§523. Authority of the Commissioner to Conduct On-Site Review of Prelicensing Programs  
[Formerly §521]

A. The commissioner or his designee shall have the authority to visit a training facility and review the provider’s program at any time. Said visits may include the review of curriculum records, review of attendance records and observation of instructional sessions in progress.


§525. Program Completion  
[Formerly §523]

A. All candidates shall complete the required instructional prelicensing program prior to taking the insurance licensing examination administered by the department or contracted testing vendor. The candidate shall successfully complete the instructional prelicensing program no more than 12 months prior to taking the examination.

B. Every provider shall maintain a list of all individuals who have successfully completed a prelicensing program presented by that provider for a period of not less than five years from the date of course completion. The list shall contain the identification number assigned to the prelicensing program by the commissioner and the name and such distinct information as necessary to clearly identify all individuals who successfully completed the prelicensing program, including the date of course completion. Every provider shall submit a copy of the list to the commissioner within 15 calendar days of prelicensing program completion. The commissioner may direct that the provider transmit course completion information to the vendor contracted to administer insurance examinations.

C. Every provider shall also maintain electronic records of prelicensing program completion in a format compatible with the commissioner’s specifications to facilitate the electronic reporting and transfer of attendance information from the provider to the commissioner.

D. Every provider shall present a certificate of successful completion to each individual who successfully completes the prelicensing program. This certificate shall be on a form acceptable to the commissioner and shall include the name of the individual and the identification number assigned to the prelicensing program by the commissioner.


§527. Fees  
[Formerly §525]

A. All applications submitted to the commissioner seeking certification of a prelicensing program shall be accompanied by the fee set forth in RS 22:821(29).


§529. Complaints  
[Formerly §527]

A. The commissioner shall review all complaints lodged against a provider, supervisory instructor or instructor of a prelicensing program. Every provider shall respond to an inquiry from the commissioner regarding a complaint within 30 days of receipt of such inquiry. Any disciplinary action required shall be taken by the commissioner in accordance with the Louisiana Insurance Code, specifically R.S. 22:2191-2208.


§531. Violations  
[Formerly §529]

A. The commissioner may deny, suspend, or rescind the certification of a prelicensing program should he find the prelicensing program, the instructors or the provider of the prelicensing program have violated any provision of this Rule or any applicable provisions of the Louisiana Insurance Code or should he find that continued operation of the prelicensing program is not in the best interest of the citizens of this state or the insurance buying public.

B. Any denial, suspension, or rescission of the certification of a prelicensing program shall comply with the provisions of R.S. 49:961.

C. An aggrieved party affected by the commissioner’s decision, act, or order may demand a hearing in accordance with R.S. 22:2191 et seq.


Chapter 7. Rule Number 10—Continuing Education

§701. Authority
INSURANCE


§703. Purpose

A. The purpose of this Rule is to protect the public, maintain high standards of professional competency in the insurance industry, and maintain and improve the insurance skills and knowledge of producers and adjusters licensed by the department. This shall be accomplished by prescribing the following:

1. minimum standards of continuing education in approved subjects that a licensee must periodically complete;
2. procedures and standards for the approval of such education; and
3. a procedure for establishing to the department that continuing education requirements have been met.


§705. Applicability and Scope

A. This Rule applies to all natural persons who are licensed by the department as producers for the lines of life, accident and health or sickness, property, casualty, bail bonds, personal lines or title and all adjusters and insurance consultants licensed by the department. This Rule shall also apply to the providers of continuing education programs and instructors for such programs.

B. The requirement for the completion of continuing education shall not apply to the following:

1. nonresident licensees who have met the continuing education requirements in their home state. If a producer or adjuster is not required to take continuing education in his home state that producer or adjuster is not required to submit continuing education credits to renew his Louisiana license;
2. an individual renewing a resident insurance producer, adjuster or insurance consultant license for the first time after initial issuance. Thereafter the licensee shall be subject to all applicable continuing education requirements;
3. an individual licensed as an insurance producer or insurance consultant who, on the date of renewal submission, is 65 years or older and who has at least 15 years of experience and who either:

   a. is no longer actively engaged in the insurance business as a producer and who is receiving social security benefits, if eligible; or
   b. is actively engaged in the insurance business as a producer and who represents or operates through a licensed Louisiana insurer or insurance agency.

C. Any person seeking an exemption to the continuing education requirements pursuant to the provisions of Paragraph B.3 above shall attest to his eligibility for the exemption on a form provided by the commissioner.


