

3901-5-03

Continuing education course.

(A) Purpose

The purpose of this rule is to establish ~~a procedure~~ criteria, standards, and procedures for ~~the review and approval of~~ continuing education (CE) courses ~~which that~~ licensed agents must complete ~~for the purpose of maintaining~~ to maintain their ~~licenses~~license.

(B) Authority

This rule is promulgated pursuant to the authority vested in the superintendent under sections 3901.041, 3905.12, 3905.26, 3905.28, ~~and~~ 3905.486, and 3905.95 of the Revised Code.

(C) Definitions

- (1) "Classroom" means course activities or information occurring in real time at a specific time, date, and place, and delivered in person, such as but not limited to a seminar or workshop by a qualified instructor. ~~Student attendance~~ Attendance is based on personally identifiable information (e.g., government-issued identification and signature) and ~~student~~ participation or interaction with course activities. Classroom courses do not require an examination.
- (2) "Completion Date" is the date on which the ~~student~~ participant completes the course, including passing any required examination.
- (3) "Course" means a classroom, distance learning, or self-study presentation of information on insurance ~~and/or~~ or risk management topics, delivered in person, in print or electronically, which may be interactive or not, with successful completion measured by either attendance (classroom), interaction (distance learning), or by examination/knowledge assessments (self-study).
- (4) "Course Completion Roster" means a listing of course completions, provided in a format determined by the superintendent, which includes the provider name, provider number, course ~~name~~ title, and course identification number, course completion date, ~~student's~~ participant's name, national producer number (NPN), number of credits earned by each ~~student~~participant, or any other information deemed necessary by the superintendent.
- (5) "Course Difficulty Level" is determined ~~based on~~ by whether the course is designed for inexperienced or experienced practitioners, as well as the amount of information presented and at what pace the information is

presented.

- (a) "Basic" is a course designed for entry-level agents or agents new to the subject matter.
 - (b) "Intermediate" is a course designed for agents who have existing competence in the subject area and ~~who seek~~ that wish to further develop and apply their skills.
 - (c) "Advanced" is a course designed for agents who have a strong foundation and high level of competence in the subject matter.
- (6) "Course Offering" is an approved event with a specific start and end time.
- (7) "Distance Learning" means the method of instruction where the ~~student~~ participant and qualified instructor are in different physical locations and interact with each other through various methods of telecommunication, including, ~~but not limited to~~ video teleconference, internet conference, virtual class, or webinar. Distance learning is delivered at a specific date and time. ~~Student attendance~~ Attendance is monitored and validated based on personally identifiable information (e.g., username, password, and/or email), and ~~student~~ participation in interactive exercises is required. Credit for course is based on attendance and activity, not examination.
- (8) "Interactive" means regular occurring opportunities for ~~student~~ participation, engagement, and interaction with course activities and information. Examples include, ~~but are not limited to~~, question and answer sessions, entry of verification codes, polling, games, sequencing, and matching exercises.
- (9) "Proctor" means a disinterested third party that is ~~a minimum age of~~ at least eighteen years old, which can be any person except for family members, ~~or~~ individuals who have a financial interest in the ~~student's~~ participant's success on the exam. ~~Co-workers must not be~~ , or co-workers that are not above or below in the ~~student's~~ participant's line of supervision.
- (10) "Self-Study" means the method of instruction which does not require a ~~student~~ participant to attend an organized class or interact with an instructor and is completed by individual study. Course credit is based on the passage of an examination, knowledge assessments, ~~and/or~~ or frequent interaction with courseware as a condition of progressing through the course material. Self-study courses can be interactive or non-interactive. Course activities or information is delivered outside of real time (recorded or otherwise similarly

accessible) and at any time, such as ~~but not limited to~~ correspondence, online, video, audio, compact disc (CD), or digital video disc (DVD). ~~Student~~ Participant attendance is verified based on identity (e.g., username, password, email, and signature).

