



CR 95-43

State of Wisconsin / OFFICE OF THE COMMISSIONER OF INSURANCE

Tommy G. Thompson
Governor

Josephine W. Musser
Commissioner

121 East Wilson Street
P.O. Box 7873
Madison, Wisconsin 53707-7873
(608) 266-3585

STATE OF WISCONSIN)
) SS
OFFICE OF THE COMMISSIONER OF INSURANCE)

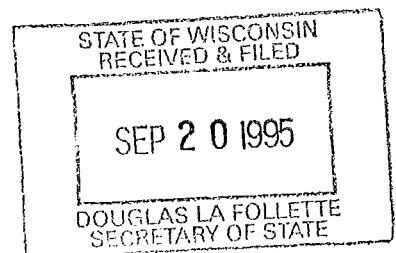
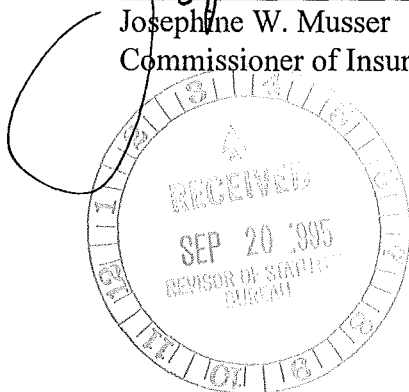
I, Josephine W. Musser, Commissioner of Insurance and custodian of the official records, certify that the annexed rule affecting sections Ins 6.63(1) and Chapter 28, Wis. Adm. Code, relating to requiring continuing education for insurance intermediaries, was duly approved and adopted by this Office on September 15, 1995.

I further certify that I have compared this copy with the original on file in this Office and that it is a true copy of the original, and the whole of the original.

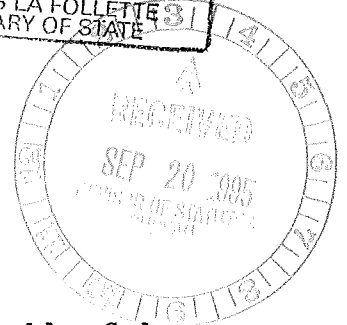
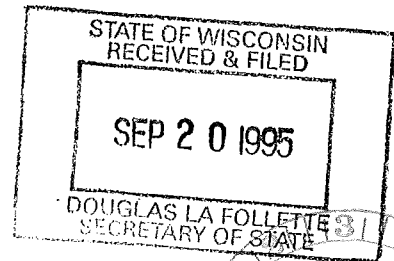
IN TESTIMONY WHEREOF, I have hereunto set my hand at 121 East Wilson Street, Madison, Wisconsin, on September 15, 1995.

Josephine W. Musser

Josephine W. Musser
Commissioner of Insurance



19-1-95



ORDER OF THE COMMISSIONER OF INSURANCE

To amend s. Ins 6.63 (1) and create Chapter Ins. 28, Wis. Adm. Code, relating to implementing the requirement of continuing education for insurance intermediaries.

ANALYSIS PREPARED BY THE COMMISSIONER OF INSURANCE

Note: The commissioner has proposed legislation to add authority in s. 601.31, Stats., to require continuing education providers to pay fees for approval of schools, and course approval fees. In addition, proposed amendments to ss. 628.04 (3) and 628.10 (2) (a), Stats., will clarify the authority of the commissioner to license providers and automatically revoke the license of intermediaries who do not comply.

The public hearing is being held prior to the enactment of these changes because of timing problems in implementing the rule. This rule will not be sent to the legislature before the statutory changes are enacted.

Statutory authority: ss. 601.41 (3), 601.31 (1) (m), 628.04 (3), and 628.10 (2) (a), Stats.

Statutes interpreted: s. 628.04 (3), Stats.

