

# \*\*\* DRAFT - NOT YET FILED \*\*\*

3901-5-04

## Continuing education market practices/audit.

### (A) Purpose

The purpose of this rule is to establish criteria, standards, and procedures for providers of continuing education (CE) programs.

### (B) Authority

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

### (C) ~~Provider practices~~Providers must:

- (1) ~~A course must be offered and presented~~ Offer and present a course as approved by the superintendent. ~~The failure~~ Failure to do so may result in a denial of CE credit for the course.
- (2) ~~Written notice of any changes~~ Provide the superintendent with written notice that includes both the provider and course identification number at least fifteen days in advance of any change to a provider or course application. ~~must be given to the superintendent no later than fifteen days subsequent to the effective date of the change. Notice of such changes must contain both the provider and course identification numbers.~~
- (3) ~~Providers may not change~~ No change to a course's content or outline is effective without prior written approval of the superintendent. Change to a ~~course~~ course's content or outline may result in the issuance of a new course identification number. Failure to obtain ~~such~~ written approval in advance of offering the course may result in a denial of CE credit for the course.
- (4) ~~An~~ A provider will submit the date, time, and location of each course to the superintendent at least ten days prior to the offering of the course. A provider will hold approved course ~~must be in session~~ on the date(s) scheduled, during the specified hours and at the designated location unless cancelled in accordance with ~~paragraph~~ paragraphs (C)(5) and (C)(6) of this rule or unless notification of any change is given to the superintendent in accordance with paragraph (C)(2) of this rule. Providers do not need to report examination schedules for courses approved as self-study.
- (5) ~~If~~ A provider will refund all fees in full within forty-five days of a course's cancellation or in accordance with the refund policy conspicuously printed on the provider's materials if an approved course is cancelled; or if an agent cancels in advance of the date ~~of the course, the provider must refund all fees~~

# \*\*\* DRAFT - NOT YET FILED \*\*\*

~~in full within forty five days of the cancellation unless a different refund policy is conspicuously printed on the provider's materials scheduled.~~

- (6) ~~A No change to course location, date, time, content, or applicable refund policy is effective unless the provider must issue issues written notification to the department and all individuals who are scheduled to attend a course of any change in the course location, date, time, course content, or refund policy prior to the course offering. If a course is postponed to a later date or moved to a location that is different and is more than ten miles from the original course location, the provider must offer each agent who is scheduled to attend the option of a full refund in lieu of attending the class. Agents scheduled to attend a course that is later postponed or moved to a different location more than ten miles away from the original location are entitled to a full refund for any fee paid to attend that course.~~
- (7) ~~A provider must provider's failure to monitor the course attendance, examination, or participation of each agent. The provider must be able to provide reasonable assurance of active student participation in every course. or provide reasonable assurance of active student participation may result in denial of CE credit for that course.~~
- (8) ~~A provider must submit the date, time and location of each course to the superintendent at least ten days prior to the offering of the course. The provider must notify the superintendent, in writing, immediately upon cancellation of or any change to a scheduled course. Providers do not need to report examination schedules for courses approved as self study.~~
- (9) ~~Providers approved to offer CE credit for association membership shall not submit to the superintendent association membership credit based on an agent's act of joining the local, regional, state or national professional insurance association.~~
- (10) ~~(8) A provider must comply will conduct all courses in compliance with both the "Equal Employment Opportunity" and the "Americans with Disabilities Act. Acts."~~
- (11) ~~(9) Facilities must be A provider will endure that facilities are large enough to comfortably accommodate all attendees and instructors and must be conducive to the education process.~~
- (12) ~~(10) Providers shall submit all All applications, schedules, and rosters will be submitted by providers electronically, using a system prescribed or otherwise approved by the superintendent, unless the superintendent has authorized other submission methods. Each individual accessing authorized to access the~~

# \*\*\* DRAFT - NOT YET FILED \*\*\*

department's electronic reporting system ~~must have his or her own~~ will have a unique user name and password.

~~(13)~~(11) ~~Provider must obtain~~ Providers are responsible for obtaining the following information from each agent as part of ~~the~~ that agent's course registration:

- (a) National producer number (NPN);
- (b) First and last name as they appear on the agent's license record with this state;
- (c) Attestation from each agent that they will complete the course themselves and without improper assistance of others; and
- (d) Agent's signature. Electronic signature is acceptable.

(12) Providers will retain all records pertaining to its Ohio CE activities for at least four years, including attendance and credits awarded.

