



RULE-MAKING ORDER

CR-103P (May 2009)
(Implements RCW 34.05.360)

Agency: Office of the Insurance Commissioner

Permanent Rule Only

Effective date of rule:

Permanent Rules

31 days after filing.

Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

Yes **No** **If Yes, explain:**

Purpose: This rule adds new definitions and processes to WAC 284-17 for continuing education, and amends and removes some existing sections of WAC 284-17 to provide increased clarity and to bring the rules in line with current OIC procedures.

Insurance Commissioner Matter No. R 2014-02

Citation of existing rules affected by this order:

Repealed: 284-17-244, 284-17-246, 284-17-274

Amended: 284-17-200, 284-17-210, 284-17-220, 284-17-224, 284-17-226, 285-17-250, 284-17-254, 284-17-256, 284-17-262, 284-17-264, 284-17-270, 284-17-272, 284-17-278, 284-17-282, 284-17-284, 284-17-286, 284-17-292, 284-17-294, 284-17-296, 284-17-302, 284-17-304 and 284-17-306

New: 284-17-273, 284-17-277, 284-17-279, 284-17-281, 284-17-297, 284-17-299, and 284-17-303

Statutory authority for adoption: RCW 48.02.060, 48.17.005 and 48.17.150(1)

Other authority: RCW 48.01.030

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR **15-10-102** on May 6, 2015.

Describe any changes other than editing from proposed to adopted version: None

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

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Date adopted: June 10, 2015

NAME (TYPE OR PRINT)

Mike Kreidler

SIGNATURE

TITLE

Insurance Commissioner

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: June 10, 2015

TIME: 3:43 PM

WSR 15-13-061

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Federal rules or standards:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Recently enacted state statutes:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>

The number of sections adopted at the request of a nongovernmental entity:

	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted in the agency's own initiative:

	New	<u>7</u>	Amended	<u>22</u>	Repealed	<u>3</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

	New	<u>7</u>	Amended	<u>22</u>	Repealed	<u>3</u>
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The number of sections adopted using:

Negotiated rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Pilot rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Other alternative rule making:	New	<u>7</u>	Amended	<u>22</u>	Repealed	<u>3</u>

INSURANCE CONTINUING ((INSURANCE)) EDUCATION

AMENDATORY SECTION (Amending WSR 09-02-073, filed 1/6/09, effective 7/1/09)

WAC 284-17-200 Insurance continuing ((insurance)) education—
((Minimum standards)) Purpose. WAC 284-17-200 through 284-17-312 establish the minimum continuing education requirements that must be met prior to the renewal of an insurance producer license, and specify the minimum criteria that continuing ((insurance)) education courses must meet to be approved by the commissioner.

AMENDATORY SECTION (Amending WSR 09-02-073, filed 1/6/09, effective 7/1/09)

WAC 284-17-210 Definitions. The following definitions apply to WAC 284-17-200 through 284-17-312, unless the context clearly requires otherwise:

(1) "Approved course" means ((a program of)) an insurance continuing ((insurance)) education((, including live presentations, correspondence courses and seminars,)) course formally approved by the commissioner.

(2) (("Credit hour" means the value assigned to a course by the commissioner. Generally, fifty minutes of instruction equals one credit hour.)) "Attendance register" is a record used to document attendance.

(a) For a classroom course, this includes each attendee's arrival time, departure time, and signature.

(b) For a webinar course, this includes the time the attendee starts the class, the attendee's participation activity, and the time the attendee exits the class.

(3) "Certificate of completion" means a document signed by an authorized designee of the insurance education provider attesting to the satisfactory completion of the course and confirming the credit hours earned.

(4) "Classroom course" means course activities or information that occur in real time at a specific time, date, and place, and that are delivered by an instructor. A classroom course includes a live lecture, seminar, workshop or presentation delivered in real time by internet connection to a classroom where attendees are gathered.

(5) "Completion date" means:

(a) For a classroom course or webinar course, the date the course presentation ends;

(b) For a self-study course, the date the continuing education provider confirms that the student passed the final course examination.

(6) "Continuing education program coordinator" means the person designated by the continuing education provider to monitor the provider's compliance with Washington continuing education laws and regulations.

(7) "Course effective date" means the first date an approved course can be offered for credit.

(8) "Course number" means the identifying number assigned by the commissioner to an approved insurance education course.

~~((5))~~ (9) "Course outline" means ((a summary of the insurance)):

(a) For a classroom or webinar course, a list of topics describing the continuing education ((course)) content, including the time allotted to each topic; or

(b) For a self-study course, a list of topics describing the continuing education course content, including the word count for the topics.

