bulletin 2020-3	Insurers Offering Workers' Compensation Insurance in Utah	March 26 – indefinite	"Guidance" that insurers are not barred from electing not to receive premium during the time that an employer is closed due to COVID-19 but continuing to pay employees and the Commissioner "expects" that a carrier will exercise sound business and actuarial judgment in deciding whether to receive premium under these circumstances. An insurer that elects not to receive premium must notify the Department.



MCDERMOTT WILL & EMERY

State and Federal Coronavirus Issues for Insurance

Yellow highlights are new/revised as of this date
May 2, 2020

Vermont Undated Emergency Rule H-2020-02-E	Health insurance plans and workers' compensation insurance carriers	March 30 – September 30	All health insurance plans and workers' compensation insurance carriers "shall" provide coverage for all health care services delivered remotely through telehealth or audio-only telephone by a health care provider to the same extent the plan would cover the services if they were provided through in-person consultation.
Virginia March 27 Notice Regarding Consideration of Hardship	All insurers licensed to write life and accident and health insurance, health maintenance organizations, MEWAS licensed in Virginia; all insurance companies, corporations, exchanges, mutuals, reciprocals, associations, Lloyds, other insurers writing property and casualty insurance in Virginia, including workers' compensation insurance ; managing general agents, premium finance companies; and other regulated entities	March 27 – N/A	Insurers "should consider" relaxing due dates for premium payments, extending grace periods, waiving late fees and penalties, and allowing payment plans for premium payments to otherwise avoid a lapse in coverage. Insurers "should also consider" cancellation or non-renewal of policies only after exhausting all other reasonable efforts to work with policyholders to continue coverage.
West Virginia March 23 Emergency Order 20-EO-03	Workers' Compensation Insurers and other regulated entities	March 23 – N/A	Workers' compensation insurers and other regulated entities "shall not" terminate or suspend a claimant's temporary total disability benefits for failure to undergo examinations or needed treatment during this emergency. Workers' compensation insurers and other regulated entities "shall" evaluate their telehealth or telemedicine programs to ensure that they are being utilized to the fullest extent possible.
West Virginia March 18 Emergency Order 20-EO-02	Insurers, producers and other insurance-regulated entities	March 18 – N/A	"Consider" the difficulties experienced, and to be experienced, by both private citizens and businesses as a result of the current State of Emergency 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,



				<p>premium payments, optional service fees, prior authorization requirements and limitations on prescription drug refills.</p> <p>“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.</p> <p>“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.</p> <p>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.</p>
	<p>Wisconsin AB 1038</p>	<p>Insurers</p>	<p>Signed by Governor and published April 16, effective April 17.</p>	<p>This bill provides, among other things, that for the purposes of worker’s compensation an injury caused to a first responder, during any public health emergency declared by the governor on March 12 and ending 30 days after the termination of the order, is presumed to be caused by the individual’s employment.</p>