

State of Rhode Island and Providence Plantations
DEPARTMENT OF BUSINESS REGULATION
Division of Insurance
1511 Pontiac Avenue, Bldg. 69-2
Cranston, Rhode Island 02920

Public Notice of Proposed Rule-Making

Pursuant to the provisions of R.I. Gen. Laws § 27-3.2-9, and in accordance with the Administrative Procedures Act Chapter 42-35 of the General Laws, the Department of Business Regulation hereby gives notice of its intent to amend Insurance Regulation 40 – Continuing Education for Insurance Producers.

The purpose of this amendment is to increase the fee for continuing education course submissions in accordance with the legislatures enactment of R.I. Gen. Laws § 27-3.2-9(c).

The proposed amendment and concise summary of non-technical amendments are available for public inspection at www.dbr.ri.gov , in person at Department of Business Regulation, 1511 Pontiac Avenue, Cranston, Rhode Island 02920, or requested by email edwyer@dbr.state.ri.us or by calling Elizabeth Kelleher Dwyer at (401) 462 9520.

In the development of the proposed amendment consideration was given to: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; and (3) significant economic impact on small business. No alternative approach, duplication, or overlap was identified based upon available information.

All interested parties are invited to submit written or oral comments concerning the proposed regulations by August 18, 2009 to Elizabeth Kelleher Dwyer, Department of Business Regulation, 1151 Pontiac Avenue, Cranston, Rhode Island 02920, edwyer@dbr.state.ri.us. A public hearing to consider the proposed amendment shall be held on Tuesday, August 18, 2009 at 10:00 am at 1511 Pontiac Avenue, Cranston, Rhode Island 02920 at which time and place all persons interested therein will be heard. The room is accessible to the disabled and interpreter services for the hearing impaired will be provided if requested 48 hours prior to the hearing. Requests for this service can be made in writing or by calling (401) 462 9520 or TDD 711.

A. Michael Marques
Director, Department of Business Regulation

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Concise Summary of Proposed Non-technical Amendments
to
Insurance Regulation Number 40

In accordance with the Administrative Procedures Act, Section 42-35-3(a)(1) of the General Laws of Rhode Island, following is a concise summary of proposed non-technical amendments:

1. Section 8(2)(b) changes the continuing education course fee from \$25 to \$60.
2. Section 8(3)(b) changes the continuing education course fee from \$25 to \$60.
3. Section 12 changes the continuing education course fee from \$25 to \$60.

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INSURANCE REGULATION 40

CONTINUING EDUCATION FOR INSURANCE PRODUCERS

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Section 1 *Authority*

This Regulation is promulgated in accordance with R.I. Gen. Laws §§ 27-3.2-1 *et seq.* and 42-14-17.

Section 2 *Purpose*

The purpose of this regulation is to establish requirements and standards for continuing education programs for individual resident insurance producers.

Section 3 *Definitions*

As used in this Regulation:

- A. “Continuing Education Course Provider” or “Provider” shall mean any person or entity which seeks and receives approval from the Department to provide a continuing education course(s) for insurance producers pursuant to R.I. Gen. Laws §§ 27-3.2-1 *et seq.*

- B. "Department" shall mean Department of Business Regulation, Division of Insurance.
- C. "Director" shall mean the Director of the Department of Business Regulation or his or her designee.
- D. "License" shall mean a document issued by the Department authorizing a person to act as an insurance producer for the lines of authority specified in the document. The license itself does not create any authority, actual, apparent or inherent authority, in the holder to represent or commit an insurance carrier.
- E. "NAIC" shall mean National Association of Insurance Commissioners.
- F. "Resident" shall mean a person who either resides in Rhode Island or maintains an office in Rhode Island where the business of producing insurance is transacted and designates Rhode Island as the residence for purposes of licensure.
- G. "Reciprocal State" shall mean any state which grants nonresident insurance producer licenses to licensed Rhode Island insurance producers without the necessity of examination on the basis of the Rhode Island license.