This rule requires continuing education for individuals licensed as insurance intermediaries in the four major lines of property, casualty, life, accident and health, and the limited line of automobile. The rule increases intermediary license fees in an amount necessary and provides for certain other fees to fund this program. Certain individuals are exempted from this requirement based on factors considered by the commissioner. In order to satisfy the continuing education requirements, an applicant shall biennially complete 24 credit hours of study as described in s. Ins 28. Providers of continuing education may seek approval from the commissioner by submitting an application and information regarding courses offered. This application will be reviewed by the Office of the Commissioner of Insurance. Providers shall issue a certificate of continuing education to each person who completes an approved course. Course completion information shall be submitted to the commissioner for each licensed intermediary. The commissioner may at any time investigate any program or instructor to determine whether or not approval should be withdrawn or modified regarding that course.

Pursuant to the authority vested in the Office of the Commissioner of Insurance by ss. 600.01 (1) (b) 5, 601.41 (3), and 628.04, Stats., the Office of the Commissioner of Insurance amends and creates a rule as follows:

SECTION 1. Ins 6.63 (1) is amended to read:

Ins 6.63 REGULATION CHARGE. (1) The regulation amount to be paid biennially, by each licensed individual intermediary-agent is established to be as follows:

Resident agent	\$10.00 <u>\$25.00</u>
Nonresident agent	\$30.00 <u>\$50.00</u>

SECTION 2. Chapter Ins 28 is created to read:

CHAPTER INS 28 CONTINUING EDUCATION

Ins 28.01 PURPOSE. To provide necessary information regarding insurance, insurance ethics and insurance laws, the commissioner of insurance finds that continuing education shall be required of all insurance intermediaries for the major lines of insurance of property, casualty, life, accident and health insurance, and the limited line of automobile.

Ins 28.02 SCOPE. This chapter applies to all insurance intermediary licensees in the state of Wisconsin unless exempted under s. 28.04 (2) (a) to (c).

Ins 28.03 DEFINITIONS. In this chapter:

(1) "Certificate of Continuing Education" means a document substantially in the form described in Appendix 1.

(2) "Course" means a program of study submitted to, and approved by, the commissioner under this chapter.

(3) "Credit hour" means a period of study, included as a part of a course, consisting of no less than 50 minutes.

(4) "Provider" means an entity that is approved to teach courses under s. Ins 28.06.

Ins 28.04 CONTINUING EDUCATION REQUIREMENT. (1) (a) Each intermediary licensed in any of the major lines of property, casualty, life, or accident and health insurance, and the limited line of automobile shall biennially complete 24 credit hours of continuing education approved by the commissioner in accordance with this chapter. For the initial period ending February 15, 1997, 12 credit hours are required.

(b) Every resident and nonresident intermediary shall, on a biennial basis, on or before February 15 of each odd-numbered year, furnish evidence to the commissioner in a manner prescribed by the commissioner that the continuing education requirements of this section have been satisfied.

(c) Intermediaries may fulfill the continuing education requirements by earning the required credit hours from courses taught in any or all of the major lines and the limited line of automobile.

(d) Excess credit hours accumulated during any biennium may not be carried forward to the next biennium.

(e) An instructor of an approved continuing education course may receive the same number of credit hours as a person enrolled in the course for the purpose of meeting the requirements of this section. Intermediaries and instructors may receive credit hours for attending or teaching the same course only once during any biennium.

(f) Not less than 60 days prior to the reporting date set forth in par. (b) of each odd-numbered year, the commissioner shall notify each intermediary, who the commissioner's records indicates is lacking the necessary continuing education credit hours, of the number of continuing education credit hours needed to comply with this section. Notice shall be mailed to the intermediary's residence address on file with the commissioner.

(g) If the credit hours deficiency is not remedied by the reporting date set forth in par. (b), the license of the intermediary shall be suspended with a notice to the agent. If the required hours are completed and reported during the suspension period, the license shall be reinstated.

(h) The intermediary's license shall be revoked if the required credit hours are not completed and reported within 60 days after notice of suspension issued under par. (g).

(i) Any individual intermediary whose license has been revoked for failure to fulfill the continuing education requirement, shall, in order to be relicensed, satisfy the prelicensing education, examination and licensing requirements established by s. Ins 6.59.

(2) Continuing education requirements shall not apply to the following:

(a) Any intermediary exclusively holding a limited line insurance license in the following lines: credit life credit accident and health, managing general agent, and title insurance.

(b) Any resident intermediary who has completed the prelicensing education requirement for original licensure during the biennial reporting period. This exemption does not include those intermediaries adding one or more lines to an existing license.

