

NORTH CAROLINA DEPARTMENT OF INSURANCE
RALEIGH, NORTH CAROLINA

STATE OF NORTH CAROLINA
COUNTY OF WAKE

BEFORE THE
COMMISSIONER OF INSURANCE

)
)
) SECOND AMENDED
) COMMISSIONER'S ORDER
) EXTENDING DEADLINES
)
) N.C. Gen. Stat. § 58-2-47
)

WHEREAS, pursuant to N.C. Gen. Stat. § 58-2-47, if a state of emergency or disaster has been proclaimed under N.C. Gen. Stat. §§ 166A-19.20 or 166A-19.21 or declared under the Stafford Act, or whenever an incident beyond the Department's reasonable control, including an act of God, insurrection, strike, fire, power outage, or systematic technological failure, substantially affects the daily business operations of the Department, the Commissioner may issue an order to stay the application of any deadlines and deemer provisions imposed by law or rule upon the Commissioner or Department or upon persons subject to the Commissioner's jurisdiction, which deadlines and deemer provisions would otherwise operate during the time period for which the operations of the Department have been substantially affected; and

WHEREAS, on March 10, 2020, the Governor of North Carolina issued Executive Order No. 116, which, pursuant to N.C. Gen. Stat. §§ 166A-19.10 and 166A-19.20, declares a State of Emergency to coordinate the State's response and protective actions to address the Coronavirus Disease 2019 ("COVID-19") public health emergency and to provide for the health, safety, and welfare of residents and visitors located in North Carolina ("Declaration of a State of Emergency"); and

WHEREAS, on March 13, 2020, the President of the United States declared the ongoing COVID-19 a pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia pursuant to Section 501 (b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5121-5207 (the "Stafford Act"); and

WHEREAS, on March 13, 2020, the President of the United States pursuant to Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. § 1601, *et seq.* and consistent with Section 1135 of the Social Security Act, as amended (42 U.S.C. § 1320b-5), declared that the COVID-19 pandemic in the United States constitutes a national emergency, retroactive to March 1, 2020; and

WHEREAS, on March 25, 2020, the President of the United States, pursuant to Section 401 of the Stafford Act, approved a Major Disaster Declaration, FEMA-4487-DR, for the State of North Carolina.

WHEREAS, on March 31, 2020, pursuant to the authority vested in me as Commissioner of Insurance for the State of North Carolina by N.C. Gen. Stat. § 58-2-47, I issued an ORDER extending certain deadlines for Continuing Care Retirement Communities (“CCRCs”) regulated by the Department pursuant to Article 64 of Chapter 58 of the North Carolina General Statutes.

WHEREAS, on April 30, 2020, pursuant to the authority vested in me as Commissioner of Insurance for the State of North Carolina by N.C. Gen. Stat. § 58-2-47, I issued a FIRST AMENDED ORDER extending certain deadlines for Continuing Care Retirement Communities (“CCRCs”) regulated by the Department pursuant to Article 64 of Chapter 58 of the North Carolina General Statutes for an additional 30 days.

WHEREAS, pursuant to N.C. Gen. Stat. § 58-2-47, such ORDER may be renewed for successive periods not exceeding 30 days each for as long as the operations of the Department remain substantially affected, up to a period of one year from the effective date of the initial order.

WHEREAS, the state of disaster caused by the COVID-19 public health emergency continues to affect the operations of the Department and of the licensees regulated by the Department.

NOW THEREFORE, pursuant to the authority vested in me as Commissioner of Insurance for the State of North Carolina by N.C. Gen. Stat. § 58-2-47, **IT IS ORDERED AND DECLARED:**


1. Continuing Care Retirement Communities (“CCRCs”) are regulated by the Department pursuant to Article 64 of Chapter 58 of the North Carolina General Statutes (“the Act”).
2. Pursuant to N.C. Gen. Stat. § 58-64-30, providers licensed under the Act are required to file a revised annual disclosure statement with the Commissioner within 150 days following the end of each fiscal year.
3. The fiscal year for CCRC’s vary, but some have a fiscal year end of December 31st. For those CCRC’s, the annual disclosure statement required by N.C. Gen. Stat. § 58-64-30 would be due on May 31, 2020.

4. The current COVID-19 pandemic has caused a severe disruption of the daily business operations of the Department as well as the CCRC's regulated by the Department.

5. Therefore, effective immediately, the May 31st deadline for the submission of annual disclosure statements is hereby stayed for an additional period of 30 days until July 30, 2020.

6. The Commissioner will continue to monitor the situation and may extend the deadline accordingly pursuant to N.C. Gen. Stat. § 58-2-47, or may otherwise modify this order as needed.

This the 25th day of June, 2020.



Mike Causey
Commissioner of Insurance