§707. Effective Date

A. This Rule shall become effective upon final publication in the Louisiana Register.


§709. Definitions

A. As used in this Rule, unless the context otherwise requires, the following definitions shall be applicable.

 Adjuster—an individual who is licensed by the department as a claims adjuster pursuant to the provisions of R.S. 22:1661-1678 or as a public adjuster pursuant to the provisions R.S. 22:1663-1678.
 Commissioner—the commissioner of insurance of Louisiana.
 Department—the Louisiana Department of Insurance.
 Insurance Consultant—an individual licensed as an insurance consultant pursuant to the provisions of R.S. 22:1808.1-1808.13.
 Insurance Producer—an individual who is licensed by the department as an insurance producer pursuant to the provisions of R.S. 22:1541-1566.
 License—an individual licensed as an insurance producer or insurance consultant for the lines of life, accident and health or sickness, property, casualty, bail bonds, personal lines, title, or as a claims adjuster or a public adjuster by the department.
 Provider—an entity presenting a continuing education program.
 Renewal Period—the two years immediately preceding expiration of a producer or adjuster license. For the purposes of a newly issued license “renewal period” shall mean the
time between the issuance of the license and the next scheduled expiration of the license.

Self-Study—an internet, CD-ROM, DVD, or other computer based presentation or a correspondence course.


§711. Continuing Education Requirements

A. As a condition for the renewal of a license, the continuing education provider or licensee must furnish the department, prior to the license expiration date, proof of satisfactory completion of approved programs having the required minimum hours of continuing education credit.

1. Insurance producers licensed for one or more of the lines of life, accident and health or sickness, property, casualty or personal lines—24 hours.

2. Insurance producers licensed for the line of bail bonds—12 hours.

3. Insurance producers licensed for the line of title—12 hours.

4. Adjuster license—24 hours.

5. Insurance consultants licensed for one or more lines of life, accident and health or sickness, property, casualty or personal lines—24 hours.

B. The 24 hours of continuing education required for insurance producers licensed for one or more of the lines of life, accident and health or sickness, property, casualty or personal lines shall include a minimum of three hours dedicated to the subject of ethics.

C. The 24 hours of continuing education required for insurance producers licensed for one or more of the lines of property, casualty or personal lines shall include a minimum of three hours dedicated to the subject of flood insurance.

D. The 12 hours of continuing education required for insurance producers licensed for the line of title shall include a minimum of two hours related to state and federal consumer finance protection laws.

E. The 12 hours of continuing education required for insurance producers for the line of bail shall include a minimum of six hours dedicated to the subject of bail enforcement as defined in the Code of Criminal Procedure Article 311.

F. The 24 hours of continuing education required for adjusters shall include a minimum of three hours dedicated to the subject of ethics.

G. An individual shall not sell, solicit or negotiate long-term care insurance unless the individual is licensed as an insurance producer for one or more of the lines of life or accident and health or sickness and has completed a one-time training course of no less than eight hours and an ongoing training of no less than four hours every two years.

H. Failure to fulfill the continuing education requirements prior to the filing date for license renewal shall cause the license to lapse.

I. A license which has lapsed may not be reinstated until the licensee has complied with all continuing education requirements which would have applied had the license continued uninterrupted.

J. Each program applied toward satisfaction of the continuing education requirement for a license shall be completed within the renewal period for which the credit is claimed except that an insurance producer licensed for one or more of the lines of life, accident and health or sickness, property, casualty, or personal lines may apply up to 10 hours of approved instruction or self-study accumulated but not used for renewal during one renewal period to the continuing education requirements for the next renewal period. Continuing education credits dedicated to the subject of flood or ethics may be applied toward the next renewal period as general continuing education credit but may not be used to satisfy the minimum requirement for those subjects.

K. No licensee may be granted credit for a program more than once during a 24-month period.

L. Subject to the provisions of Subsection K above, one hour of continuing education credit shall be awarded to a licensee for each hour completed by that licensee as an instructor or discussion leader for any program approved for continuing education credit by the commissioner.

M. Licensees who successfully complete all prerequisites of a qualified graduate level national designation program and receive the designation shall earn 24 continuing education credit hours.

N. Licensees who hold any combination of insurance producer, adjuster or insurance consultant licenses may receive credit applied to all license types for which the course is approved by the commissioner.

