State of Louisiana

EXECUTIVE DEPARTMENT

PROCLAMATION NUMBER JBE 2020 – 29

ADDITIONAL MEASURES FOR COVID-19 PUBLIC HEALTH EMERGENCY

WHEREAS, pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, La. R.S. 29:721, *et seq.*, the Governor declared a Public Health emergency in Proclamation Number 25 JBE 2020;

WHEREAS, on March 13, 2020, in emergency proclamation 27 JBE 2020, the Governor supplemented the measures taken in his declaration of a Public Health Emergency with additional restrictions and suspensions of deadlines and regulations in order to protect the health and safety of the public from the threat of COVID-19;

WHEREAS, the COVID-19 pandemic has necessitated an increased need for supply chain movement of commerce that extends beyond the normal call for demand and business hours;

WHEREAS, the Federal Motor Carrier Safety regulations, 49 CFR 390, *et seq.*, limit the hours operators of commercial motor vehicles may drive;

WHEREAS, 49 CFR 390.23 provides an exemption from these regulations for up to 30 days if an emergency has been declared by the Governor;

WHEREAS, the Secretary of the Department of Transportation and Development is requesting that a state of emergency be declared pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, La. R.S. 29:721, *et seq.*; and

WHEREAS, further, several additional measures are necessary to ensure that goods and supplies can be delivered within the State of Louisiana; that health care providers can be available for treatment of those affected with COVID-19; that certain fees and fines for the Department of Health for those affected by the disaster are waived; that certain insurance regulations may be lifted by the Commissioner of Insurance; and that workers who lose employment because of this emergency are able to obtain unemployment benefits in a timely manner.

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: There shall be an exemption from the federal rules and regulations that limit the hours operators of commercial vehicles may drive, specifically, Part 395 (drivers' hours of service) of Title 49 of the Code of Federal Regulations, and any additional appropriate response regarding additional expenditures due to this declaration as determined by the Secretary of the Department of Transportation and Development, or by the Louisiana State Police or local law enforcement agencies for public safety issues in order to ensure the uninterrupted supply of essential goods and commodities.

SECTION 2: Nothing herein shall be construed as an exemption from the Commercial Driver's License requirements in 49 CFR 383, the financial requirements in 49 CFR 387, or applicable federal size and weight limitations.

SECTION 3: The Commissioner of Insurance shall have limited authority from the Governor to suspend provisions of any regulatory statute of Title 22 of the Louisiana Revised Statutes of 1950 concerning any health insurance policy or contract relative to the current public health emergency, where such statutory or regulatory requirements prevent, hinder, or delay necessary action in coping with the current public health emergency, including the prohibition of any cost sharing, deductibles, copayments, and coinsurance related to the diagnosis or approved treatment of COVID-19.

SECTION 4: This authority granted to the Commissioner shall not relieve an insured who has a claim caused by this public health emergency, or 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 5: Louisiana state licensure laws, rules, and regulations for medical professionals and personnel are hereby suspended for those medical professionals and personnel from other states or other countries offering medical services in Louisiana to those needing medical services as a result of this disaster provided that said out-of-state or out-of-country medical professionals and personnel possess a current medical license in good standing in their respective state or country of licensure and that they practice in good faith and within the reasonable scope of his or her skills, training, or ability.

SECTION 6: All out-of-state or out-of-country medical professionals and personnel offering services in the state of Louisiana by authority of this Order shall submit to the State Health Officer, or his designee at the Office of Public Health within the Louisiana Department of Health, a copy of their respective professional license and photo identification, together with any other forms or documents the State Health Officer may require, by contacting the Office of Public Health.

SECTION 7: The following specific provisions of the Louisiana Revised Statutes of 1950 related to the imposition of fees or charges related to transactions with the Department of Health, or their authorized agent, as qualified by this Order, are hereby suspended for transactions by individuals when, as determined by any guidelines or directions issued by the Secretary, the request is a result of the emergency conditions:

A. La. R.S. 40:40(2), to the extent that it requires payment of a fee for production of a duplicate birth record; and

B. La. R.S. 40:40(3), to the extent that it requires payment of a fee for production of a duplicate death certificate.

SECTION 8: The following statutes relating to unemployment insurance are hereby suspended to the extent and in the manner provided for below:

A. La. R.S. 23:1600(4) shall be suspended while this Order is in effect for emergency-related claims to the extent that claimants are required to wait a period of one week before receiving benefits.

B. La. R.S. 23:1601(1) and (2), which provide certain disqualifications for otherwise eligible claimants. Such disqualifications include reasons for separation from employment, including a substantial change in employment by the employer or intentional misconduct connected with employment by the claimant. Separations that are the direct result of the impact caused by COVID-19 are not the fault of either the employer or the claimant. Administration of these separation issues with regard to such claims places an unnecessary burden on the state's unemployment system. Otherwise eligible claimants shall not be disqualified based on R.S. 23:1601(1) or (2).

SECTION 9: 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 event.

SECTION 10: These provisions extend retroactively from the initial declaration of emergency from Wednesday, March 11, 2020 to Thursday, April 9, 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 14th day of March, 2020.

GOVERNOR OF LOUISIANA

ATTEST BY THE
SECRETARY OF STATE

SECRETARY OF STATE