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Continuing Education of Insurance Producers

Sec. 38a-782a-1. Definitions

As used in sections 38a-782a-1 to 38a-782a-17, inclusive, of the Regulations of Connecticut State Agencies:

(1) "Audit" means: (A) department or designee activity to monitor the offering of courses or examinations, including visits to classrooms, test sites, and administrative offices where documentation of individual attendance and completion records, and documentation of instructor qualifications pursuant to section 38a-782a-6 are maintained; and (B) re-evaluating approved classroom course and seminar outlines, and self-study programs based on current guidelines;

(2) "Biennium" means a two year period commencing on the first day of February of each even numbered year;

(3) "Class" means a course designed to be presented live to a group of producers using lecture, video, satellite, or other audio-visual presentation material which has an approved instructor or monitor present in the classroom during the presentation;

(4) "Commissioner" means the Insurance Commissioner of the State of Connecticut;

(5) "Completion" means: (A) the attainment by individuals enrolled in a self study course of a passing grade of seventy percent or better on an examination monitored by an impartial and disinterested person; or (B) Class attendance of at least seventy percent of sessions approved for the course; or (C) Seminar attendance for the full time assigned for each workshop or break-out session selected;

(6) "Course" means a program of instruction approved by the commissioner for a specific number of continuing education credit hours;

(7) "Credit hour" means a value assigned to a course approved by the commissioner that is equivalent to fifty minutes of classroom instruction;

(8) "Department" means the Insurance Department of the State of Connecticut;

(9) "Evaluation and assessment methods" means a methodology to determine the proficiency attained by a producer in the subject matter of a course upon completion of such course;

(10) "Line of authority" means: (A) property and casualty, which includes property, casualty, property and casualty, personal lines, bail bonds, surety and surplus lines; and (B) life and health, which includes life, health, life and health, fixed annuities, variable life and variable annuities;

(11) "Person" means an individual, a corporation, a partnership, an association, or other legal entity;

(12) "Self-study course" means a course: (A) that does not require a student to attend an organized class or seminar; (B) that includes an examination adequately covering course materials set forth in the course outline; and (C) for which credits will be granted only upon achieving a score of seventy percent or better on the examination;

(13) "Seminar" means a course designed to be presented using lecture, video, satellite, or other audio-visual presentation material by an individual or individuals with special expertise and which has an approved speaker or instructor present in the classroom during the presentation; and

(14) "Sponsor" means any person approved or seeking approval to offer a continuing education course and charged with approving instructors for such course.

(Adopted effective February 1, 1998; amended February 1, 2000, September 17, 2002)

Sec. 38a-782a-2. Requirements for licensees

(a) Every resident and nonresident producer shall furnish evidence to the commissioner in a manner prescribed by the commissioner that the continuing education requirements of this regulation have been satisfied.

(b) Except as provided by section 38a-782a-13 of the Regulations of Connecticut State Agencies, all producers shall complete a minimum of twenty-four hours of continuing education credits each biennium, of which a minimum of three credit hours of Connecticut insurance law and regulations, or ethics are required. Of the total, a minimum of six credit hours are required for each line of authority held by the producer on the first day of each biennium. Instructors of approved continuing education courses shall earn the same number of credit hours for instructing as the students receive for successfully completing the course.

(Adopted effective February 1, 1998; amended February 1, 2000, September 17, 2002)

Sec. 38a-782a-3. Administration of continuing education

(a) The commissioner may contract with a competent person to (1) review sponsor qualifications, course content and credit hours assignment for continuing education courses; (2) record successful completion of the course by producers; and (3) perform other pertinent services deemed appropriate by the commissioner. The commissioner shall approve sponsor registration, courses and assignment of credit hours to approved courses. If the commissioner contracts with a competent person or corporation for the administration of the continuing education program, that person or corporation may charge the participating sponsors and producers reasonable fees, subject to the approval of the Insurance Department, for services rendered.

(Adopted effective February 1, 1998; amended February 1, 2000)

Sec. 38a-782a-4. Sponsor responsibilities

(a) Each sponsor of a continuing education course shall submit an application to the department or its designee on a form prescribed by the commissioner, including the name and address of the applicant; an application for one or more courses; and any other information requested by the commissioner.

(b) Each sponsor is responsible for obtaining approval for its continuing education courses; verifying the qualifications of instructors; providing course schedules; monitoring classroom attendance; supervising and evaluating courses and instructors; investigating complaints regarding courses and instructors; administering examinations where applicable; and submitting, within fifteen (15) calendar days of the completion of a course, course attendance and completion rosters and other information required by the department.

(c) Sponsors shall retain course attendance and completion records for four years.

(d) Sponsors shall comply with the Americans With Disabilities Act and all applicable state and federal equal employment opportunity and safety requirements.