(10) "Credit hour" means the value assigned to a course by the commissioner.

~~((6))~~ (11) "Instructor" means an individual who has work experience and education in the topic(s) of instruction who has been designated by the insurance education provider to teach an approved classroom or webinar course.

(12) "Insurance designation course" means a course of study taken to achieve an insurance professional certification, requiring passage of several standardized examinations, and granted by an insurance or professional organization or an accredited educational institution.

~~((7) "Instructor" means an individual knowledgeable in topic(s) of instruction who has been designated by the insurance education provider to teach an approved course or courses.~~

~~(8))~~ (13) "Licensee" means a person who has an active resident Washington insurance license and who is required to complete insurance continuing education to maintain the license.

(14) "Monitor" means the individual responsible for verifying class attendance and course completion for a classroom or webinar course.

~~((9))~~ (15) "Provider" or "insurance education provider" means any insurer, health care service contractor, health maintenance organization, professional association, educational institution, vocational school, or independent contractor authorized by the commissioner to conduct and certify completion of insurance education courses.

~~((10))~~ (16) "Provider number" means the identifying number assigned by the commissioner to an approved insurance education provider.

~~((11))~~ (17) "Request for approval," depending on the context, means either a request for authority to act as an insurance education provider or for approval of ((an insurance)) a continuing education course.

~~((12))~~ (18) "Roster" means a course ((attendance)) completion record((, a record of a self-study course purchase, or a course completion record maintained by the insurance education provider)) filed with the insurance commissioner to report continuing education credit for a licensee.

~~((13))~~ (19) "Self-study" courses include course activities or information delivered outside of real time (recorded or written) and available at any time, including correspondence or online training.

(20) "Waiver" means an approved exemption from this state's continuing ((insurance)) education requirement granted by the commissioner.

(21) "Webinar course" includes course activities or information that occur in real time that are led by an instructor, delivered to remote attendees using the internet, have a specific start time and end time, and require licensees to enroll before gaining access to the instructor, information, and course activities.

AMENDATORY SECTION (Amending WSR 09-02-073, filed 1/6/09, effective 7/1/09)

WAC 284-17-220 Insurance continuing ((insurance)) education required—Resident licensees. Except as provided in WAC 284-17-222 or waived in accordance with WAC 284-17-254, all individual residents licensed to transact life, disability, personal lines, property, casualty or variable life and variable annuity products lines of authority must meet the continuing ((insurance)) education requirements of this chapter.

AMENDATORY SECTION (Amending WSR 09-02-073, filed 1/6/09, effective 7/1/09)

WAC 284-17-224 Insurance continuing ((insurance)) education—Required credit hours—Producers. Timely completion of this state's continuing insurance education requirement is a prerequisite for renewal or reinstatement of a license. Before applying for renewal or reinstatement of a license, except as provided in WAC 284-17-222 or waived in accordance with WAC 284-17-254, all resident ((persons)) producers licensed for personal lines, life, disability, property, casualty or variable life and variable annuity product lines of authority must complete twenty-four credit hours of approved insurance continuing ((insurance)) education. The twenty-four hours of education must include three credit hours of ethics education during every license continuation period.

(1) Courses must be completed within the twenty-four month period prior to the:

(a) Expiration date of the license;

(b) Date of late renewal; or ((the))

(c) Date of the request for reinstatement.

(2) Producers must maintain each continuing education certificate of completion for three years.

(3) For producers required to complete the annuity suitability training, flood training or long-term care training, producers should maintain certificates for as long as the producer transacts business for these products, but not less than three years.

AMENDATORY SECTION (Amending WSR 09-02-073, filed 1/6/09, effective 7/1/09)

WAC 284-17-226 Required proof of completion of a course—Certificate of completion. The insurance education provider must issue a certificate of completion to each (~~attendee~~) licensee within ten days after completion of the course.

~~((1))~~ The certificate of completion must be in the commissioner's designated format, completed in its entirety, and include all of the information prescribed by the commissioner. A (~~form of~~) certificate of completion form is available to insurance education providers (~~only on the commissioner's web site at www.insurance.wa.gov.~~

~~(2) For designation courses, the passing grade report will be accepted by the commissioner in lieu of a certificate of completion)~~ by request.

AMENDATORY SECTION (Amending WSR 09-02-073, filed 1/6/09, effective 7/1/09)

WAC 284-17-250 (~~Retaking a~~) Repeating an insurance continuing (~~insurance~~) education course. A continuing insurance education course with the same course number may be completed for credit only once every (~~three years~~) license renewal period.