(D) Application

All requests for approval of a course are to be made in the manner prescribed by the superintendent and ~~shall~~ contain the following information:

(1) A description of:

(a) The number of requested credit hours and length of the course. ~~For purposes of this rule a credit hour must provide for no less than fifty minutes of instruction. Breaks, introductions, lunches, announcements, or other non-instruction time is to be excluded in calculating the credit hours requested. Each course shall be a minimum of one credit hour, and in increments of whole or one-half credit hours. No course will be approved for more than twenty-one credit hours. provided that:~~

(i) The course be for at least one credit hour;

(ii) The course be for no more than twenty-one credit hours;

(iii) The credits be requested in whole or one-half credit hours;

(iv) There be at least fifty minutes of instruction for each credit hour requested; and

(v) Breaks, introductions, lunches, announcements, or other non-instruction time is excluded in calculating the credit hours requested.

(b) The course topic to which the course relates.

(c) The purpose or objective of the course and how the material offered will increase the knowledge of insurance and related subjects for the participants.

(d) The level of course difficulty (i.e. basic, intermediate, or advanced).

(e) The method of instruction in which the course will be delivered or presented.

- (f) The methods utilized to provide reasonable assurance of the ~~student's~~ participant's identity.
 - (g) The method(s) utilized to verify ~~student's~~ participant's attendance, completion, or participation of the course.
 - (h) The criteria used in selecting instructors. Providers ~~must~~ will make information about the experience and qualifications of each instructor available upon request by any person ~~the information about the experience and qualifications of each instructor.~~
 - (i) The course tuition and the provider's fee refund policy, ~~which conform to the requirements of~~ in accordance with rule 3901-5-04 of the Administrative Code.
- (2) A detailed content outline, which contains a description of each topic to be covered by the course. The outline ~~shall~~ must contain:
- (a) The proposed time component.
 - (b) The specific material to be covered in each time component.
 - (c) The method of presentation employed for each component.
 - (d) The justification for the time allotted to each component of the course.
 - (e) The time required to complete the course, in its entirety, without interruption.
 - (f) The identification of any component that includes a sales or marketing element.
- (3) A description of materials to be used during the course.
- (4) A statement as to whether an examination is required as part of the course and the minimum pass rate needed to pass the examination.
- (5) A statement as to whether the course is part of a national insurance designation program.

(6) A statement as to whether the course is open to the public.

~~(7) A copy of the promotional brochures currently in use or proposed to be used for the course once approved by the superintendent. All promotional material must include the level of course difficulty (i.e. basic, intermediate, or advanced) and any time restrictions for the completion of a course imposed upon participants.~~

~~(8)~~(7) The name of the authorized provider official as defined in rule 3901-5-02 of the Administrative Code.

~~(9)~~(8) The anticipated initial date the course will be conducted, if known.

~~(10)~~(9) ~~If The completed form and any required attachments as noted on the form if~~ course approval is being requested through the use of an approved multi-state form, ~~the provider must submit the completed form and any required attachments as noted on the form.~~

~~(11)~~(10) Any other information requested by the superintendent ~~may request~~.

(E) Standards for review of course application

(1) In order for a course to be approved by the superintendent as an acceptable continuing education course, ~~at a minimum~~, the course must:

(a) Be offered by an approved continuing education provider.

(b) Use the most recent policy forms ~~filed in Ohio~~, editions, and laws filed in Ohio to the extent possible.

(c) Have significant intellectual or practical content that enhances and improves the agent's insurance knowledge or professional competence. ~~A course should be an~~ , through an organized program of learning dealing with matters directly related to insurance, the insurance industry, professional competence, ethical obligations, insurance office operations or management, or similar subjects that will promote the purposes of this rule.

(d) Be given a title that is not misleading. ~~At a minimum, the course title may~~ and does not cause an individual to believe that the course is approved for a different course topic other than what is approved by the

superintendent.

(e) Meet all other criteria set forth in this rule.