(e) Each sponsor shall publish and abide by a refund policy which is subject to approval by the department.

(f) Each sponsor shall provide to each student upon completion of a course a certificate showing (1) the date on which the course was completed; (2) the attendance percentage of the course achieved by the student; and, (3) the course name and number, and the sponsor's name and number.

(Adopted effective February 1, 1998; amended February 1, 2000, September 17, 2002)

Sec. 38a-782a-5. Course approval

(a) Each course shall be approved by the commissioner prior to the initial course offering, and before any advertisement of, or solicitation for, the course is effected.

It is the sponsor's responsibility to provide an acceptable application on a form approved by the commissioner for a course to be approved. The application shall include a detailed course content outline and the sponsor's tuition and fee refund policy. The department shall not be liable to the sponsor for any action taken or any expense incurred by the sponsor, such as advertising costs, in anticipation of course approval. The department will approve a course as an acceptable continuing education program if it: (1) Is a formal program of learning which contributes directly to the professional competence of a producer; (2) is not defined under this section as a "not approved" course; (3) has significant intellectual or practical content to enhance and improve the knowledge of the participants with regard to subjects of insurance; (4) includes evaluation and assessment methods; (5) is classified based on the level of ability required to benefit from the course as basic, intermediate, or advanced; (6) includes a bibliography or reference sources, if any; and (7) includes a list and sample of supplemental teaching aids, if any.

(b) The following are "not approved" courses: (1) Courses approved for prelicense training; (2) Courses in: (A) mechanical, office or business skills (including typing, speed reading, etc.); (B) the use of calculators, computers or other machines or equipment; (C) the use of computer software or equipment except in computer-based needs analysis or computer solutions to risk management that relate to insurance customers; or (D) accounting or tax preparation in connection with the business of the producer; (3) Courses that relate only to the organizational procedures and internal policies of an individual insurer; (4) Courses in (A) motivation; or (B) salesmanship or sales promotion, including meetings held in conjunction with the general business of the producer; (5) Courses primarily intended to impart knowledge of specific products of specific insurers, if the use of the products relates to sales promotion or marketing of one or more of the products discussed.

(c) If approval has been granted for the initial offering of a course, recertification may be granted without requiring a new application. Recertification will require only information concerning course content submitted on a form acceptable to the commissioner.

(d) Materials and course content used in subsequent offerings of approved courses shall be updated to maintain currency of the information.

(e) Classroom courses which have not been used for a period of five years shall be purged from the department's database file of approved courses. Future use of purged courses shall require a new application.

(f) The department reserves the right to audit courses and administrative records with or without notice to the sponsor. Audits shall result in notice to the sponsor of any deficiencies found and of corrective action required by the sponsor where warranted. The department may reduce the number of approved credit hours for the course, or disapprove the course entirely if the sponsor fails to correct the deficiencies.

(g) The department or its designee shall approve or disapprove a course within sixty days of receipt of application for approval. Any rejection shall be in writing and shall include the reasons for disapproval.

(Adopted effective February 1, 1998; amended February 1, 2000)

Sec. 38a-782a-6. Instructor qualifications

(a) Sponsors shall select qualified instructors for continuing education courses possessing at least two of the following qualifications: (1) A minimum of three years working experience in the subject matter being taught; (2) two teaching experiences certified by the sponsor; (3) a professional designation from a recognized

industry organization or association; (4) a degree or certificate from an accredited school in the subject matter being taught; (5) specialized knowledge in the subject matter being taught.

(b) Certification of the instructor's experience or education shall be furnished by the sponsor.

(c) If the commissioner denies approval to instruct continuing education courses to an instructor, a six month waiting period shall elapse before a sponsor may submit a new certification request for said instructor.

(d) The department shall have the right to review business or employment records of approved instructors and disapprove and remove any instructor against whom any disciplinary action was taken by this or any other state, country or territory because of activities involving such instructor's insurance license, at any time before or after being approved as instructor. Sponsors are responsible for verifying the eligibility of instructors before approval.

(e) Approved instructors teaching approved classroom courses or seminars shall display a photo I. D. to any department or department's representative's auditor who conducts an official audit during their instruction time.

(f) Instructors shall have the authority and responsibility to deny admittance to anyone who disrupts the class or is inattentive. Students excluded from a course or seminar under this subsection may be refunded their tuition, or a portion thereof, if the provider's policy so provides.

(Adopted effective February 1, 1998; amended February 1, 2000)

Sec. 38a-782a-7. Self-study courses

Self-study courses may receive continuing education approval provided they include an examination on course material approved by the commissioner and administered by an impartial and disinterested person who shall not be in the direct line of supervision of any person taking the examination, nor have any financial interest in the success of any person taking the examination.