Section 4 Applicability

This Regulation applies to resident insurance producers licensed to engage in the sale of the following lines or class of insurance:

- 1. Life insurance;
- 2. Health & Accident and Sickness insurance;
- 3. Property insurance;
- 4. Casualty insurance and
- 5. All other lines of insurance for which an examination is required for licensing

Section 5 Exemptions

This chapter does not apply to:

- 1. Those residents holding licenses to sell any kind or kinds of insurance for which an examination is not required;
- 2. Persons holding a limited line credit insurance license or a license which is otherwise exempted by the Department;

3. Non-resident licensees who meet continuing education requirements established by the insurance department in their home state if the home state is reciprocal with the State of Rhode Island; or
4. Residents holding a license continuously without a lapse of licensure for twenty-five (25) years and who are age fifty-five (55) at the time of renewal or persons who had held a license for at least twenty (20) years and were at least sixty (60) years of age as of July 3, 2004.
 - A. A lapse has occurred if the producer's license expired and was not reinstated.
 - B. A producer's license may be reinstated if the producer submits an Application of License Reinstatement and pays the renewal fee within thirty (30) days of expiration. If the application is submitted more than thirty (30) days after expiration of the license, the licensee must pay both the renewal fee and a reinstatement fee. If a license is reinstated it is not considered to have lapsed. Licenses cannot be reinstated more than one year after expiration.
 - C. A producer who reinstates must complete continuing education in exactly the same manner as would have been required if the license was renewed prior to the expiration date.
5. Any exemption granted by the Department.

Section 6 **Educational Requirements**

Any person to which this Regulation applies shall, for each twenty four (24) month period, satisfactorily complete approved continuing education courses equivalent to a minimum of twenty four (24) accumulated credit hours with a minimum of five (5) hours in each line of authority for which the producer is licensed and a minimum of three (3) hours in ethics. Producers will not receive credit for a repeat of the same course within the two-year renewal cycle. For persons with all five major lines of authority, five (5) hours each must be completed in Life; Health & Accident and Sickness; Property and Casualty lines of authority.

A person teaching any approved course of instruction or lecturing at any approved seminar shall qualify for the same number of classroom hours as would be granted to a person taking and successfully completing that course, seminar, or program.

Section 7 **Approved Courses**

The following are the categories of courses that are approved for continuing education credit:

1. Pre-approved Courses

- a. Any part of the life underwriter training council life course curriculum: twenty-five (25) hours; health course curriculum: twenty-five (25) hours;
 - b. Any part of the American College Certified Life Underwriter (CLU) diploma curriculum: thirty (30) hours;
 - c. Any part of the Insurance Institute of America's program in general insurance: twenty-five (25) hours;
 - d. Any part of the American Institute for Property and Liability Underwriter's Chartered Property Casualty Underwriter (CPCU) professional designation program: thirty (30) hours.
 - e. Any part of the certified insurance counselor program: twenty-five (25) hours;
 - f. Any insurance related course approved by the insurance commissioner taught by an accredited college or university, per credit hour granted: fifteen (15) hours;
 - g. Any part of the accredited advisor in insurance program: twenty-five (25) hours;
 - h. Any part of the registered health underwriter (RHU) designation program: thirty (30) hours;
 - i. Any part of the Fellow, Life Management Institute (FLMI) professional designation program: thirty (30) hours.
2. Rhode Island approved courses
- Any course or program of instruction, seminar or correspondence course approved by the Director shall qualify for the number of hours assigned to it by the Director.
3. Courses approved in other states
- Any nationally recognized approved continuing education course, program of instruction, training seminar or correspondence course approved by a reciprocal state shall qualify for the same number of hours assigned to it by the reciprocal state as credit in Rhode Island as if it were approved by the Department.

Section 8 **Approved Providers and Course Submissions**

- 1. Each Continuing Education Course Providers shall register with the Department on a form and in a manner designated by the Department. Once registered the Provider may submit courses for approval as described below. The provider is responsible for keeping all information on file with the Department current. There is no fee for this registration.

