

RULES REVIEW COMMISSION

G.S. 150B-19.1 CERTIFICATION

Instructions for completing and submitting the application for Rules Review Commission certification of compliance with the provisions of G.S. 150B-19.1 prior to publishing a notice of text:

- Complete and print out the certification form
- Sign (or have appropriate person sign) the form
- Scan the form, a dated copy of the proposed rule, and copies of any necessary attachments
- Email the scanned document(s) as an attachment to the email to: oah.rules@oah.nc.gov
- An automatically generated email will be sent indicating receipt of the email

Rule-making Agency: Commissioner of Insurance	
Rule Citation(s): 11 NCAC 06A .0809	
(1a) What is the authority for this rule? (attach a copy of any federal authority or state authority that is not in the current edition of the NCGS) NCGS 58-2-40; 58-33-130; 58-33-132	
(1b) Why is this rule necessary to serve the public interest? To bring North Carolina Insurance Continuing Education (CE) rules into compliance with industry standards.	
(2) How did the agency seek to reduce the burden upon those persons or entities who must comply with this rule? 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 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.	
(3) Why is the rule reasonably necessary to implement or interpret federal or state law? The rule refines some continuing education requirements specified in NCGS 58-33-130	
(4a) Are there existing rules adopted by the agency related to this specific purpose? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If "yes," provide citation: 11 NCAC 6A .0809(g)	
(4b) If "yes," did the agency consider the cumulative effect of all rules adopted by the agency related to the specific purpose for which this rule is proposed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
(5) If appropriate, is this rule based on sound, reasonably available scientific, technical, economic, and other relevant information? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable If "yes," include a reference to the information to be included in the Notice of Text:	
(6) How is the rule designed to achieve the regulatory objective in a cost-effective and timely manner? This rule request is to standardize North Carolina Insurance Continuing Education with other states. The way the rule is written now, it creates financial hardship on National Continuing Education Providers that have to rewrite their national courses to fit North Carolina criteria. The exam requirement for CE courses more than 6 hours in length was adapted in 1990 and is now antiquated.	
AGENCY CERTIFICATION	RRC CERTIFICATION

RULES REVIEW COMMISSION
G.S. 150B-19.1 CERTIFICATION

The agency adhered to the principles in G.S. 150B-19.1 in developing and drafting the rule.

Signature:

Karen E. Waddell

Typed Name: Karen Waddell

Title: APA Coordinator

Email: Karen.waddell@ncdoi.gov

The Rules Review Commission certifies that the agency adhered to the principles in G.S. 150B-19.1.

By: _____

Date:

Counsel Note

Your agency submitted a rule for certification for publication pursuant to G.S. 150B-19.1. The Commission has not met and has not made a decision regarding this request.

In reviewing the rule submitted by your agency for certification, Counsel has noted the following, and recommends changing the rule as set forth below.

These are not required changes for approval pursuant to G.S. 150B-19.1. Do not submit a rewritten rule to address the requests set forth below. This is intended to assist you in preparing the rules for publication in the N.C. Register. Therefore, if you make these changes, please format them as required by 26 NCAC Subchapter 02C.

Rule Citation: 11 NCAC 06A .0809

Agency: Commissioner of Insurance

Line 2, add an "N" before "NCAC"

Line 3, delete "all" before "courses"

Lines 3 and 9, "specifically" is normally requested by staff to be deleted or defined. This term is part of the name in 11 NCAC 06A .0803. Please note for future rulemaking efforts, the name of 11 NCAC 06A .0803 could be renamed to "Courses Approved" and the term "specifically" could be deleted on lines 3 and 9.

Line 3, there is a requirement to "shall file." When it is filed and how frequently?

Line 12 references a form. Where is the form located? Could you include a website reference?

Line 20, the phrase "that has been" seems unnecessary. Consider re-writing as follows:

"...the approved course. ~~course that has been approved.~~"

Line 21, who is approving or disapproving the application? Please include a noun in the sentence, such as the "approved or disapproved by the Commissioner within 60 days..."

Line 23, who is disapproving the application? Please include a noun in the sentence, such as the "is ~~denied,~~ denied by the Commissioner, a written..."