(F) Instructor qualification

(1) The authorized provider official is responsible for verifying that instructors meet the required minimum qualifications. Instructors must meet one of the following qualification categories:

(a) Qualification one: the instructor or speaker holds a postgraduate degree in insurance or a related field, or has one of the following professional designations:

~~"Chartered Life Underwriter" (CLU);~~

~~"Chartered Financial Consultant" (ChFC);~~

~~"Fellow Life Management Institute" (FLMI);~~

~~"Life Underwriting Training Council Fellow" (LUTCF);~~

~~"Chartered Property and Casualty Underwriter" (CPCU);~~

"Certified Insurance Counselor" (CIC);

~~"Registered Health Underwriter" (RHU); or~~

"Chartered Financial Consultant" (ChFC);

"Chartered Life Underwriter" (CLU);

"Chartered Property and Casualty Underwriter" (CPCU);

"Fellow Life Management Institute" (FLMI);

"Life Underwriting Training Council Fellow" (LUTCF);

"Registered Employee Benefit Consultant" (REBC); or

"Registered Health Underwriter" (RHU); or

(b) Qualification two: the instructor or speaker has four years experience as a full-time employee or licensed agent interpreting or explaining insurance policy contracts and in addition holds one or more of the

following designations:

~~"Certified Employee Benefits Specialist" (CEBS);~~

~~"Certified in Long Term Care" (CLTC);~~

~~"Certified Senior Advisor" (CSA);~~

~~"Life Underwriting Training Council Graduate" (LUTC Graduate);~~

~~"Fraternal Insurance Counselor" (FIC);~~

~~"Associate in Underwriting" (AU);~~

~~"Program General Insurance" (INS);~~

"Accredited Advisor Insurance" (AAI);

~~"Associate in Claims" (AIC);~~

~~"Associate in Risk Management" (ARM);~~

~~"Associate in Premium Auditing" (AIPA);~~

~~"Associate in Management" (AIM);~~

~~"Associate in Loss Control Management" (ALCM);~~

~~"Associate in Premium Auditing" (APA);~~

~~"Associate in Research and Planning" (ARP);~~

~~"Associate in Insurance Accounting and Finance" (AIAF);~~

~~"Associate in Marine Insurance Management" (AMIM);~~

"Associate in Automation Management" (AAM);

~~"Associate in Reinsurance" (ARE);~~

"Associate in Claims" (AIC);

"Associate in Fidelity and Surety Bonding" (AFSB); ~~or~~

"Associate in Insurance Accounting and Finance" (AIAF);

"Associate in Loss Control Management" (ALCM);

"Associate in Management" (AIM);

"Associate in Marine Insurance Management" (AMIM);

"Associate in Premium Auditing" (AIPA);

"Associate in Premium Auditing" (APA);

"Associate in Reinsurance" (ARE);

"Associate in Research and Planning" (ARP);

"Associate in Risk Management" (ARM);

"Associate in Underwriting" (AU);

"Certified Employee Benefits Specialist" (CEBS);

"Certified in Long Term Care" (CLTC);

"Certified Senior Advisor" (CSA);

"Fraternal Insurance Counselor" (FIC);

"Life Underwriting Training Council Graduate" (LUTC Graduate);

"Program General Insurance" (INS); or

Associate or bachelor degree with a specialization in insurance.

(c) Qualification three: the instructor has seven years of relevant experience.

- (2) A provider ~~shall~~ must verify each instructor's relevant qualifications and be prepared to provide evidence of ~~such~~ their qualifications to the superintendent upon request.
- (3) Instructors must be knowledgeable in the subject that they teach in a course.
- (4) Instructors may receive CE credits for a course which they teach. An instructor is only eligible to receive credit for the same course once during a renewal cycle. The instructor may receive double the number of credit hours which they teach.
- (5) Insurance company trainers as instructors must be full-time salaried employees

of the insurance company sponsoring the course and have as part of their full-time responsibilities the duty to provide insurance company training.

- (6) College and university instructors may be full-time or adjunct faculty of the accredited college or university, teaching a curriculum course in his or her field of expertise, and meet the requirements of the association that accredits the college or university.
- (7) Any person that has had administrative action taken against a professional license or registration ~~shall~~ must disclose ~~such that~~ such that action to the provider prior to instructing a course, seminar, conference or lecture. If the provider wants to use this person as an instructor under its authority, the provider must notify the superintendent immediately upon receipt of ~~such that~~ such that information and have. ~~This person shall be ineligible to serve as an instructor, seminar or conference leader or lecturer unless written approval has been granted by from~~ the superintendent.

