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3901-5-01 Agent continuing education.

(A) Purpose

The purpose of this rule is to establish continuing education (CE) requirements, standards and procedures for insurance agents.

(B) Authority

This rule is promulgated pursuant to the authority vested in the superintendent under sections 3901.041, 3901.20, 3905.16, 3905.486, and 3905.95 of the Revised Code.

(C) License renewal cycle and CE transcripts

- (1) The biennial license renewal cycle shall be set forth in rule ~~3901-5-08~~ 3901-5-09 of the Administrative Code.
- (2) On-going renewal cycles shall be the last day of an agent's birth month every two years thereafter.
- (3) The superintendent shall send a renewal notice to each agent at least one month prior to the ~~agents-renewal~~ agent's license expiration date. The renewal notice shall indicate if the resident agent has completed the required number of CE hours for that renewal cycle as of the date of the renewal notice.
- (4) The superintendent shall post continuing education transcripts on the department's website.
- (5) If the CE transcript or renewal notice indicates that a resident agent has not completed the required number of CE hours for that renewal cycle, it is the agent's responsibility to prove compliance with this rule and only request renewal of their license when they have successfully completed the required number of CE hours.
- (6) If the agent is seeking an extension or the inactivation, surrender, reinstatement, reactivation or late renewal of a ~~license~~ license, the agent must complete the necessary form as required by the superintendent.
- (7) An agent's failure to receive a renewal notice or CE transcript does not relieve the agent of the responsibility to timely complete the CE requirements or to timely renew the license.
- (8) Credits must be earned by the agent and posted to the agent's record by the continuing education provider or the superintendent.

(D) Exemptions

The CE requirements contained in division (A) of section 3905.481 of the Revised Code do not apply to the following agents:

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- (1) Agents who have been granted inactive status pursuant to section 3905.16 of the Revised Code.
- (2) Agents who hold only a limited lines licenses.
- (3) Agents who hold only a title insurance license, provided they complete at least twelve credits of approved CE during each renewal cycle, ten of which must be directly related to the title insurance business and two of which must be approved as ethics.

Agents who hold both a resident title and a resident major line license will have the same renewal cycle for both license types. The agent must complete twenty-four credits of CE, ten of which must be directly related to the title insurance business and three of which must be approved as ethics.

- (4) Agents who hold only a resident surety bail bond license shall comply with the CE requirements as set forth in section 3905.88 of the Revised Code.

Agents who hold both a resident surety bail bond license and a resident major line license will have two separate renewal cycles. With the exception of ethics, credits earned for the agent's major line license will not count towards the surety bail bond credit requirement. CE credits completed for the surety bail bond license will count towards the agent's major line CE requirement.

(E) Credits

- (1) A person who moves to Ohio from another state and becomes a resident agent may not carry over any CE credits from the other state.
- (2) At the discretion of the superintendent, credit may be given for a course that has been filed according to the submission requirements of rule 3901-5-03 of the Administrative Code, but is held prior to the issuance of a written approval of such course by the superintendent, provided such written approval is granted.
- (3) With the exception of association membership credit, any agent who completed a course more than once in a renewal cycle will only be given credit for the first time the course was completed.
- (4) Partial credit, rounded down in one hour increments, may be given for classroom courses only at the provider's option.
 - (a) The provider may, but is not required to, give refunds for the portion of the course unattended. The provider's refund policy on partial attendance must be disclosed pursuant to the requirements of paragraph (E)(6) of rule 3901-5-04 of the Administrative Code.
 - (b) If partial credit is given, the course participation fee must be paid to the superintendent or its designee in the amount required as if the agent had attended the entire class.

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- (5) To qualify for CE credit, both the course and the provider must be approved by the superintendent.
- (6) Credit hours are considered earned on the date the agent completed the course, not the date that the credits are posted on the agent's record with the superintendent.
- (7) Credit hours earned in one renewal cycle cannot be carried over to the next renewal cycle and, with the exception of the following, will only be applied to the renewal cycle in which the credits were earned;

Credit hours earned within the agent's late month renewal period pursuant to division (D) of section 3905.06 of the Revised Code, or the reinstatement period pursuant to division (E) of section 3905.06 of the Revised Code may be used to meet the requirements necessary to renew that license.