Lines 26 thru 30 and page 2, lines 4 thru 7, the clause should begin with lowercase letters to match the other lists

Page 2, line 1, add a comma between "times and"

Page 2, line 20, consider adding G.S. 58-33-133 to the statutory authority

1 **11 NCAC 06A .0809 IS PROPOSED FOR AMENDMENT AS FOLLOWS:**

2 **11 CAC 06A .0809 APPROVAL OF COURSES**

3 (a) ~~Providers~~All providers of all courses specifically approved under Rule .0803 of this Section shall file with the
4 Commissioner or Administrator copies ~~efof~~:

- 5 (1) ~~program eatalogs,~~ catalogs;
6 (2) ~~course outlines,~~ outlines;
7 (3) ~~copies of advertising literature,~~ literature; and
8 (4) ~~pay the fee prescribed in G.S. 58-33-133(b).~~

9 (b) All providers of courses not specifically approved under Rule .0803 of this Section shall do the following:

- 10 (1) Any individual, school, insurance company, insurance industry association, or other organization
11 intending to provide classes, seminars, or other forms of instruction as approved courses ~~shall~~ shall:

- 12 (A) ~~_____~~ apply on forms provided by the Commissioner or Administrator;
13 (B) ~~_____~~ pay the fee prescribed in ~~G.S. 58-33-133(b),~~ G.S. 58-33-133(b);
14 (C) ~~_____~~ provide detailed outlines of the subject matter to be ~~eovered,~~ covered; and
15 (D) ~~_____~~ provide copies of handouts to be given.

16 (2) ~~Providers~~All providers of supervised individual study programs shall file copies ~~efof~~:

- 17 (A) ~~_____~~ the study ~~programs and~~ programs;
18 (B) ~~_____~~ the ~~examination,~~ examination; and
19 (C) ~~_____~~ the Internet course security procedures.

20 (c) The Commissioner shall indicate the number of ICECs that have been assigned to the course that has been approved.

21 ~~(d)~~ If a course is not approved or disapproved within 60 days after receipt of all required information, the course is deemed
22 to be approved at the end of the 60-day period.

23 ~~(d)(e)~~ If a course approval application is denied, a written explanation of the reason for ~~such action~~ denial shall be furnished
24 ~~with the denial to the provider.~~

25 ~~(e)(f)~~ Course approval applications shall include the following:

- 26 (1) A statement for whom the course is designed;
27 (2) The course objectives;
28 (3) The names and duties of all persons who will be affiliated in an official capacity with the course;
29 (4) The course provider's tuition and fee refund policy;
30 (5) An outline that shall include:
31 (A) a statement of whether there will be a written examination, a written report, or a certification of
32 attendance only;
33 (B) the method of presentation;
34 (C) a course content outline with instruction hours assigned to the major topics; and

- 1 (D) the schedule of dates, beginning and ending times and places the course will be offered, along
 2 with the names of instructors for each course session, submitted at least 30 days before any
 3 subsequent course ~~offerings;~~offerings.
- 4 (6) A copy of the course completion certificate;
- 5 (7) A course rating form;
- 6 (8) A course bibliography; and
- 7 (9) An electronic copy of the course content and course examination for Internet courses.
- 8 ~~(g)~~ A provider may request that its materials be kept confidential if they are of a proprietary nature.
- 9 ~~(h)~~ Courses awarded more than ~~six~~seven ICECs shall have an examination approved by the Commissioner in order for
 10 the licensee to get full credit.
- 11 ~~(i)~~ A provider may request an exemption to the examination requirement in 11 NCAC 6A .0809(g) when filing a long-
 12 term care partnership continuing education course of eight hours.
- 13 ~~(j)~~ A provider shall not cancel a course unless the provider gives written notification to all students on the roster and to the
 14 Commissioner or Administrator at least five days before the date of the course.
- 15 ~~(k)~~ A provider shall submit course attendance records electronically to the Commissioner or Administrator within 15
 16 business days after course completion.
- 17 ~~(l)~~ An error on the licensee's record that is caused by the provider in submitting the course attendance records shall be
 18 resolved by the provider within 15 days after the discovery of the error by the provider.
- 19
- 20 *History Note: Authority G.S. 58-2-40; 58-33-130; 58-33-132;*
- 21