(c) A nonresident intermediary who furnishes an original letter of certification not more than 60 days old when received by the commissioner, which provides evidence of compliance with continuing education requirements in his or her state of residence, provided that the state of residence grants similar exemptions to Wisconsin residents who have satisfied Wisconsin's continuing education requirements under this section.

Ins 28.05 WAIVER OF CONTINUING EDUCATION REQUIREMENTS. The requirements of this section may be waived in writing by the commissioner for good cause shown. "Good cause" includes long-term illness or incapacity, serving full-time in the armed forces of the United States of America on active duty outside of the state of Wisconsin during a substantial part of the biennium, and other emergency situations deemed appropriate by the commissioner. Requests for waivers of continuing education requirements shall be made in writing in a form and manner prescribed by the commissioner, and shall be submitted to the commissioner no later than 90 days prior to the end of the biennium for which such waiver is requested. Within 30 days of receipt, the commissioner shall act upon the waiver request and provide written notice of the decision to the applicant. Any waiver granted

pursuant to this section shall be valid only for the biennium for which waiver application was made.

Ins 28.06 REQUIREMENTS FOR APPROVAL OF CONTINUING EDUCATION PROVIDERS

AND COURSES. (1) LICENSING OF CONTINUING EDUCATION PROVIDERS. An entity or individual seeking initial approval or reapproval from the commissioner as a continuing education provider shall submit a notarized application on forms provided by the commissioner. The commissioner may require the following information and materials:

(a) Evidence of prior accreditation by the Wisconsin Educational Approval Board, if required by s. 38.51, Stats.;

(b) A description of the experience and education that the applicant believes qualifies the applicant to be a provider;

(c) A description of the provider's organizational structure, registration policies, fee schedules, and promotional materials;

(d) A description of the provider's student record systems including a description of the methods for documenting attendance;

(e) The method used by the provider for evaluating instructors;

(f) An original signature of the person or persons authorized to sign certifications;

(g) A certificate format that the applicant proposes to use to comply with Appendix 1; and

(h) Other information as specified by the commissioner.

(2) CRITERIA FOR APPROVAL. In order to be approved, continuing education providers shall:

(a) Comply with state or federal laws, including but not limited to laws regarding discrimination on the basis of sex, race, religion, age, physical disability, sexual orientation, or national origin in their educational programs;

(b) Certify that instructors will be experienced and qualified in insurance and satisfy at least one of the following criteria:

1. Is or has been engaged in the insurance industry or the practice of teaching insurance courses for the last three years;

2. Is a properly licensed insurance intermediary for the past 5 years and demonstrates to the commissioner that he or she is of good character and has the knowledge and breadth of experience in the subject area for which he or she will be providing instruction;

3. Holders of any of the designations identified in s. 28.09;

4. Is a member of the state bar in a state or the District of Columbia and is engaged in the field of insurance-related law; or

5. Is a certified public accountant licensed in a state or the District of Columbia and engaged in insurance-related practice.

(c) Show that information provided to comply with sub. (1) is likely to support a comprehensive and accurate treatment of the subjects required in each section.

(3) PROVIDER APPROVAL FEES. (a) The initial application fee to be paid by each licensed provider will be set through a competitive bid process not to exceed limits identified in s. 601.31 (1) (x) 1, Stats. The biennial regulation fee paid by each licensed provider will be set through a competitive bid process not to exceed limits identified in s. 601.31 (1) (x) 2, Stats. Wisconsin governmental bodies, such as universities and technical colleges, shall be exempt from these fees.

(4) APPLICATION APPROVAL AND EXPIRATION OF APPROVAL. Upon receipt of an application for approval of a provider and the appropriate fee, the commissioner shall determine if the application meets the requirements and if the program provides for instruction of courses in a manner required by this chapter. The commissioner shall issue a decision on approval of an

application no later than 60 days following the receipt of the completed application and all required information. Provider approval shall expire on July 31 of the next even-numbered year after approval. Each provider shall submit a renewal application for approval for the next period to the commissioner on or before June 1 of each even-numbered year.

