



## GUIDANCE AND EMERGENCY REGULATIONS ISSUED BY COLORADO DIVISION OF INSURANCE FOR CLAIMS ARISING FROM COLORADO WILDFIRES

Insurers conducting business in Colorado in the Life and Health as well as the Property and Casualty sectors should be aware of the swift and robust regulatory response by the Division of Insurance to recent wildfire events.

Colorado's Insurance Commissioner has issued two emergency regulations:

- **Emergency Regulation 22-E-01** - Concerning Tolling Certain Time Limits of Policyholder Benefits in the Event of a Catastrophic Disaster
- **Emergency Regulation 22-E-02** - Concerning Prior Authorizations for Durable Medical Equipment and Prescription Drugs

The Division of Insurance also issued "Bulletin No. B- 5.43 - Division Position Concerning Policyholder Relief in the Immediate Aftermath of the Marshall and Middle Fork Fires" providing claim handling guidance for homeowner insurance claims.

The Division of Insurance's newly created web page, dedicated to the disaster response, contains the regulations and bulletin and many additional state and federal resources, helpful to both insurers and consumers: [doi.colorado.gov/marshall-fire-response](https://doi.colorado.gov/marshall-fire-response).

Colorado's Insurance Commission has also been conducting online Town Halls from which it has

developed FAQs addressing consumer concerns in follow up to such meetings, such as a [recent document regarding underinsurance issues](#).

The Consumer Advisory issued immediately after the fire contains the following statement from Insurance Commissioner Michael Conway: "The Division expects insurance companies to honor the promises they have made to Coloradans and provide whatever assistance is possible. We will be ensuring that insurance companies do all they can to help people." The expectations announced by the Commissioner apply to health insurers and property and casualty insurers alike. All insurers with policyholders impacted by the 2020-2021 wildfires in Colorado are strongly encouraged to review and become familiar with the recent announcements by the Division of Insurance in order to be prepared to address claims in a manner consistent with the Division's guidance and avoid the potential for exposure under Colorado's "unreasonable delay or denial" statutory scheme, C.R.S. §§10-3-1115 - 1116.

If you have questions about claim handling in response to the recent fires or regarding general compliance with Colorado insurance law, please contact Stephanie A. Montague at [montagues@hallevans.com](mailto:montagues@hallevans.com) or 303.628.3494.