(Adopted effective February 1, 1998; amended February 1, 2000)

Sec. 38a-782a-8. Attendance

(a) The producer shall present a picture identification to the course administrator upon admittance to the course.

(b) If six credit hours or less are assigned to a course, the producer shall attend one hundred percent of the course to receive any credit hours.

(c) If more than six credit hours are assigned to a course for which there is no examination, and the producer attends one hundred percent of the course, the producer shall receive one hundred percent of the credit hours assigned to the course.

(d) If more than six credit hours are assigned to a course for which there is no examination and the producer attends at least seventy percent of the course the producer shall receive seventy percent of the credit hours assigned to the course.

(e) If more than six credit hours are assigned to a course for which there is an examination, and the producer passes the examination for the course and attends at least seventy percent of the course, the producer shall receive one hundred percent of the credit hours assigned to the course.

(f) If more than six credit hours are assigned to a course for which there is an examination, and the producer does not pass the examination for the course but attends at least seventy percent of the course, the producer shall receive seventy percent of the credit hours assigned to the course.

(g) Credit hours per course granted under this section shall be rounded up to the nearest whole number.

(h) A producer shall not receive any additional credit for courses that the producer has previously completed, and for which credits have previously been received, in the same biennium.

(Adopted effective February 1, 1998; amended February 1, 2000, September 17, 2002)

Sec. 38a-782a-9. Advertising

(a) Courses shall not be advertised as approved for continuing education credit unless such approval has been granted by the commissioner in writing.

(b) When a course has been approved for continuing education credit and is advertised as such, the advertising shall include: (1) the sponsor name and course title; (2) the statement "Approved by the State of Connecticut Insurance Department for insurance producer continuing education credit"; (3) the number of approved credit hours; (4) the type of licensee for whom the course would be most applicable; and (5) all fees and associated expenses.

(c) Advertising shall be complete, truthful, clear, and not deceptive or misleading.

(d) The commissioner may withdraw his approval of any violator of this section to provide or conduct courses or may impose other penalties provided by law.

(Adopted effective February 1, 1998; amended February 1, 2000)

Sec. 38a-782a-10. Carryover credit

No credit hours may be carried over from one biennium to the next.

(Adopted effective February 1, 1998; amended February 1, 2000)

Sec. 38a-782a-11. Advisory board

The commissioner shall appoint an advisory board to recommend reasonable rules to the commissioner for promulgation of regulations pursuant to section 38a-782a of the Connecticut General Statutes. The commissioner may adopt, reject, or modify such recommendations. The board shall periodically make recommendations to the commissioner regarding development of criteria relating to the awarding of contracts for continuing education; offer guidance regarding approval or disapproval of courses, credit hours, qualifications of course sponsors and instructors; recommend changes to sections 38a-782a-1 through 38a-782a-17, inclusive, of the Regulations of Connecticut State Agencies; and perform other services requested by the commissioner. The board shall be comprised of twelve members from the insurance industry, and from the education and the producer community to be selected by the commissioner.

(Adopted effective February 1, 1998; amended February 1, 2000)

Sec. 38a-782a-12. Extension

(a) Notwithstanding section 38a-782a-14(a) of the Regulations of Connecticut State Agencies, the commissioner may grant an extension of the time required to complete the continuing education requirements of sections 38a-782a-1 through 38a-782a-17, inclusive, on conditions that he deems appropriate.

(b) Any producer whose license is subject to suspension pursuant to section 38a-782a-14 of the Regulations of Connecticut State Agencies may request an extension in which to complete the continuing education requirements. Any such request shall be submitted to the commissioner by a signed "request for extension" form that states as follows:

REQUEST FOR EXTENSION

I hereby request an extension of the time in which to complete my continuing education requirements for this biennium. By signing this request I acknowledge that, should my continuing education requirements not be completed within this extension period, my producer's license shall be immediately suspended. I further acknowledge that this extension shall not reduce my continuing education requirements for the next biennium.

_____
Producer's Signature

_____
License Number

_____
Typed or Printed Name of Producer

_____
Date

A Request for Extension must be received by the department not later than thirty days prior to the end of the biennium for which the request is made.

(Adopted effective February 1, 1998; amended February 1, 2000, September 17, 2002)

Sec. 38a-782a-13. Exemptions

(a) Producers who have obtained a license within the last twelve months of a biennium or producers who are required to pass an examination in order to reinstate their license and reinstate within the last twelve months of a biennium are exempt from meeting the continuing education requirements for that biennium.

(b) Producers who have obtained a license within the first twelve months of a biennium or producers who are required to pass an examination in order to reinstate their license and reinstate within the first twelve months of a biennium shall be required to successfully complete twelve credit hours of continuing education during that biennium.

(c) Producers who seek reinstatement of their license shall be required to complete any deficient continuing education credit hours for the previous biennium and successfully complete twenty four credit hours of continuing education during the current biennium.