O.1. Members of state or national professional associations may be granted up to four continuing education credits each renewal period for actively participating in a state or national insurance association in one of the following methods:

a. attend a formal meeting of a state or national association where a formal business program is presented and attendance is verified in a manner consistent with the provisions of this Rule;

b. serve on the board of directors or a formal committee of a state or national chapter of the association, and actively participate in the activities of the board or committee;

c. participate in industry, regulatory, or legislative meetings held by or on behalf of a state or national chapter of the association; or

d. participate in other formal insurance business activities of a state or national chapter of the association.
2. In order to qualify for continuing education credit under this provision, members must attend at least four hours of qualified activities. Continuing education credit shall be given as one 4 hour increment each year from the association in a manner consistent with the provisions of this Rule. The association shall be responsible for verifying attendance or participation of members for all events where continuing education credit is given under the terms of this provision. Attendance at meetings which are otherwise approved for continuing education credit do not qualify under the terms of this provision. The association shall submit a formal request to the commissioner for approval of continuing education credits issued under the terms of this provision and shall issue a certificate to any licensee to whom such credit is given. This certificate shall meet the requirements of §727.C of this Rule.

3. Continuing education credit for membership in a bail bond association may only be applied towards renewal or reinstatement of an insurance producer license for the line of bail bonds. Continuing education credit for membership in a life, accident and health or sickness, property, or casualty type association may only be applied towards renewal or reinstatement of a similar insurance producer license unless the insurance producer is licensed for one or more of the lines of life or accident and health or sickness and licensed for one or more of the lines of property, casualty, or personal lines.

4. Regardless of the number of state or national insurance associations in which a licensee actively participates, under no circumstances shall an insurance producer or adjuster receive more than four credit hours per renewal period for such participation.


§713. Waiver of Continuing Education Requirements

A. A licensee who is unable to comply with continuing education requirements due to military service or some other extenuating circumstance, such as a long-term medical disability, may request a waiver of those requirements. Such request shall be submitted in writing to the commissioner and shall include such documentation to verify the request as the commissioner may reasonably require.


§715. Program Certification Requirements

A. An application for certification of a continuing education program shall be submitted to the commissioner not less than 30 days prior to the expected use of the program. Each application shall be on the form and in the format required by the commissioner and shall include:

1. the full legal name and federal employer identification number (FEIN) of the provider of the continuing education program;

2. an outline of the program including a list of resource material to be used, a copy of the textbook to be used, description of the training aids to be used, a detailed description of the program, a schedule of the program which clearly indicates the time spent on each subject for which credit is being requested and the cost of the program to each participant;

3. a statement of the method used to determine whether there has been a positive achievement of education on the part of the insurance producer or adjuster taking the program. Such method may be a written examination, a written report by the licensee, certification by the organization providing the program of the attendance or completion of the program by licensee, or any other method approved by the commissioner as appropriate for the subject;

4. if the program is not a self-study program, a schedule of locations where the instructional program will be offered, and a schedule of times and dates when the program will be offered. Any change in the schedule of locations, dates or times of program presentation shall be filed with the commissioner no less than three days prior to the scheduled beginning date of the program presentation;

5. if the program is not a self-study program, the physical address, including room or suite number and a description of the facilities where the program will be presented. All facilities shall meet the requirements of §723 of this Rule;

6. if the program is a self-study program, a description of the measures used by the provider to verify identity of the participants;

7. if the program is a self-study program, a description of the technical support available to participants including the business hours of the support and the proposed length of time for response by the provider to any inquiries;

8. if the program is a self-study program, a description of the method used to prevent access to a course exam before review of the course material;

9. if the program is a self-study program, a user ID and log-in credentials to permit the commissioner to view the program in the same environment under the same conditions that will be permitted for the participants.

B. A provider may request that any program materials deemed proprietary or which contain trade secrets be maintained as confidential by the commissioner. All such requests must be made in strict compliance with the
provisions of R.S. 44:3.2.

C. The provider shall not allow credit for hours for any program work that is not conducted under the direct supervision of the program instructor at the approved facility during scheduled program presentation or completed by self-study.

D. Any material changes to information submitted to the commissioner in association with an application for certification of a continuing education program that has been approved by the commissioner must be submitted to the commissioner no less than 30 days prior to the scheduled beginning date of the program presentation. A material change shall include any of the following:

1. change(s) to the instructors of the continuing education program;
2. change(s) to the facility where the continuing education program will be presented;
3. change(s) to the text books, resource material or training materials to be used in the continuing education program.

E. The following general subjects are acceptable for certification as continuing education programs as long as they contribute to the knowledge and professional competence of a licensee and demonstrate a direct and specific application to insurance:

1. insurance and risk management;
2. insurance laws, regulations and ethics;
3. programs in economics, business, management, computers, finance, taxes and laws which relate specifically to the insurance business;
4. claims management and damage assessment;
5. any other such subjects which may be related or that have a direct and specific application to the insurance industry and which contribute to the professional competence of a licensee. This may include but is not limited to subjects such as securities and finance.