~~(a) Credit hours earned within the agent's authorized extension period pursuant to paragraph (C)(1) of rule 3901-5-08 of the Administrative Code, the late month renewal period pursuant to division (D) of section 3905.06 of the Revised Code, or the reinstatement period pursuant to division (E) of section 3905.06 of the Revised Code may be used to meet the requirements necessary to renew that license.~~

~~(b) Credit hours earned in 2011, but not applied to the 2009 and 2010 CE compliance period shall be applied to the agent's 2013 renewal cycle requirements so long as the agent has complied with the requirements pursuant to paragraph (C)(1) of rule 3901-5-08 of the Administrative Code.~~

(F) Credit for publication, classroom instruction, and association membership

- (1) An agent may receive up to ten hours of CE credit per renewal cycle for the publication of articles or books authored by such agent. Articles and books must deal with matters directly related to the business of insurance. An article must be published in a generally known and recognized state or national publication. The extent to which such credit may be given shall be at the discretion of the superintendent. A request for such credit must be made in writing and must be accompanied by proof of authorship and publication. Credit will be given only once for each approved article or book.
- (2) CE credit may be allowed for the authors of written materials used in approved CE courses on a one-time per course basis. The author will be allowed the number of CE credit hours for which the course was approved. If there are multiple authors of the written course materials, no author will receive more than his or her pro rata share as determined by the provider. The total number of hours received by all authors for a course cannot exceed the total number of hours for which the course is approved. A request for such credit must be made in writing and must be accompanied by proof of authorship.
- (3) Instructors for approved CE courses may receive CE credit for instructing courses.

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Credit may be given in an amount equal to two times the number of hours actually spent instructing a course. Credit will be given only once per course per renewal cycle.

- (4) An agent who authors materials for an approved course and teaches the same course in a renewal cycle may receive credit for authoring the written materials or instructing the course, but not for both activities in any one renewal cycle, subject to paragraph (E)(3) of this rule.
- (5) An agent may earn up to four CE credits per renewal cycle for membership and active participation in local, regional, state or national professional insurance associations. Credits may be earned from the combination of different local, regional, state or national professional insurance associations in which the agent holds a membership to reach the four credit limit. The following are the minimum qualifications and limitations for earning association membership credit;
 - (a) The agent must be a dues-paying member of the local, regional, state or national professional insurance association that is approved as a CE provider and has a course specifically approved in this state to issue association membership credits.
 - (b) The agent must be in good standing with the local, regional, state or national professional insurance association at the time the credits are earned.
 - (c) The agent must actively participate in the functions of a local, regional, state or national professional insurance association, at the minimum, for the number of association credits earned. For purposes of this rule an association credit must provide for no less than fifty minutes of participation. Active participation in a local, regional, state or national professional insurance association can be met by the following activities:
 - (i) Attending a formal meeting or a formal business program hosted by a local, regional, state or national professional insurance association where attendance is verified;
 - (ii) Serving on and actively participating in a local, regional, state or national board or committee in affiliation with the local, regional, state or national professional insurance association; or
 - (iii) Participating in industry, regulatory or legislative meetings held by or on behalf of a local, regional, state or national professional insurance association.
 - (d) The agent must submit a written request to the association for the association's determination of participation credit and its submission of those credits to the superintendent.
 - (e) Credits approved for regular CE courses offered by the professional insurance

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associations do not count towards membership CE credit.

- (f) Association credits will only count as general credits for satisfying major line, title or surety bail bond credit requirements. Association credits do not count towards satisfying ethics requirements for any type of license.
 - (g) The association must be an approved continuing education provider authorized to offer association membership CE credit in this state.
 - (h) The activity or program must have taken place while the association was authorized to offer association membership credit.
 - (i) The association is responsible for determining participation in a meeting, program or affiliation qualified for association credit.
- (6) Credits earned from association membership using the same course identification number shall be permitted so long as the same activity type and completion date have not been previously submitted for credit. Agents may accumulate an unlimited number of association membership credits from the combination of different local, regional, state or national professional insurance associations, however, only the first four association credits reported to the superintendent will be applied towards the maximum number of association credits allowed per renewal cycle.
- (G) Unfair and deceptive act or practice

The making of any misrepresentation, or any untrue, misleading or deceptive statement or assertion in support of or in connection with a request for a license renewal, an exemption, extension or for inactive status is an unfair and deceptive act or practice in the business of insurance.

(H) Severability

If any paragraph, term or provision of this rule is adjudged invalid for any reason, the judgment shall not affect, impair or invalidate any other paragraph, term or provision of this rule, ~~and~~ but the remaining paragraphs, terms and provisions shall be and ~~shall~~ continue in full force and effect.