

REQUEST FOR TECHNICAL CHANGE

AGENCY: Commissioner of Insurance

RULE CITATION: 11 NCAC 06A .0809

DEADLINE FOR RECEIPT: Friday, November 4, 2016

NOTE WELL: *This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Page 1, line 17 – this line requires the use of a form. G.S. 150B-2(8a)d. does not require a form to be adopted as a rule if its “contents or substantive requirements ... are prescribed by rule or statute.” Is there a rule or statute that prescribes the information required in this form? Are all of the substantive requirements set forth in Paragraph (f)?

Page 1, line 22 – what does “to be given” mean? Perhaps “to be distributed to course participants”?

Page 1, line 27 – what does “indicate” mean – perhaps “determine”? What is the basis for this determination?

Page 1, line 29 – replace “is” with “shall be”

Page 2, line 3 – add “course” before “presentation” if that is what is meant.

Page 2, line 5 – replace “the” with “a” at the beginning of this line.

Page 2, lines 14-15 – the deletion of original Paragraph (h) appears to have rendered new Paragraph (h) meaningless. Are these lines still needed and, if so, what do they mean?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas
Commission Counsel
Date submitted to agency: October 21, 2016

11 NCAC 08. 0904 is amended as published in 31.02 NCR 111-112 as follows:

CHAPTER 06 – AGENT SERVICES DIVISION

SUBCHAPTER 06A – AGENT SERVICES DIVISION

SECTION .0800 – CONTINUING EDUCATION

11 NCAC 06A .0809 APPROVAL OF COURSES

(a) All providers of courses specifically approved under Rule .0803 of this Section shall pay the fee prescribed in G.S. 58-33-133(b) and shall provide to the Commissioner or Administrator copies of:

- (1) program catalogs;
- (2) course outlines; and
- (3) advertising literature.

(b) All providers of courses not specifically approved under Rule .0803 of this Section shall do the following:

- (1) Any individual, school, insurance company, insurance industry association, or other organization intending to provide classes, seminars, or other forms of instruction as approved courses shall:
 - (A) apply on forms provided by the Commissioner or Administrator, located on the N.C. Department of Insurance's website at http://www.ncdoi.com/ASD/ASD_CE_Ins_Providers.aspx;
 - (B) pay the fee prescribed in G.S. 58-33-133(b);
 - (C) provide outlines of the subject matter to be covered; and
 - (D) provide copies of handouts to be given.
- (2) All providers of supervised individual study programs shall file copies of:
 - (A) the study programs;
 - (B) the examination; and
 - (C) the Internet course security procedures.

(c) The Commissioner shall indicate the number of ICECs that have been assigned to the approved course.

(d) If a course is not approved or disapproved by the Commissioner or his designee within 60 days after receipt of all required information, the course is deemed to be approved at the end of the 60-day period.

(e) If a course approval application is denied by the Commissioner or his designee, a written explanation of the reason for denial shall be furnished to the provider.

(f) Course approval applications shall include the following:

- (1) a statement indicating for whom the course is designed;
- (2) the course objectives;
- (3) the names and duties of all persons who will be affiliated in an official capacity with the course;
- (4) the course provider's tuition and fee refund policy;
- (5) an outline that shall include:

- (A) a statement of whether there will be a written examination, a written report, or a certification of attendance only;
- (B) the method of presentation;
- (C) a course content outline with instruction hours assigned to the major topics; and
- (D) the schedule of dates, beginning and ending times, and places the course will be offered, along with the names of instructors for each course session, submitted at least 30 days before any subsequent course offerings.
- (6) a copy of the course completion certificate;
- (7) a course rating form;
- (8) a course bibliography; and
- (9) an electronic copy of the course content and course examination for Internet courses.
- (g) A provider may request that its materials be kept confidential if they are of a proprietary nature.
- ~~(h) Courses awarded more than eight ICECs shall have an examination in order for the licensee to get full credit.~~
- ~~(h)~~ (i) A provider may request an exemption to the examination requirement in Paragraph (h) of this Rule when filing a long-term care partnership continuing education course of eight hours.
- ~~(i)~~ (i) A provider shall not cancel a course unless the provider gives written notification to all students on the roster and to the Commissioner or Administrator at least five days before the date of the course. This Paragraph does not apply to the cancellation of a course or class because of inclement weather.
- ~~(i)~~ (j) A provider shall submit course attendance records electronically to the Commissioner or Administrator within 15 business days after course completion.
- ~~(j)~~ (k) An error on the licensee's record that is caused by the provider in submitting the course attendance records shall be resolved by the provider within 15 days after the discovery of the error by the provider.

Authority G.S. 58-2-40; 58-33-130; 58-33-132; 58-33-133.

Amended Eff. December 1, 2016.