(G) Review of application

- (1) A course application ~~shall be~~ will only be considered if it is made on a form prescribed by the superintendent, complete and ~~include~~ includes the appropriate fee based on the fee option selected on the provider application. The superintendent ~~shall~~ will review each application within thirty days of the date of receipt of a complete application and appropriate fees. The effective date of a course approval ~~will be~~ is within the superintendent's discretion.
- (2) If the provider submits an initial course or renewal application that is incomplete or if the application lacks information deemed necessary by the superintendent, the application will be returned with a letter indicating areas which must be addressed before the review process will continue. If the superintendent does not receive the requested information by the requested response date, the filing will be considered abandoned. The course application fee is non-refundable and non-transferable.
- (3) Providers will be notified in writing of the approval of each course and of the course number assigned to it by the superintendent. A course is approved from the date of approval until December thirty-first of the same year in which the course is approved. ~~The course must be renewed on an annual basis in order for the provider to continue offering the course. An application for renewal shall be made no later than~~ Course renewal applications are due by November thirtieth each year. The superintendent shall have will review each application within thirty days ~~to review course renewal applications of receipt~~

of a complete application and appropriate fees.

- (a) A course renewal application ~~shall be~~ will only be considered if made on a form prescribed by the superintendent, complete and ~~include~~ includes the appropriate fee based on the fee option selected on the provider renewal application.
- (b) The superintendent may require a full review of courses that have aged at least four years from initial approval or since its last full review. A full review may include the submission of a new course application, course outline, and other course application documents and information outlined in this rule for initial course review. Outcome of review may result in the issuance of a new course identification number, change to approved course topic, or number of approved credit hours.
- (c) Any provider or associated course whose renewal has not been approved before the expiration date will automatically expire as of December thirty-first of that renewal year. The provider may not conduct any course for credit until the provider and associated courses are approved by the superintendent.
- (4) Based upon a review of the application the superintendent may approve a course for fewer credits than requested, and a provider may only offer and award the number of credit hours as approved.

(H) Additional guidelines for self-study courses

- (1) A self-study course may be offered utilizing any of the following formats:
 - (a) On-line course with interactive chapter or section questions. This type of interactive on-line course has a series of questions at the end of each chapter or section designed to test the ~~student's~~ participant's subject matter knowledge of that chapter or section. The ~~student shall not~~ participant may only advance to the next chapter or section ~~until the student has~~ after they have successfully answered all the questions for the previous chapter or section. The ~~student~~ participant may review the material ~~in order~~ to answer a question. An interactive on-line self-study course is not required to have a final examination.

An interactive on-line course must be designed ~~so as~~ to prevent the ~~student~~ participant from completing the course in a time unreasonably short when compared to the credit hour total approved for the course.

- (b) A non-interactive on-line course which has a scored on-line final examination~~;~~.
 - (c) A non-interactive on-line or paper-based course which has a mail-in final examination~~;~~~~or~~.
 - (d) Any type of self-study program with a final examination.
 - (e) Other ~~types~~ type of self-study courses as the superintendent may approve.
- (2) In addition to providing all other information required pursuant to this rule, a provider ~~shall~~ must include:
- (a) ~~For an on-line interactive course, the~~ The number of questions that appear at the end of each chapter or section, a sample of the questions, references from the questions back to the text if requested by the superintendent, and a copy of the answer key for the sample questions for on-line interactive courses; or
 - (b) ~~For a course which requires a final examination, the~~ The number of examination questions which will appear on the ~~student's~~ participant's examination, references from the examination back to the text if requested by the superintendent, and a copy of the examination answer key with the application for a course which requires a final examination. The answer key ~~shall~~ must indicate the total amount of credit possible for answering each question correctly. ~~If essay questions are employed in the examination there must be an explanation as to~~ and an explanation how essay questions will be graded.
- (3) A provider ~~shall~~ will require each agent to enroll and pay for the course before having access to the course material.
- (4) A provider ~~shall~~ will prevent access to the course unit/chapter questions and final exam before the agent reviews the course materials.
- (5) A provider ~~shall~~ will prevent downloading and printing of any course unit/chapter question and final exam.
- (6) The following are minimum requirements for self-study final examination and for on-line interactive chapter/section questions:

