MEMORANDUM

TO:            Continuing Education Senior Administrators

FROM:          Margaret Roberton
               Director, Workforce Continuing Education – Training and Standards

RE:            Proposed Changes to NCAC Rules: 11 NCAC 06A.0800 Agent Services Division
               Continuing Education

The Commissioner of Insurance, Department of Insurance has proposed action to amend the rule cited as 11 NCAC 06A.0809 Approval of Courses. Among other modifications to the rule language, the amendment requests a change to increase from six to seven the number of ICECs (Insurance Continuing Education Credit) offered within a course to trigger the necessity of an examination approved by the Commissioner.

This change would impact colleges offering insurance continuing education credits (INS-3310) that have been approved by the Commissioner of Insurance for ICEC. If you have any comments regarding this rule change request please submit those to Karen E. Waddell, 1201 Mail Service Center, Raleigh, NC 27699-1201, phone (919) 807-6004.

This amendment request was certified on May 15, 2014 with a proposed effective date of October 1, 2014. A public hearing on the request will be held July 11, 2014 at 10:00 a.m. in the Jim Long Hearing Room of the Dobbs building. The amendment is open to public comment through August 15, 2014.

Below is the official notice and code change requests from the Department of Insurance.

If you have questions, please contact: Margaret Roberton at robertonm@nccommunitycolleges.edu or 919-807-7117.

CC:             Barbara Boyce, NCCCS
Notice is hereby given in accordance with G.S. 150B-21.2 that the Commissioner of Insurance intends to amend the rule cited as 11 NCAC 06A .0809.

Agency obtained G.S. 150B-19.1 certification:
___OSBM certified on: ___
_X_RRC certified on: May 15, 2014 ___Not Required

Link to agency website pursuant to G.S. 150B-19.1(c): http://www.ncdoi.com/LS/LS_Rules.aspx

Proposed Effective Date: October 1, 2014

Public Hearing:
Date: July 11, 2014
Time: 10:00 a.m.
Location: Jim Long Hearing Room – 3rd Floor – Dobbs Building, 430 N. Salisbury Street, Raleigh, NC 27603

Reason for Proposed Action: North Carolina is the only state in the country that limits one-day "classroom" courses to six (6) hours, unless an exam is offered. The exam rule negatively impacts many national CE providers of professional designation programs in North Carolina. Due to the North Carolina’s exam requirement for courses more than 6 hours in length, national providers for professional designations have had to revise their courses to 6 hours. However, it is very difficult to adequately cover the material in six hours. Additionally, licensee and designees from surrounding states who attend a 6 hour course in North Carolina are unable to earn any state CE for their resident state’s requirement because the national courses are approved for seven (not six) hours in other states. 11 NCAC 06A .0809 refines some continuing education requirements specified in NCGS 58-33-130.

Comments may be submitted to: Karen E. Waddell, 1201 Mail Service Center, Raleigh, NC 27699-1201, phone (919) 807-6004

Comment period ends: August 15, 2014

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

Fiscal impact (check all that apply).

State funds affected
___Environmental permitting of DOT affected
___Analysis submitted to Board of Transportation
___Local funds affected
___Substantial economic impact (≥$1,000,000)
_X_No fiscal note required by G.S. 150B-21.4
11 NCAC 06A .0809 APPROVAL OF COURSES

(a) Providers of all courses specifically approved under Rule .0803 of this Section shall pay the fee prescribed in G.S.58-33-133(b) and shall file with the Commissioner or Administrator copies of:
   (1) program catalogs, catalogs;
   (2) course outlines, outlines; and
   (3) copies of advertising literature and pay the fee prescribed in G.S. 58-33-133(b).

(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), G.S. 58-33-133(b);
      (C) provide detailed outlines of the subject matter to be covered; and
      (D) provide copies of handouts to be given.

   (2) Providers of supervised individual study programs shall file copies of:
      (A) the study programs;
      (B) the examination, examination; and
      (C) the Internet course security procedures.

(c) The Commissioner shall indicate the number of ICECs that have been assigned to the course that has been approved 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)(f) If a course approval application is denied by the Commissioner or his designee, a written explanation of the reason for such action shall be furnished to the provider.

(e) Course approval applications shall include the following:
   (1) A statement 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 six (six) ICECs shall have an examination approved by the Commissioner in order for the licensee to get full credit.

(i) A provider may request an exemption to the examination requirement in 11 NCAC 06A .0809(g) when filing a long-term care partnership continuing education course of eight hours.

(j) 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.

(k) A provider shall submit course attendance records electronically to the Commissioner or Administrator within 15 business days after course completion.

(l) 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.