## (D) Attendance rosters

- (1) Each provider ~~shall maintain~~ is responsible for maintaining accurate attendance records for each course. ~~Providers must obtain the agents signatures and obtaining each agent's signature~~ and appropriate verification of the time of arrival and departure. -
- (2) ~~Within~~ Providers are to file an attendance roster no later than fifteen calendar days after ~~the a course's completion of a course, the provider shall file an attendance roster,~~ which identifies each agent who completed the course. ~~The roster must include the agent's name, their name, national producer number (NPN), or~~ other identification number requested by the superintendent, and ~~the~~ number of requested credits per agent listed on the roster. If partial credit is being given, the provider ~~must will~~ note on the attendance roster the actual number of credits to be given to that agent. The participation fee amount submitted to the ~~roster must~~ department will be equal to the number of credits approved for the course.
- (3) Instructors may receive double the number of credit hours which they taught. ~~Any instructor for whom CE credit is sought shall also be identified on the attendance roster with a notation of so long as the instructor is listed on the attendance roster submitted by the provider along with~~ the total number of credits that are to be given for the instruction. ~~Providers must include and~~

# \*\*\* DRAFT - NOT YET FILED \*\*\*

payment for a participation fee equal to the number of credits given to the instructor.

- (4) The provider's failure to timely file an attendance roster, or other acceptable documentation, may result in a denial of CE credit for those agents who attended the course.
- (5) For association membership credit, the provider ~~must~~ must submit a course roster to the superintendent within fifteen calendar days of an agent making a written request to the association. Prior to submitting a course roster, it is the responsibility of the association to verify that the agent's activity qualifies for association credit.
  - (a) The provider ~~shall~~ may only submit only one qualifying activity or program per roster ~~and shall identify along with~~ the number of association credits each agent earned per activity. The provider may issue association credit on each roster ranging from one credit to no more than four credits per agent.
  - (b) ~~The provider must submit the A~~ course participation fee of one dollar per association membership credit per member will be included with the roster.

## (E) Advertising

- (1) All CE advertising or promotion of any kind ~~must~~ will contain all of the following:
  - (a) The complete name of the provider as it appears on the application for provider approval;
  - (b) The complete title of the course as it appears on the application for course approval;
  - (c) The number of Ohio CE credit hours and topic for which the course is approved;
  - (d) Whether an exam is required in order to receive CE credit; and
  - (e) Level of course instruction (i.e. introductory, intermediate, advanced).

# \*\*\* DRAFT - NOT YET FILED \*\*\*

- (2) A provider ~~must not~~ may only represent that a course has been approved for CE credit in Ohio ~~until if~~ the superintendent issues has issued written approval ~~of~~ for that course. A provider may represent that an application for CE approval is pending, but if a provider does so and approval is not granted, ~~the provider must make~~ a full refund of all fees will be made. If a provider represents that approval is pending, the provider ~~must~~ will also state, in substance, that the superintendent could deny course approval or approve the course for fewer credits than requested.
- (3) ~~A provider shall not offer any~~ No guarantee or ~~represent~~ representation that ~~there is any guarantee that~~ a licensee will pass a required examination may be made.
- (4) ~~A provider approved to offer association membership credit shall not offer any~~ No guarantee or representation that membership in ~~its~~ an organization will automatically qualify for CE ~~credits~~credit.
- (5) If several approved courses are offered together, all advertising and promotional materials ~~must~~ will separately identify each approved course and the respective number of CE credit hours for which each course topic is approved.
- (6) ~~In advertising or promoting itself or any of its courses, a provider shall not make~~ No advertising or promotional materials may contain any representation or statement, or cause or permit another to make any representation or statement which is false, deceptive or misleading.
- (7) A provider's refund policy ~~must~~ will be clearly and conspicuously disclosed in all advertising and on all printed promotional materials.

## (F) Audit

- (1) The superintendent may audit a provider's records and courses at any time without prior notice.
- (2) The instructors at an approved course may be required to provide proof of identity upon request during an audit of a course.

## (G) Records retention

- (1) ~~Each provider shall retain all records which pertain to its Ohio CE activities for a minimum of four years.~~

# \*\*\* DRAFT - NOT YET FILED \*\*\*

- (2) ~~A provider must be able to verify who attended or completed each course for a minimum of four years following the completion of such course.~~
- (3) ~~A provider approved to issue association membership credit must be able to verify active participation by those members granted such credit for a minimum of four years following the completion of the calendar year in which credit was granted.~~

## (H)(G) Certificate of completion

- (1) ~~A Providers are to issue a certificate of completion shall contain , including the agent's name, and national producer number (NPN), or course name, course identification number, course date(s), association credit activity earned date(s), credit hours completed, provider name, provider identification number, provider signature, and any other identification number requested by the superintendent, the name and identification number of the course, the date(s) the course was held or date(s) the association credit activity was earned, the number of credit hours completed by the agent, the name and identification number of the provider and a representative of the provider shall sign each certificate. Provider signature may be facsimile stamp, electronic or wet signature~~within ten calendar days of course completion.
- (2) ~~A provider shall issue a certificate of completion to each agent within ten calendar days of course completion.~~ For association membership credit, the course completion date ~~shall be is~~ based on the date the provider received a written request from an agent requesting association membership credit pursuant to paragraph (F)(5) of rule 3901-5-01 of the Administrative Code or the date of the association activity, whichever is later.

## (H)(H) Severability

~~If any paragraph, term or provision of this rule is adjudged invalid for any reason, such judgment shall not affect, impair or invalidate any other paragraph, term or provision of this rule, and the remaining paragraphs, terms and provisions shall be and shall continue in full force and effect. 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.~~