

**STATE OF MICHIGAN  
DEPARTMENT OF INSURANCE AND FINANCIAL SERVICES**

**Bulletin 2020-38-INS/BT/CF/CU**

**In the matter of:**

***In re Certified Questions  
(Midwest Inst of Health v Governor) and  
October 5, 2020, DHHS Emergency Order***

---

**Issued and entered  
this 6<sup>th</sup> day of October 2020  
by Anita G. Fox  
Director**

This bulletin clarifies the effect of the Michigan Supreme Court's ruling in *In re Certified Questions (Midwest Inst of Health v Governor)*, Docket No. 161492, issued October 2, 2020, on bulletins, orders, and other guidance issued by the Director of the Department of Insurance and Financial Services in response to the public health emergency caused by the COVID-19 pandemic.

In the months since Governor Whitmer issued the first emergency declaration on March 13, 2020, the Director has issued several bulletins and orders encouraging and requiring regulated entities to take or refrain from taking certain actions. The *In re Certified Questions* ruling was issued in the context of a federal action and that court has not yet issued an order. Accordingly, at this time, all of DIFS' bulletins, orders, or other guidance remain in effect.

Furthermore, entities and individuals regulated by DIFS should take note of the Emergency Order issued by the Michigan Department of Health and Human Services on October 5, 2020 under MCL 333.2253, prohibiting certain gatherings and requiring masks in certain settings. DIFS will coordinate with the entities charged with enforcing the Emergency Order as necessary to ensure compliance.

The Director will update this bulletin as appropriate and necessary.

Any questions regarding this Bulletin should be directed to:

Department of Insurance and Financial Services  
Office of General Counsel  
530 W. Allegan Street – 7<sup>th</sup> Floor  
P.O. Box 30220  
Lansing, Michigan 48909-7720  
Toll Free: (877) 999-6442

/s/

---

Anita G. Fox  
Director