2. Rhode Island Approved Courses
 - a. Providers shall submit an application for course approval on a form and in a manner designated by the Department.
 - b. In addition to the application and course materials, Providers must remit a nonrefundable fee of ~~twentysixty-five~~ dollars (~~\$2560~~) for each course submitted.
 - c. Courses approved for Rhode Island shall be assigned a unique course number that is valid for a period of two (2) years. If the course is resubmitted after the two-year period, such course shall be reassigned a new course number.
 - d. The provider submit all course material, for both new submissions and renewals, at least ninety (90) days prior to the proposed effective date of the course.
3. Courses Approved in Reciprocal States
 - a. If a course has been approved in the Provider's home state, Providers should submit an application for reciprocal approval in a manner and on a form approved by the Department.
 - b. In addition to the application and reciprocal state approval, Provider must remit a nonrefundable fee of ~~twenty-sixtyfive~~ dollars (~~\$2560~~) for each course submitted.

Section 9 **Continuing Education Advisory Board**

The Department will be assisted in the review and approval process of Rhode Island courses by two continuing education advisory boards. The Life, Accident & Health and Sickness Board shall consist of up to six (6) persons considered by the Department to have sufficient experience in the effected lines of insurance as necessary to advise the Department on the approval of courses. Persons who are representatives of the Rhode Island Association of Insurance and Financial Advisors, the Independent Insurance Agents of Rhode Island and the Rhode Island Society of Financial Service Professionals are presumed to have such expertise. The Property & Casualty Board shall consist of up to six (6) persons considered by the Department to have sufficient experience in the effected lines of insurance as necessary to advise the Director on the approval of courses. Persons who are representatives of the Independent Insurance Agents of Rhode Island, Rhode Island Association of Insurance and Financial Advisors and the Chartered Property and Casualty Underwriters are presumed to have such expertise.

The board members shall be appointed by the Director and shall serve at his or her pleasure. Board Members shall serve indefinite terms unless and until removed by

the Director or upon resignation. The Director shall be empowered to fill any unexpired term upon a vacancy. The Boards shall meet at least once a year and additionally as required. The Boards shall advise the Director on the plans and operations of the continuing education program for any person licensed pursuant to this title and not exempt pursuant to the Regulation.

Section 10 *Compliance*

1. Any person licensed pursuant to this title and not exempt under section 5 of this Regulation shall comply with all of the terms and requirements of this chapter.
2. Up to twenty-four (24) excess continuing education credits accumulated during a biennial license cycle may be carried forward through the end of the next renewal period.
3. Residents are required to maintain copies of continuing education course certificates that are issued by the approved course provider.
4. The Director, for good cause shown, may grant an extension of time during which the requirements of this chapter may be completed. Unless the Director finds extraordinary circumstances that extension of time shall not exceed the period of one year.
5. Every person subject to the provisions of this chapter shall furnish, in a form satisfactory to the Director, written certification as to the courses, programs, or seminars of instruction taken and successfully completed by that person. The certification shall be executed by or on behalf of the sponsoring organization.

Section 11 *Penalty*

Any person failing to meet the requirements of this chapter and who has not been granted an extension of time within which to comply or who has submitted a false or fraudulent certificate of compliance, shall be subject to any or all of the penalties in R.I. Gen. Laws § 42-14-16. Such person will be given the opportunity to dispute the allegations and/or penalty pursuant to R.I. Gen. Laws § 42-35-1 *et seq.*

Section 12 *Fees*

1. All persons licensed pursuant to R.I. Gen. Laws § 27-2.4-1 *et seq.* shall pay a fee of five dollars (~~\$5.00~~) per annum along with continuing education compliance.
2. All Continuing Education Course Providers shall be charged a fee of ~~twenty-sixty five~~ ~~dollars~~ (~~\$2560.00~~) for the approval of each continuing education course submitted for approval.

Section 13 **Collection of Continuing Education Course Data**

The Department may contract with non-governmental entities, including the NAIC or any affiliates or subsidiaries that the NAIC oversees, to perform any ministerial functions, including the collection of continuing education course data, related to licensing that the Department may deem appropriate.

Section 14 **Severability**

If any provision of this Regulation or the application thereof to any person or circumstances is held invalid or unconstitutional, the invalidity or unconstitutionality shall not affect other provisions or applications of this Regulation which can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this Regulation are severable.

Section 15 **Effective Date**

This Regulation shall be effective as indicated below.

EFFECTIVE DATE: January 1, 2007

AMENDED: September 1, 2008

September _____, 2009