



# KANSAS INSURANCE DEPARTMENT

*Vicki Schmidt, Commissioner*

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## BULLETIN 2020-1

To: All interested parties including insurers, agents, consumers, and all others having business before the Kansas Insurance Department

From: Vicki Schmidt, Commissioner of Insurance

Subject: COVID-19

Date: March 17, 2020

To meet the inherent dangers of disasters to which the State and its citizens have been exposed due to novel coronavirus (COVID-19), Governor Laura Kelly issued a State of Disaster Emergency Proclamation on March 12, 2020. In that proclamation, the Governor suspended the provisions of any regulatory statute prescribing the procedures for conduct of state business, or the order of rules and regulations of any state agency which implements such statute, if strict compliance with the provisions of such statutes, order or rule and regulation would prevent, hinder, or delay in any way necessary action in coping with the disaster as set forth in K.S.A. 48-925(c)(1).

Guidance from public health officials on the international, national, and state and local levels suggests that the best way to prevent illness is to avoid spreading the virus and to avoid being exposed to the virus. Recommended measures include reducing close proximity gatherings of large numbers of people. Thus, many entities have reduced staff or have implemented alternative working arrangements.

In order to be proactive in protecting employees from exposure to the virus, the Kansas Insurance Department will implement alternative working arrangements for its employees. This may result in a delay in processing times for matters requiring Department approval.

To implement this proclamation and pursuant to the authority granted to the Commissioner of Insurance by K.S.A. 40-103, the Kansas Insurance Department informs insurers, agents, rating organizations, consumers, and any other person or entity having business before the Kansas Insurance Department that all such regulatory statutes in Chapter 40 that have a “deemed approved” or similar clause are without effect during the period of the emergency proclamation. For example, K.S.A. 40-955 and 40-2215 provide that certain rate and form filings shall be deemed approved unless disapproved within 30 days of receipt of the filing.

The Department will continue to utilize its available resources to ensure timely processing of applications and filings, to the extent reasonably prudent. However, this bulletin shall serve as notice to all filers that rates and forms shall not be deemed approved or used until such rate or form has received affirmative approval from the Department.

In addition, applications for producer licenses may encounter delays due to Department work schedule modifications. The Department is aware that many counties are not providing fingerprinting services for licensing purposes during the coronavirus emergency. This may also cause delays in the Department's ability to process licensing applications.

Delay in coordination with other entities impacted by coronavirus response measures may also cause delay in approval of applications for certificates of authority to transact business in Kansas.

Consumers are reminded of the resources available on the Department's website at [insurance.kansas.gov](https://insurance.kansas.gov). Consumer inquiries will continue to be processed, though delays may occur. Requests for expedited resolution for emergency medical conditions will receive top priority and will be resolved in accordance with statutory guidance set forth in K.S.A. 40-22a15.

At this time, the Kansas Insurance Department is not suspending the Kansas unfair method of competition and unfair or deceptive act or practices statutes, associated regulations, and the Kansas Insurance Department's policy and procedure implementing the NAIC's unfair claims settlement practices model regulation. However, insurers are encouraged to proactively notify the Insurance Department's Consumer Assistance Division of any issues they may have with complying with these laws that are a result of a COVID-19 response measure taken by the insurer. Such notification will be considered by the Commissioner in enforcing K.S.A. 40-2405.

This guidance shall be in effect for such time as the State of Disaster Emergency Proclamation is in effect, or until modified by the Kansas Commissioner of Insurance, whichever is sooner.

Persons or entities affected by this guidance are encouraged to notify the Commissioner if strict compliance with the provisions of such statutes, order or rule and regulation would prevent, hinder, or delay in any way necessary action in coping with the disaster. Notification can be made to: [KID.Commissioner@ks.gov](mailto:KID.Commissioner@ks.gov)