

REQUEST FOR TECHNICAL CHANGE

AGENCY: Commissioner of Insurance

RULE CITATION: 11 NCAC 06A .0809

DEADLINE FOR RECEIPT: Thursday, June 8, 2017

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:

In (a), line 10, and (b), line 15, I take it the use of the term "specifically" is because the name of Rule .0803 is "Courses Specifically Allowed"?

In (c), line 28, I take it "ICEC" is the term "Insurance Continuing Education Credits" as defined in Rule .0801 of the Section?

In (d), line 30, and (e), line 32, please state "his or her"

In (d), if the course is deemed approved, how will hours be assigned? Paragraph (c) states that they are assigned using Rule .0805, and Rule .0805 only provides guidelines, not actual hours. Is there a provision for providers to know how many hours the approval is for?

In (f)(3), what is "official capacity"?

In (f)(5)(A), Page 2, line 4, is "only" applying to just the certification of attendance? If so, I suggest stating "or only a certification of attendance;"

In (g), so that I'm clear – the request is made to the Commissioner or Administrator? And if the request is made, will it be automatically granted?

In (i), I take it your regulated public knows how to electronically submit these? And is this entirely up to the individual provider whether to submit to the Commissioner or the Administrator?

In (j), what will occur if the licensee discovers the error? Or this Paragraph intended to address the situation that once the provider is notified by whomever (the Commissioner, Administrator, licensee), they have 15 days to address it?

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: May 24, 2017

1 11 NCAC 06A. 0809 is amended as published in 31.16 NCR 1721-1722 as follows:

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3 **CHAPTER 06 – AGENT SERVICES DIVISION**

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5 **SUBCHAPTER 06A – AGENT SERVICES DIVISION**

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7 **SECTION .0800 – CONTINUING EDUCATION**

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9 **11 NCAC 06A .0809 APPROVAL OF COURSES**

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

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

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

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

28 (c) The Commissioner shall determine the number of ICECs that have been assigned to the approved course in
29 accordance with Rule .0805 of this Section.

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

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

34 (f) Course approval applications shall include the following:

- 35 (1) a statement indicating for whom the course is designed;
36 (2) the course objectives;
37 (3) the names and duties of all persons who will be affiliated in an official capacity with the course;

- 1 (4) the course provider's tuition and fee refund policy;
- 2 (5) an outline that shall include:
- 3 (A) a statement of whether there will be a written examination, a written report, or a
- 4 certification of attendance only;
- 5 (B) the method of course presentation;
- 6 (C) a course content outline with instruction hours assigned to the major topics; and
- 7 (D) a schedule of dates, beginning and ending times, and places the course will be offered,
- 8 along with the names of instructors for each course session, submitted at least ~~30~~ 10 days
- 9 before any subsequent course offerings.
- 10 (6) a copy of the course completion certificate;
- 11 (7) a course rating form;
- 12 (8) a course bibliography; and
- 13 (9) an electronic copy of the course content and course examination for Internet courses.
- 14 (g) A provider may request that its materials be kept confidential if they are of a proprietary nature.
- 15 (h) A provider shall not cancel a course unless the provider gives written notification to all students on the roster
- 16 and to the Commissioner or Administrator at least five days before the date of the course. This Paragraph does not
- 17 apply to the cancellation of a course or class because of inclement weather.
- 18 (i) A provider shall submit course attendance records electronically to the Commissioner or Administrator within 15
- 19 business days after course completion.
- 20 (j) An error on the licensee's record that is caused by the provider in submitting the course attendance records shall
- 21 be resolved by the provider within 15 days after the discovery of the error by the provider.

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23 *History Note: Authority G.S. 58-2-40; 58-33-130; 58-33-132; 58-33-133;*

24 *Temporary Adoption Eff. June 22, 1990, for a period of 180 days to expire on December 19, 1990;*

25 *ARRC Objection Lodged July 19, 1990;*

26 *Eff. December 1, 1990;*

27 *Amended Eff. October 1, 2014; March 1, 2011; February 1, 2008; February 1, 1996; June 1, 1992;*

28 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 25,*

29 *2016;*

30 *Amended Eff. June 1, 2017; December 1, 2016.*

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