(d) Producers who become Connecticut residents in the first twelve months of a given biennium and are granted a license based on a certification letter from the previous licensing state shall be required to successfully complete twelve credit hours of continuing education during that biennium.

(e) Producers who hold a license in states requiring continuing education for their insurance producers, and who furnish evidence of their compliance with the continuing education requirements in such states are exempt from meeting this state's continuing education requirements provided that the insurance supervisory official of the state in which the producer completes the continuing education requirements will grant similar exemptions to Connecticut residents licensed therein who have satisfied Connecticut's continuing education requirements.

(f) Producers whose only line of authority is (1) credit insurance, which includes credit life, credit accident and health, and mortgage guaranty, (2) travel accident and travel baggage insurance, or (3) bail bonds are exempt from the twenty-four hours of continuing education credits requirement of section 38a-782a-2 of the Regulations of Connecticut State Agencies.

(Adopted effective February 1, 1998; amended February 1, 2000, September 17, 2002)

Sec. 38a-782a-14. Failure to comply

(a) Failure of a producer to satisfy the requirements of this regulation by the last day of January of each even-numbered year by obtaining the continuing education credits required by sections 38a-782a-1 to 38a-782a-17, inclusive, of the Regulations of Connecticut State Agencies shall result in the suspension of his or her insurance producer license, unless such producer has been granted an extension pursuant to section 38a-782a-12. No such suspension shall become effective until the commissioner has provided thirty days' written notice of such impending suspension. During the thirty day notice period, the producer may provide proof of compliance with the continuing education requirements of sections 38a-782a-1 to 38a-782a-17, inclusive of the Regulations of Connecticut State Agencies in a manner and form acceptable to the commissioner. Failure of a producer, granted an extension, to satisfy the continuing education requirements by the last day of the extension period shall result in the immediate suspension of his or her insurance producer license.

(b) No resident or nonresident producer whose license has been suspended pursuant to subsection (a) of this section shall have such suspension removed for a period of at least ninety days from the date of suspension.

(c) No resident or nonresident producer shall apply for removal of such suspension unless the producer has successfully completed the continuing education requirements for the period.

(d) Completion of such requirements and removal of the suspension shall not reduce the continuing education requirements for the biennium next following the suspension.

(e) During the period of suspension the department shall not renew the producer's existing appointments or approve new appointments.

(Adopted effective February 1, 1998; amended February 1, 2000)

Sec. 38a-782a-15. Appeals

(a) The commissioner shall provide, pursuant to section 38a-19 of the Connecticut General Statutes, a reasonable means whereby any person aggrieved by the action of the commissioner with respect to the enforcement of sections 38a-782-1 through 38a-782-17, inclusive, of the Regulations of Connecticut State Agencies may be heard, in person or by an authorized representative, to review the grievance.

(b) Any person aggrieved by an action of the commissioner after an appeal under subsection (a) of this section may appeal in accordance with the provisions of section 4-183 of the Connecticut General Statutes.

(Adopted effective February 1, 1998; amended February 1, 2000)

Sec. 38a-782a-16. Sanctions

(a) The commissioner may deny, suspend or revoke approval of a sponsor or course if the sponsor, instructor or course is not in compliance with sections 38a-782a-1 to 38a-782a-17, inclusive, of the Regulations of Connecticut State Agencies.

(b) Any of the following shall constitute cause for administrative action under section 38a-774 of the Connecticut General Statutes: (1) a determination by the

commissioner that a sponsor (A) has failed to maintain continuing education course completion records for the current and preceding biennium; or (B) has failed to submit course attendance and completion rosters as provided by section 38a-782a-4(b) of the Regulations of Connecticut State Agencies; or (2) a determination by the commissioner that a producer (A) obtained or accepted any certificate of completion from a provider where the producer has not attended a course for the required time; (B) cheated or used unauthorized materials or received unauthorized assistance during an examination; or (C) violated any other provision of sections 38a-782a-1 to 38a-782a-17, inclusive, of the Regulations of Connecticut State Agencies.

(Adopted effective February 1, 1998; amended February 1, 2000, September 17, 2002)

Sec. 38a-782a-17. Hearing costs

The cost for the transcript of any hearing resulting from the failure of a producer to successfully complete the continuing education requirements, or requested by a producer or sponsor aggrieved by a decision of the commissioner concerning a violation of sections 38a-782a-1 to 38a-782a-17, inclusive, of the Regulations of Connecticut State Agencies shall be borne by the producer or sponsor.

(Adopted effective February 1, 1998; amended February 1, 2000)

Sec. 38a-782a-18. Effective date

Sections 38a-782a-1 through 38a-782a-17, inclusive, of the Regulations of Connecticut State Agencies shall take effect on February 1, 1998.

(Adopted February 1, 1998)