AMENDATORY SECTION (Amending WSR 09-02-073, filed 1/6/09, effective 7/1/09)

WAC 284-17-254 Waiver of the insurance continuing (~~insurance~~) education requirements. Licensees may request a waiver of the continuing insurance education requirement. Requests must be sent to the commissioner (~~at~~) prior to the time of renewal of the license and must specify in detail the reason why a waiver is merited.

(1) **Medical waiver.** If the request for a waiver is based on the medical condition of the licensee, the request must be accompanied by a statement from the treating provider describing the illness or injury and explaining why the medical condition prevents the licensee from completing insurance education.

(2) **Military waiver.** If the request for a waiver is based on activation to military service, the request must be accompanied by a copy of the licensee's "Letter of Mobilization."

(a) The licensee must designate a representative (including the name and address of the individual given power-of-attorney by the licensee), by name and address, to whom the license renewal notice or other correspondence can be sent during the licensee's active military service.

(i) The address of the designee may be a mailing address or may be an e-mail address.

(ii) It is the obligation of the licensee to notify the commissioner of any change to the identity or contact information of the designee.

(b) In order to renew a license during the licensee's military deployment, the designated representative must sign the renewal form and submit it with the applicable fees to the commissioner no later than the due date.

(c) The commissioner may waive the continuing insurance education requirement for renewal of a license for the duration of the licensee's active military service.

(3) A waiver is only valid for the associated license continuation period. If the medical condition or period of active duty exists on the date of the next license renewal, a new waiver may be requested by the licensee or the licensee's designee.

AMENDATORY SECTION (Amending WSR 09-02-073, filed 1/6/09, effective 7/1/09)

WAC 284-17-256 Approved credits for insurance education instructors. Instructors who teach an entire approved continuing education course will receive (~~twice~~) the same number of approved credit hours (~~for that~~) as a licensee completing the course. If two or more instructors partially present the same course, they can receive credit if they attend the entire presentation. Credit hours for the same course may be used only once (~~in a three-year~~) per license renewal period.

AMENDATORY SECTION (Amending WSR 11-04-067, filed 1/28/11, effective 2/28/11)

WAC 284-17-262 Certification by insurer of completion of long-term care insurance education (~~due date~~). Beginning January 1, 2009:

(1) Each insurer that has long-term care insurance policies approved for sale in this state must certify annually that all of its insurance producers engaged in the sale, solicitation or negotiation of long-term care insurance coverage in this state have:

(a) Completed the eight-hour, one-time long-term care education and training course required by RCW 48.83.130 (2)(a)(i) prior to selling, soliciting, or negotiating the company's long-term care insurance coverage in this state; (~~or~~) and

(b) If due, completed the required four-hour long-term care continuing education requirement imposed by RCW 48.83.130 (2)(b).

(2) The certification must be provided to the commissioner by the insurer annually on or before March 31st. The certification must be sent via e-mail to the producer licensing and (~~education~~) oversight program manager in the commissioner's office. A form for this purpose is available on the commissioner's web site at: www.insurance.wa.gov.

AMENDATORY SECTION (Amending WSR 08-24-019, filed 11/24/08, effective 12/25/08)

WAC 284-17-264 Reciprocity—Application of long-term care credits to continuing education requirement. ((Beginning January 1, 2009,)) All insurance producers who sell, solicit, negotiate, or otherwise transact long-term care insurance are subject to the eight-hour, one-time long-term care training and the four-hour long-term care continuing education requirements of RCW 48.83.130.

(1) Successful completion of ((approved)) training that meets the requirements of RCW 48.83.130 in this or any other state by a resident insurance producer((, may be used to)) will satisfy the long-term care training requirements of this state.

(2) Resident insurance producers ((that)) who complete long-term care insurance courses approved in this state to fulfill the required long-term care training may count those course credits toward fulfillment of their Washington continuing education requirement.

~~((3) If an insurance producer wishes to apply course credits for the required long-term care training offered in another state and the course is not otherwise approved for continuing education credit in this state, the training may qualify for individual course credit subject to WAC 284-17-244.))~~

INSURANCE CONTINUING ((INSURANCE)) EDUCATION PROVIDERS

AMENDATORY SECTION (Amending WSR 09-02-073, filed 1/6/09, effective 7/1/09)

WAC 284-17-270 Insurance continuing ((insurance)) education providers and continuing education program coordinators—Standards and approval. ((A person who)) An individual, business entity, or organization that seeks to become a continuing ((insurance)) education provider must meet the requirements of RCW 48.17.563 and submit the proper application for approval to act as a continuing insurance education provider.

