

NORTH CAROLINA DEPARTMENT OF INSURANCE
RALEIGH, NORTH CAROLINA

STATE OF NORTH CAROLINA
COUNTY OF WAKE

BEFORE THE
COMMISSIONER OF INSURANCE

)
) 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.

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. Individual employers that are self-insured for purposes of the Workers' Compensation Act of North Carolina (Article 1 of Chapter 97 of the North Carolina General Statutes) ("self-insurer") are licensed and regulated by the Department pursuant to Article 5 of Chapter 97 of the North Carolina General Statutes.

2. Pursuant to N.C. Gen. Stat. § 97-180(a), every self-insurer is required to file, within 120 days after the end of its fiscal year, a certified audited financial statement, prepared by a CPA or submitted by a foreign registered public accounting firm, for that fiscal year.

3. Pursuant to N.C. Gen. Stat. § 97-180(b), every self-insurer is required to file, within 120 days after the end of its fiscal year, a report from a qualified actuary setting forth an opinion certifying the loss and loss adjustment expense reserves for workers' compensation obligations in North Carolina.

4. Pursuant to N.C. Gen. Stat. § 97-180(c), every self-insurer is required to file, within 120 days after the end of its fiscal year, a report in the form of a sworn statement prescribed by the Commissioner, setting forth the total workers' compensation benefits paid in the previous fiscal year, and the total outstanding workers' compensation liabilities for each loss year, recorded at the close of its fiscal year for the net retained liability.

5. Pursuant to N.C. Gen. Stat. § 97-190(c), every self-insurer shall, at the request of the Commissioner, furnish copies of its excess insurance policies and amendments. It is the practice of the Commissioner to require such copies as part of the annual filing of the items in N.C. Gen. Stat. §§ 97-180(a), (b) and (c).

6. The fiscal year for self-insurers vary, but some have a fiscal year end of December 31st. For those self-insurers, the reports outlined above that are required by N.C. Gen. Stat. §§ 97-180(a), (b) and (c) and N.C. Gen. Stat. § 97-190(c), would be due on April 30, 2020.

7. The current COVID-19 pandemic has caused a severe disruption of the daily business operations of the Department as well as the self-insurers regulated by

the Department.

8. Therefore, effective immediately, the April 30th deadline for the submission the reports outlined above that are required by N.C. Gen. Stat. §§ 97-180(a), (b) and (c) and N.C. Gen. Stat. § 97-190(c), is hereby stayed for a period of 30 days until May 30, 2020.

9. 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 17th day of April, 2020.

A handwritten signature in black ink, appearing to read "Mike Causey", is written over a horizontal line.

Mike Causey
Commissioner of Insurance