- (a) Multiple choice items ~~are to~~ will have a minimum of four options.
 - (b) Multiple choice items ~~may~~ will have only one correct response.
 - (c) Multiple choice answers ~~are to~~ will be grammatically consistent and parallel in form to eliminate obviously wrong answers.
 - (d) No correct answer to one question may provide a clue to the correct answer to any other questions in the chapter/section questions or final examination.
 - (e) Questions ~~are to~~ will be clearly written.
 - (f) Questions ~~are to~~ will adequately cover the course material set out in the course outline.
 - (g) Answers to the questions ~~shall~~ will not be in a discernable pattern.
 - (h) Final exam questions ~~may~~ will not duplicate any unit/chapter questions.
- (7) In order to obtain credit for a self-study course the licensee must either:
- (a) Complete an interactive on-line course having answered one hundred per cent of each chapter's/section's questions correctly; or
 - (b) Receive a grade of seventy per cent or greater on the final examination.
- (8) A final examination ~~shall~~ will be administered only upon completion of the self-study course and ~~shall~~ will meet the minimum requirements:
- (a) Final examinations must consist of a minimum of ten questions for each credit hour requested.
 - (b) A self-study course that includes a final examination ~~shall~~ will have at least enough questions to fashion a minimum of two versions with at least fifty per cent of the question being new/different in each subsequent version.
- (9) Providers offering self-study courses must have qualified instructors available

to respond to questions within forty-eight hours by telephone or email.

- (10) Providers must be able to prevent the issuance of a ~~student~~ participant affidavit until the course and course examination is successfully completed. Affidavits may be administered and signed electronically.
- (11) Each ~~student shall~~ participant must certify that he or she completed the course and, if applicable, the examination without assistance. If the examination is monitored, the provider or proctor may check ID to identify ~~students~~participants.
- (12) Details on how the examination materials ~~are to~~ will be returned to the provider shall be included in the instructions.

(I) Additional guidelines for distance learning courses

(1) Distance learning must:

- (a) Be conducted at a specific date and time and require each ~~student~~ participant to log into course using a distinct username, password, ~~and/or~~ or email.
- (b) Be designed ~~such~~ so that all ~~students~~ participants actively participate in the instructional process, by utilizing techniques that require substantial ~~student~~ participant interaction with the instructor, other ~~students~~participants, or a computer program. ~~The~~ Any course ~~design must not permit students that permits participants~~ to sit passively and observe instruction or read instructional material may not be approved. The provider ~~must~~ will have a process to determine when a ~~student~~ participant is inactive or not fully participating, such as when the screen is minimized, ~~or the participant~~ does not answer ~~the~~ polling questions, ~~and/or~~ or does not enter verification codes. ~~No~~ All continuing education courses will include no less than two methods of interactive activities ~~must be~~ asked at unannounced intervals during each one-hour course session to determine ~~student~~ participant attentiveness.

A provider may administer examinations to ~~students for the purpose of verifying participants to verify~~ participation and ~~evaluating~~ evaluate the effectiveness of the distance learning course, but passage of an examination by a ~~student shall~~ participant may not be a condition for advancement to a subsequent section of the course or successful completion of the course, unless the course is part of a national

designation program which requires the passage of an examination.