(5) COURSE APPROVAL. (a) Upon receipt of an application for approval of a course from an approved continuing education provider and the appropriate fee, the commissioner shall determine if the course meets the requirements set forth in sub. (6). The commissioner shall issue a decision approving or denying approval of a course no later than 30 days following the receipt of the completed application. Course approval shall expire 2 years from the date the course was approved by the commissioner.

(b) Credit will not be awarded to intermediaries for courses completed prior to the date approved by the commissioner.

(c) The following information shall be furnished with the request for approval of a continuing education course:

1. Name, license number, and address of provider;
2. Name of the instructor;
3. Name, telephone number, and signature of the contact person for the provider;
4. Course title;
5. The date the course will initially be offered;
6. The location where course will initially be offered;
7. Whether the course is new, repeat, revised, or offered live or by interactive video teleconference;
8. If it is a repeat course or a revised course, the course number;

9. An outline including a schedule of times when topics will be presented; the topics covered in the course, listed individually; and a summary of the instruction given and the material covered for each topic;

10. Number of credit hours requested; and

11. A description of the qualifications of each instructor and the subject matter the instructor will be teaching.

(d) Instructors of continuing education programs shall be approved by the commissioner. Instructors shall meet the criteria set forth in par. (2)

(b). Submitted instructors may be replaced by other approved instructors with equal qualifications on an emergency basis.

(e) The course shall be conducted in accordance with the course outline and summary materials approved by the commissioner. After the provider has been notified of any deficiency, failure to correct the deficiency shall automatically void the course approval for any course held after notice.

(f) A provider shall give the commissioner written notice at least 10 days in advance of offering an approved course on a date or at a place other than, or in addition to, the date and location provided in the initial request for approval.

(6) COURSE CONTENT GUIDELINES. (a) The following course topics are examples of subjects that qualify for approval under sub. (5):

1. Principles of property insurance
2. Principles of casualty insurance
3. Principles of life insurance
4. Principles of accident and health insurance
5. Estate planning/taxation
6. Ethics in insurance
7. Legal, legislative, regulatory matters in insurance

8. Wisconsin insurance code and administrative rules
9. Insurance policy contents
10. Proper use of insurance products
11. Accounting/actuarial considerations in insurance
12. Principles of risk management
13. Provisions/differences in insurance policy contracts
14. Tax laws (specifically related to insurance)
15. Wills and trusts

(b) The following course topics are examples of subjects that do not qualify for approval:

1. Sales
2. Motivation
3. Prospecting
4. Psychology
5. Communication skills
6. Supportive office skills (typing, filing, telephone, computers)
7. Personnel/agency management
8. Recruiting
9. Time management
10. Other subjects not related to the insurance industry

(7) COURSE APPROVAL FEES. (a) The fee to be paid for each course submission by each provider shall be set through a competitive bid process not to exceed statutory limits identified in s. 601.31 (1) (x) 3.

(8) NOTIFICATION. Within 10 days of a change to an approved course, approved providers shall notify the commissioner of any course information as required in sub. (5) (c) that has changed since filing (and on which course approval was based) with the commissioner.

Ins 28.07 EVIDENCE OF ATTENDANCE FOR CONTINUING EDUCATION COURSES.

(1) (a) Providers shall provide an original certificate of continuing education to each intermediary within a reasonable period after completion of a continuing education course. One additional original individual certificate of continuing education shall be provided to a student upon request and at no additional charge. Every intermediary shall maintain a record of all courses attended by keeping the original certificates of completion for 4 years after the end of the year of attendance.

(b) Certificates of continuing education shall contain the information specified in Appendix 1 and shall be printed in a form acceptable to the commissioner.

(c) Certificates of continuing education shall be signed by authorized provider representatives whose signatures are on file with the commissioner.

(d) The date indicated on the certificate of continuing education shall be the date of the class attended by the student, or on the date which the intermediary successfully completed an examination for courses identified in s. Ins 28.09.

(e) Intermediaries shall not claim credit for any course which they did not attend all required credit hours or complete all requirements.