F. The following general subjects are not acceptable for certification as continuing education programs:

1. any program used to prepare for taking an insurance or securities licensing examination;
2. general computer programs not specifically related to the business of insurance or adjusting;
3. motivational, psychology, communications, or sales training programs;
4. general business programs not specifically related to the business of insurance or adjusting;
5. any program not directly and specifically applicable to the insurance or adjusting business.

G. The commissioner shall not certify a continuing education program unless the program meets the following standards.

1. The program must have significant intellectual or practical content to enhance and improve the insurance knowledge and professional competence of participants.
2. The program must be developed by persons who are qualified in the subject matter and instructional design.
3. The program content must be current and up to date.
4. The program includes a means for evaluating the quality of the education provided.

H. If a provider utilizes published program materials, including text books, outlines or other similar materials, each attendee must be provided with a complete original text of the material as part of the fee for the program. This text shall be retained by the attendee and shall not be returned or resold to the provider. No substitute texts, outlines, summaries or copyright infringement is permitted.

I. A program may be certified for one or more of the following license types and credit shall be granted only to a licensee holding the type or types of license for which the program is approved:

1. insurance producer and consultant—life;
2. insurance producer and consultant—accident and health or sickness;
3. insurance producer and consultant—property;
4. insurance producer and consultant—casualty;
5. insurance producer—personal lines;
6. insurance producer—bail bond;
7. insurance producer—title;
8. adjuster.

J. A provider shall not advertise or represent to any licensee that a continuing education program has been approved for credit prior to the issuance of such approval by the commissioner. No assertion of pending approval may be made unless the program has been submitted to the commissioner.

K. Certification of a continuing education program shall expire three years from the date of certification. A provider may request renewal of the certification by submitting all information required by this section to the commissioner no less than 30 days prior to the expiration of the certification.

L. No licensee shall receive credit for a program if the program is completed after expiration of the certification. The provider shall be responsible to notify any licensee who has purchased a program of the expiration of the program if it is not completed prior to expiration of the certification.

M. A request for renewal of an internet-based self-study program shall include statistical information related to the length of time spent by all licensees who participated in the course during the previous three years. This information may be used by the commissioner in determining the appropriate
number of credit hours to be awarded to the program upon renewal.

N. A licensee may request credit for a seminar, conference or similar program that is not self-study and has not otherwise been submitted for approval to the commissioner by the provider. Such request shall be in writing and shall contain sufficient information for the commissioner to determine compliance of the program with the requirements of this Rule. In determining the eligibility of the program for credit, the commissioner may consider all of the following:

1. Whether the seminar, conference or similar program occurred outside the boundaries of Louisiana.

2. Whether the Department of Insurance of another state has granted approval of the program for continuing education credit for insurance producers, adjusters, or insurance consultants licensed in that state.

3. Whether the information presented by the licensee is sufficient to determine the content of the program.

4. Whether the licensee can provide sufficient evidence of participation in the program. Registration and payment of any fees is not prima facie evidence of participation.


§717. Measurement of Credit Hours

A. Credit hours for continuing education programs shall be determined by the commissioner in compliance with the provisions of this Rule.

B. Professional education programs shall be credited for continuing education purposes in full hours only.

1. The number of credit hours for programs other than self-study shall be equivalent to the actual number of hours in the classroom instruction or participation. Each hourly period must include at least 50 minutes of continuous instruction or participation. For this purpose, a one-day program will be granted eight hours credit if the total lapsed time is approximately eight hours and the total time of instruction is at least 400 minutes.

2. The number of credit hours for self-study programs shall be determined by the commissioner upon considering the following:
   a. the complexity of the material covered in the program;
   b. the word count of the total program;
   c. statistical data on the length of time spent by participants in the program;
   d. the run time of any videos, animation or interactive exercises which are mandatory for completion of the program.

C. University or college upper division credit or noncredit programs shall be evaluated as follows.

1. Each semester system credit hour shall not exceed eight hours toward the requirement.

2. Each quarter system credit hour shall not exceed four hours.

D. The number of continuing education credit hours will be limited to a maximum of eight hours per day of instruction. The maximum number of continuing education credit hours that will be approved for any single program will be 24 credit hours.


§719. Provider Requirements

A. Continuing education providers shall be one of the following;

1. an insurance trade association;
2. an insurance company admitted to do business in Louisiana;
3. an accredited public or private college or university;
4. an organization certified by the commissioner.