- (c) Utilize only instructors who are qualified according to Ohio's instructor guidelines pursuant to paragraph ~~(E)~~ (F) of this rule.
 - (d) Have appropriate instructor and technical support to enable ~~students~~ participants to satisfactorily complete the course. The provider ~~shall~~ will maintain an electronic roster to include records for each ~~student's~~ participant's log-in/log-out times. ~~Chat, chat~~ history, and interactive responses ~~should be captured as part of the electronic records.~~
 - (e) Utilize procedures that provide reasonable assurance of ~~student~~ participant identity. ~~Provider must verify the identity and, including~~ national producer number (NPN) of all ~~students~~ participants.
 - (f) Have a provider representative monitor attendance throughout the course and that the ~~student~~ participant receiving the continuing education credit actually performed all the work required to satisfactorily complete the course. When a ~~student~~ participant is deemed inactive, or not fully participating in the course, continuing education credit ~~must be denied~~ will only be granted in accordance with paragraph (E) of rule 3901-5-01 of the Administrative Code. Prior to the start of the course offering, the provider ~~must~~ will inform each ~~student~~ participant of the course participation requirements and the consequences for failing to actively participate in the course.
- (2) The provider must provide the ~~students~~ participants with an orientation or information package which contains all necessary information about the course subject matter and learning objective; procedures and requirements for satisfactory course completion, special requirements ~~with regard~~ related to computer hardware and software or other equipment, and the availability of instructor or technical support.
- (3) ~~Students~~ Participants must be able to interact with qualified instructor(s). ~~Students should be able to~~ submit questions or comments at any point during the course. ~~The course pace will be set by the instructor and does not allow for independent completion., and are unable to independently complete the course.~~
- (4) The title of the course must clearly state that it is a distance learning course.
- ~~(5) No partial credit will be granted for courses approved as a distance learning course.~~

(J) Organization or association meeting credit

A state insurance professional association or organization that is an approved provider pursuant to rule 3901-5-02 of the Administrative Code and that is affiliated with a national association or organization may file a course application and roster for annual association meetings conducted by the national association or organization: so long as:

- (1) The course application ~~must be~~ is filed prior to the meeting.
- (2) The method of attendance verification ~~shall be~~ is determined by the provider.

~~(3) Fees:~~

~~(a) No course fee shall be charged.~~

~~(b) The roster fee must be paid.~~

(3) No course fee is charged; and

(4) The roster fee is paid.

(K) Professional association membership credit

A local, regional, state, or national professional insurance association that is an approved provider pursuant to rule 3901-5-02 of the Administrative Code may file a course application and roster for association membership credit.

- (1) The provider must file with the superintendent of insurance for approval of a course number to be shown on all certificates issued for association membership CE credit prior to any participation activity that may result in association membership credit being offered.
- (2) The local, regional, state, or national professional insurance association must meet, at the minimum, the following qualifications:
 - (a) Organized as an association or corporation under state law;
 - (b) Based on paid memberships which renew annually or biennially for an additional membership fee;
 - (c) Organized for the express purpose of promoting the interests of insurance

licensees or a class of insurance licensees;

- (d) ~~Local and~~ If a local or regional ~~associations must~~ association have been in existence for at least seven years prior to applying for course approval to offer association membership credit. ~~State and~~ If a state or national ~~associations must~~ association have been in existence for at least five years prior to applying for course approval to offer association membership credit;
 - (e) ~~Have been formed~~ Formed for purposes other than providing CE credits to meet state educational requirements;
 - (f) Have an active membership base of at least one hundred fifty, individually licensed insurance agents which are dues paying members of the association.
 - (g) ~~Must submit~~ Submit a course application on a form prescribed by the superintendent ~~and shall include~~ that includes the appropriate fee based on the fee option selected on the application. ~~Course approval shall be authorized from the date of approval until December thirty first of the same year in which the course is approved;~~ and
 - (h) ~~The course must be renewed~~ Renewed on an annual basis ~~in order~~ for the provider to continue offering association membership credit. ~~An application for renewal shall be made no later than November thirtieth each year on a form prescribed by the superintendent and shall include the appropriate fee based on the fee option selected on the renewal application.~~
- (3) The method of verification of qualified participation activity ~~is to~~ will be determined by the provider.
- (4) The association is responsible for determining if participation in a meeting, program, or affiliation qualifies for association credit and for the number of appropriate association credits earned. If the association determines that a requested activity does not qualify for association membership credit, the provider ~~shall~~ will send a letter to the licensee within ten calendar days of the decision with an explanation as to why credit was not granted.
- (5) The provider ~~shall~~ will submit association membership credit requests to the superintendent on a form prescribed by the superintendent pursuant to the submission requirements of paragraph (D)(5) in rule 3901-5-04 of the

Administrative Code.

(L) Severability

If any portion of this rule or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the rule or related rules which can be given effect without the invalid portion or application, and to this end the provisions of this rule are severable.