

State of Louisiana



EXECUTIVE DEPARTMENT

PROCLAMATION NUMBER 147 JBE 2020

ADDITIONAL EMERGENCY PROVISIONS FOR HURRICANE ZETA

- WHEREAS,** the Louisiana Homeland Security and Emergency Assistance and Disaster Act, La. R.S. 29:721, *et seq.*, confers upon the Governor of the State of Louisiana emergency powers to deal with emergencies and disasters, including those caused by fire, flood, earthquake or other natural or manmade causes, in order to ensure that preparations of this State will be adequate to deal with such emergencies or disasters and to preserve the lives and property of the people of the State of Louisiana;
- WHEREAS,** pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, La. R.S. 29:721, *et seq.*, Governor John Bel Edwards declared a state of emergency in response to the imminent threat posed by Hurricane Zeta on October 26, 2020, in Proclamation Number 144 JBE 2020;
- WHEREAS,** Hurricane Zeta made landfall on the Louisiana coast during the afternoon hours on Wednesday, October 28, 2020, bringing devastating winds, widespread power-outages, and severe damage to Louisiana;
- WHEREAS,** the State of Louisiana desires to promote and protect the health, safety, and well-being of all Louisiana residents, and specifically those residents in nursing facilities;
- WHEREAS,** La. R.S. 40:2116(D)(2) prohibits the Department of Health from approving additional beds in nursing facilities;
- WHEREAS,** the State of Louisiana desires that residents and evacuees in nursing facilities be able to temporarily evacuate to safe sheltering locations during an emergency;
- WHEREAS,** the State of Louisiana, recognizing the potential significance of Hurricane Zeta, desires to minimize the impact of the tropical storm/hurricane on the residents of nursing facilities;
- WHEREAS,** Louisiana Revised Statute 29:724 confers upon the Governor emergency powers to deal with emergencies and disasters and to ensure that preparations of this state will be adequate to deal with such emergencies or disasters, and to preserve the lives and property of the citizens of the State of Louisiana, including the authority to suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business, or the orders, rules, or regulations of any state agency, if strict compliance with the provisions of any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency; and
- WHEREAS,** damage from this storm continues to pose a threat to citizens and communities across the Gulf Coast and create conditions which place lives and property in the state in jeopardy.

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

SECTION 1: LICENSED BED CAPACITY FOR NURSING HOMES

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

SECTION 2: REGULATORY SUSPENSIONS, DEADLINES, AND INSURANCE COMMISSIONER AUTHORITY

- A) Pursuant to La. R.S. 29:724(D)(1), suspensions of the Louisiana Procurement Code (La. R.S. 39:1551, *et seq.*) and Louisiana Public Bid Law (La. R.S. 38:2211, *et seq.*) and their corresponding rules and regulations are hereby continued for the purpose of the procurement of any good or services necessary to respond to this emergency, including emergency contracts, cooperative endeavor agreements, and any other emergency amendments to existing contracts.
- B) Pursuant to La. R.S. 29:724(D)(1), the suspensions of the provisions of La. R.S. 39:126 regarding prior approval of change orders are hereby continued.
- C) The provisions of La. R.S. 39:101(A)(1)(a) and (B)(1)(c) requiring all capital outlay budget requests and letters of support to be submitted by November 1 of each year shall be suspended until November 16, 2020.
- D) The Commissioner of Insurance shall continue to have limited transfer of authority from the Governor to suspend provisions of any statute of the Louisiana Insurance Code, Title 22 of the Louisiana Revised Statutes of 1950, concerning the cancellation, termination, nonrenewal, and reinstatement provisions of Title 22, including, but not limited to, R.S. 22:272, 22:887, 22:977, 22:978, 22:1068, 22:1074, 22:1266, 22:1267, 22:1311, and 22:1335, where such statutory requirements may prevent, hinder, or delay necessary action in light of the current emergency relative to Hurricane Zeta and its aftermath, including providing additional time for policyholders to complete existing claims and to remit premium payments to avoid cancellation of policies, prohibiting cancellations where policyholders are incapable of fulfilling requirements due to evacuation or inhabitability, providing for continuation of coverage and suspending rate increases, providing for the payment of claims incurred during any prohibition on cancellations imposed under this authority, and providing for provider access and prescription drug benefit requirements necessary to protect public health and welfare. This Order shall not relieve an insured who has a claim caused by Hurricane Zeta and its aftermath from compliance with the insured's obligation to provide information and cooperate in the claim adjustment process relative to such claim, or to pay insurance premiums upon termination of the provisions of this Order.

SECTION 3: All departments, commissions, boards, agencies, and officers of the State, or any political subdivision thereof, are authorized and directed to cooperate in actions the State may take in response to the effects of this severe weather event.

SECTION 4: This order is effective upon signature and shall remain in effect from Tuesday, October 28, 2020 to Tuesday, November 24, 2020, unless terminated sooner.



IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 30th day of October, 2020.



GOVERNOR OF LOUISIANA

**ATTEST BY THE SECRETARY
OF STATE**



SECRETARY OF STATE