B. An organization seeking to be certified by the commissioner shall submit an application to the commissioner on the forms he requires. The application shall include:

1. the full, legal name and Federal Employer Identification number (FEIN) of the organization making application;
2. the names and addresses of every officer, director, partner or member of the provider applicant;
3. the names and addresses of every person owning, directly or indirectly, 10 percent or more of the provider applicant;
4. the name, address and a description of the professional qualifications of the supervisory instructor of the provider applicant;
5. the principal place of business of the provider applicant;
6. certification from the provider applicant that all instructors presenting the program shall meet the requirements as set forth in this Rule;
7. a general description of the types of continuing education programs presented by the provider applicant;

8. a description of the qualifications and experience of the persons responsible for the creation of continuing education programs;

9. the fee required by R.S. 22:821;

10. such other information as the commissioner may require to confirm compliance with this Rule.

C. Every provider shall maintain a signed statement from each instructor describing the basis for the instructor’s qualifications and affirmation that the instructor shall comply with the requirements of this Rule.

D. Every provider certified by the commissioner shall notify the commissioner of any material change in the information submitted with the application within 30 days of the effective date of the change. Every such notice shall include information comparable to that required with the initial application. A material change shall include, but not be limited to:

1. a change of the name of the provider;
2. a change in the address of the provider;
3. a change of officer, director, partner or member of the provider;
4. the merger of the provider;
5. a change in ownership of 10 percent or more of the provider;
6. a change in supervisory instructor of the provider.

E. Every certification by the commissioner shall expire three years from the date of issuance and may be renewed by filing a renewal application as required by the commissioner not less than 90 days prior to expiration.

F. Upon expiration of the certification by the commissioner of a provider, the commissioner’s approvals of continuing education programs presented by that provider shall be rescinded.


§723. Training Facilities Requirements
[Formerly §721]

A. At a minimum, all training facilities shall:

1. provide an atmosphere conducive to educational presentation, including good housekeeping, controlled environment as to heating and cooling, proper lighting and proper furnishings;
2. be easily accessible and secure for the safety of the attendees;
3. be dedicated for the exclusive use of the instructional program while in session;
4. provide ready access to rest rooms and other facilities of human needs to the attendees;
5. provide a proper layout to ensure that training aids, overhead viewing equipment and other such aids are easily visible by all attendees of the program.


§725. Authority of the Commissioner to Conduct On-Site Review of Continuing Education Programs
[Formerly §723]

A. The commissioner or his designee shall have the authority to visit a training facility and review the provider's program at any time. Said visits may include the review of curriculum records, review of attendance records, and observation of instructional sessions in progress.


§727. Program Completion
[Formerly §725]

A. Every provider shall maintain a list of all individuals who have successfully completed a continuing education program presented by that provider for a period of not less than five years from the date of course completion. The list shall contain the identification number assigned to the program by the commissioner and the name, and such distinct information as necessary to clearly identify all individuals who successfully completed the program and the date of completion of the course. Every provider shall submit a copy of the list to the commissioner within 15 calendar days of program completion.

B. Every provider shall also maintain electronic records of program completion in a format compatible with the commissioner’s specifications to facilitate the electronic reporting and transfer of attendance information from the provider to the commissioner.

C. Every provider shall present a certificate of successful completion to each licensee who successfully completes the continuing education program. This certificate shall be on a form acceptable to the commissioner and shall include the name of the licensee and the identification number assigned to the program by the commissioner.


§729. Fees
[Formerly §727]

A. All applications submitted to the commissioner seeking certification of a continuing education program or provider shall be accompanied by the fee set forth in R.S. 22:821(29).


§731. Complaints
[Formerly §729]

A. The commissioner shall review all complaints lodged against a provider, supervisory instructor or instructors of a program. Every provider, supervisory instructor or instructor shall respond to an inquiry from the commissioner regarding a complaint within 30 days of receipt of such inquiry. Any disciplinary action required shall be taken by the commissioner in accordance with the Louisiana Insurance Code, specifically R.S. 22: 2191-2208.


§733. Violations
[Formerly §731]

A. The commissioner may deny, suspend, or rescind the certification of a continuing education program or provider should he find the program, the supervisory instructor, instructor or the provider of the program has violated any provision of this Rule or any applicable provisions of the Louisiana Insurance Code or should he find that continued operation of the continuing education program is not in the best interest of the citizens of this state or the insurance buying public.

B. Any denial, suspension, or rescission of the certification of a continuing education program shall comply with the provisions of R.S. 49:961.

C. An aggrieved party affected by the commissioner’s decision, act, or order may demand a hearing in accordance with R.S. 22: 2191 et seq.


Chapter 9. Rule Number 12—Transmission of Forms and Documents

§901. Transmission of Forms and Documents Filed with the Department of Insurance