(1) At the time of submitting the provider application, the applicant must also submit an application for course and credit approval.

(2) If the applicant meets the requirements of chapters 48.17 RCW and 284-17 WAC and the commissioner approves the applicant's first course, the applicant may be approved as a provider for continuing education courses. The application forms can be found on the commissioner's web site at www.insurance.wa.gov.

(3) The applicant must name a continuing education program coordinator on the provider application.

(4) Approval of the continuing education program coordinator:

(a) The applicant must fully disclose to the commissioner any regulatory or legal action related to the honesty, integrity, or professional or occupational activities of the applicant and the continuing education program coordinator.

(b) If the applicant or continuing education program coordinator has had an occupational or professional license revoked in any state, or has been convicted of a crime, the commissioner may decline the application.

AMENDATORY SECTION (Amending WSR 09-02-073, filed 1/6/09, effective 7/1/09)

WAC 284-17-272 Responsibilities of an approved insurance continuing ((insurance)) education provider. (1) In addition to meeting the relevant requirements of this chapter and any other applicable law or rule, an approved continuing ((insurance)) education provider must:

(a) Provide the name and contact information of ((a contact person who is the responsible person)) the continuing education program coordinator for the provider((+)).

(b) ((Hire only)) The provider's continuing education program coordinator will be responsible for monitoring the provider's compliance with the continuing education insurance laws and rules of this state.

(c) If the provider's continuing education program coordinator changes, the provider must notify the commissioner's office within thirty days of the change.

(d) For classroom or webinar courses, the continuing education provider will use instructors who are ((trustworthy,)) competent, ((and knowledgeable;

~~(c) Provide adequate supervision over instructors;~~

(d) Notify)) to teach and have work experience and education in the topic(s) of instruction.

(e) For self-study courses, the continuing education provider will use course developers who have work experience or education related to the subject matter.

(f) The continuing education provider must instruct licensees to review the entire course before viewing or completing the exam.

(g) The continuing education provider will confirm that the instructor is using the approved course outline and materials and is presenting the materials in a competent manner and for the amount of time required based on the credit hours that the commissioner has approved for the course.

(h) The continuing education provider will submit the electronic notice of subsequent presentation to the commissioner ((of the course schedule)) at least ten days prior to ((the course start date in the format required by the commissioner;

~~(e+)) presenting an approved classroom course or webinar course.~~

(i) For a classroom course, the notice must include the continuing education provider number, course number, date, time, and location address.

(ii) For a webinar course, the notice must include the continuing education provider number, course number, date, time, and log-in information.

(iii) The notice is required for classroom courses presented in the state of Washington and for all webinars offered to Washington insurance licensees.

(2) The continuing education provider must designate a monitor who is responsible for (~~verification of class attendance and course content completion;~~

(f) Maintain a course roster, consisting of sign-in and sign-out) using an attendance register((s,)) for ((lecture-))each classroom((+)) course((s+)

(g) Maintain a purchase and completion) or webinar course to verify that each attendee stayed for the entire presentation. The course instructor may be designated as the monitor.

(3) The continuing education provider must use the following criteria to document attendance for a webinar course:

(a) Verify the identity and Washington producer license number of attendees who are licensees;

(b) Use a computer-based attendance-monitoring technology to verify attendance for the duration of the class;

(c) Use a process that indicates when an attendee is inactive or not fully participating, including when the attendee's screen is minimized or the attendee does not answer a polling question or respond to a request for a verification code;

(d) If an attendee needs an unscheduled break to use the restroom, the attendee must notify the monitor in advance and immediately notify the monitor when returning from the unscheduled break. If the attendee is absent more than ten minutes, the attendee cannot receive continuing education credit. Only one unscheduled break of ten minutes or less is allowed, unless otherwise required by state or federal law;

(e) Continuing education providers must ask at least two polling questions or attendance verification code questions from each attendee at unannounced intervals during each hour of the class to determine participant attentiveness;

(f) If an attendee fails to respond to a polling question or verification code within three minutes, the commissioner will deny the request for continuing education credit;

(g) The continuing education provider will maintain records that show when each attendee started and exited the class. Continuing education providers must capture and indicate the time for chat history and polling responses, and must maintain this information as part of the records;

(h) Attendees in all locations must be able to interact in real time with the instructor. Attendees should be able to submit questions or comments at any point during the webinar session; and

(i) The continuing education provider must have a procedure that informs each attendee in advance regarding the course participation requirements and consequences for failing to actively participate in the course.

