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Attorney Tom Bolt Appointed to Uniform Law Commission's Study Committee on Mitigation of Public Health Emergency Business Disruptions

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Tom Bolt By. BoltNagi PC

Virgin Islands attorney Tom Bolt, managing attorney of BoltNagi PC, has been appointed to the Uniform Law Commission's Study Committee on Mitigation of Public Health Emergency Business Disruptions, the law firm made known Tuesday.

The ULC study committee was formed in response to the COVID-19 pandemic crisis that closed the United States economy and the need for clear and consistent guidance in key areas of large-scale crisis management, the release said.

The study committee will consider the need for one or more uniform laws addressing the special rules and procedures to mitigate the impact of an epidemic, pandemic, or other public health emergency on the operation of businesses. The committee will consider topics such as non-liquidating receiverships, business interruption insurance, and the application of force majeure and impossibility doctrines. In particular, the committee's scope of review and recommendation includes:

- (1) the use of special non-liquidating receivership programs to enable court supervision of businesses adversely affected by an epidemic, pandemic or other public health emergency;
- (2) a requirement that insurers allow business interruption claims based on epidemic, pandemic, or other public health emergency-related closures, with the government underwriting the insurers (and paying a fee for having the insurers act as claim processors for the government);
- (3) the application of force majeure and impossibility doctrines to contractual performance during an epidemic, pandemic or other public health emergency; and
- (4) other measures that might mitigate the impact of public health emergencies on businesses.

The study committee's work is guided by a determination whether these subjects are appropriate for state and territorial legislation and uniformity among the various jurisdictions; whether there is a need for an act to address specific issues; whether a uniform act would provide significant benefits to the public through improvement to existing law; and whether a uniform act would maintain the integrity of well-balanced and well-settled law in areas traditionally governed by the states and territories, BoltNagi PC said.

According to the release, the Uniform Law Commission has a record of responding quickly to large-scale emergency events. For example, in 2006 the ULC adopted the Uniform Emergency Volunteer Health Practitioners Act. Drafted in the wake of Hurricane Katrina (2005), the Act allows state and territorial governments during a declared emergency to give reciprocity to other state's health services licensees so that covered individuals may provide emergency health services without first being required to satisfy the disaster jurisdiction's licensing requirements. The goal of the Act is to speed medical help to those in need by removing administrative and bureaucratic hurdles, and by managing liability and risk to covered volunteer healthcare providers. The law has been enacted in 17 states, the District of Columbia and the U.S. Virgin Islands. The COVID-19 pandemic presents new and even more challenging issues in crisis response for businesses.

Mr. Bolt serves as chair of the Virgin Islands Commission on Uniform State Laws, which has been a member of the ULC from 1988. Since 1892, the ULC has provided states and territories with non-partisan, carefully conceived uniform laws. The ULC's work simplifies life for people who live, work, or travel in multiple jurisdictions and improves local economies by facilitating interstate commerce. Each uniform act is drafted in an open and deliberative process that draws on the expertise of locally appointed commissioners, legal advisors and observers in the 50 states, the District of Columbia, Puerto Rico and the U.S. Virgin Islands.