(2) Providers shall submit to the commissioner a computerized list of course attendees, which includes the intermediary's name, Wisconsin license number, date of birth, social security number, course number, course title, date and location of the course, and number of credit hours for which the course has been approved in a format specified by the commissioner, of all persons satisfactorily completing continuing education programs. Accompanying the computerized list shall be a letter signed by a person authorized to sign certificates of continuing education certifying that the students listed

personally attended the reported class room instruction. The computerized list shall be furnished to the commissioner within 30 days following the date of completion of continuing education programs, except during the period January 1 through May 1 of each odd-numbered year, at which time computerized lists shall be furnished to the commissioner within 10 days following the date of completion of the programs.

(3) The provider of a continuing education program shall maintain attendance records for 4 years.

Ins 28.08 CORRESPONDENCE COURSES. Except as provided in s. 28.09, correspondence and self-study courses will not be approved as courses.

Ins 28.09 RECOGNIZED PROGRAMS OF STUDY. Programs of study leading to and maintaining any of the following designations may be approved by the commissioner under s. Ins 28.06 (5) as a course: Chartered Financial Consultant (ChFC); Certified Insurance Counselor (CIC); Chartered Property and Casualty Underwriter (CPCU); Registered Health Underwriter (RHU); Chartered Life Underwriter (CLU); Life Underwriter Training Council Fellow (LUTCF); Certified Employee Benefit Specialist (CEBS); and Fraternal Insurance Counselor (FIC).

Ins 28.10 INVESTIGATION AND REVIEW. (1) The commissioner, or a duly appointed representative, shall investigate and review all provider and course applications and may investigate or examine previously approved providers, courses, and instructors. The method and timing of the reviews shall be determined by the commissioner in each case and may consist of any of the following:

(a) Consideration of information available from state, federal, or local agencies, private organizations or agencies, or interested persons.

(b) Conferences with officials, representatives, and former students of the provider involved.

(c) A public hearing respecting the program, course, or instructor involved, with adequate written notice to the provider, instructor, or both.

(d) Investigation by visitation without notice to the provider.

(e) Information furnished by the applicant with any application for approval.

(f) Any other information the commissioner or representative deems relevant to the investigation.

(2) The commissioner may also investigate or examine any provider, course or instructor upon receipt of a complaint from any person.

(3) The commissioner may examine the provider under ss. 601.43 and 601.44, Stats., and bill the reasonable costs of the examination to the program under s. 601.45, Stats.

(4) If, after investigation or examination, the commissioner denies or withdraws approval of any program, course, or instructor, written notification shall be given with reasons for such action. The denial or withdrawal constitutes an order pursuant to s. 601.62 (3) (a), Stats., and the provider or instructor may request a hearing before the commissioner under that section.

Note: This chapter requires use of forms which may be obtained from the Office of the Commissioner of Insurance, 121 East Wilson Street, P. O. Box 7872, Madison, Wisconsin 53707-7872.

Appendix 1

CERTIFICATE OF CONTINUING EDUCATION

I hereby certify that _____ (name) _____,
_____(Wisconsin license #)_____, _____(social security #)_____, has completed a
continuing education course entitled _____(course title and #)_____ on _____

(date) approved for (# of hours) credit hours which complies with the requirements in ch. Ins 28, Wis. Adm. Code.

Authorized Representative

Date

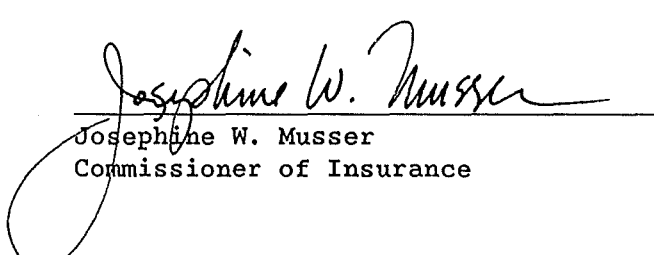
Name of Provider

Provider License No.

SECTION 3. INITIAL APPLICABILITY. This rule applies to all intermediaries licensed in Wisconsin.

SECTION 4. EFFECTIVE DATE. This rule shall take effect on the first day of the first month after publication, as provided in s. 227.22 (2) (intro.), Stats.

Dated at Madison, Wisconsin, this 18 day of September, 1995.



Josephine W. Musser
Commissioner of Insurance