(4) The continuing education provider must require the licensee to complete a multiple-choice final examination for a self-study course to verify that the licensee is proficient with the course subject matter. The licensee must not view or complete the exam prior to completing the course material. A final examination score of seventy percent or higher signifies that the licensee is proficient.

(5) The continuing education provider must file a roster for ((self-study courses;

~~(h) File the course roster)) each licensee electronically in the format required by the commissioner((7)) within ten days after ((com-
pletion of)) the licensee completes the course((+~~

~~(i) Issue course completion certificates to attendees within ten days after completion of course; and~~

~~(j))~~, with the following exceptions:

~~(a) If the licensee declines continuing education credit prior to completing the course, the provider is not required to submit a roster, but must keep a record showing that the licensee declined the continuing education credit;~~

~~(b) If the licensee later requests continuing education credit for the successfully completed course, the provider has ten days to submit the roster from the date the licensee or the commissioner notifies the provider;~~

~~(c) The licensee cannot request continuing education credit more than twenty-four months after the date of the course completion.~~

~~(6) The continuing education provider must issue a certificate of completion in the format required by the commissioner, as specified in WAC 284-17-292, to each licensee within ten days after completion of the course with the following exceptions:~~

~~(a) If the licensee declines continuing education credit prior to completing the course, the provider is not required to issue a certificate but must keep a record showing that the licensee declined the continuing education credit;~~

~~(b) If the licensee later requests continuing education credit for the successfully completed course, the provider has ten days to issue the certificate from the date the licensee or the commissioner notifies the provider;~~

~~(c) The licensee cannot request continuing education credit more than twenty-four months after the date of course completion.~~

~~(7) The continuing education provider must maintain a continuing education registration and completion record((s)) for a period of three years after the completion date of the course. ((+2)) The provider must also maintain a course approval record for three years after the last date the course is offered. The provider must maintain all other continuing education records for three years from the date the record is created.~~

~~(8) The continuing education provider must permit the commissioner to conduct unscheduled audits of any approved classroom course or webinar course in order to monitor the provider's continuing compliance with WAC 284-17-270 through 284-17-310.~~

~~(9) The format for providing this information is available on the commissioner's web site at www.insurance.wa.gov.~~

NEW SECTION

WAC 284-17-273 Continuing insurance education attendance register. A continuing education provider must use an attendance register in the format required by the commissioner to document attendance for a classroom or webinar course. The attendance register must include the following:

- (1) Continuing education provider's name and provider number;
- (2) Course title and course number;

- (3) Location of the classroom or instructor's location for a webinar;
- (4) Signature of the instructor or monitor for a classroom course;
- (5) For a classroom course, the attendee's:
 - (a) Name and phone number;
 - (b) Washington producer license number;
 - (c) Arrival time;
 - (d) Signature; and
 - (e) Departure time with the attendee's initials.

An attendance register form for a classroom course is available on the insurance commissioner's web site.

- (6) For a webinar course, the attendee's:
 - (a) Name and phone number;
 - (b) Washington producer license number;
 - (c) Log-in time to join the class;
 - (d) Chat history and polling responses; and
 - (e) Log-out time that the attendee exited the class.

NEW SECTION

WAC 284-17-277 Insurance continuing education records. Insurance continuing education providers must maintain education records and make them available to the commissioner upon request. Records include:

- (1) Provider application, program director application, course application, and instructor or content developer resume that the continuing education provider submitted to the commissioner to request course and credit approval;
- (2) Course outline, study material, polling questions and exam that the continuing education provider submitted to the commissioner for approval;
- (3) Instructor lesson plan for each approved classroom course or webinar course;
- (4) Each licensee's registration, payment, attendance, participation and completion documentation;
- (5) The ten-day notice of subsequent presentation for each classroom course presented in Washington and all webinar courses;
- (6) The attendance register for each classroom course and webinar course;
- (7) Start and exit time, chat history, and polling responses for each licensee attending a webinar course;
- (8) Completed self-study course exam for each licensee completing a self-study course; and
- (9) A copy of the completed certificate of completion issued to each licensee for an approved continuing education course.

**WAC 284-17-278 Approval of ~~((a))~~ an insurance continuing ((in-
surance)) education course. (1) ~~((Requests))~~ An application for approval of a continuing insurance education course or a new instruction method of a previously approved course must be submitted electronically or via ~~((electronic media))~~ e-mail to the ~~((commissioner))~~ commissioner's education mailbox no fewer than twenty days prior to the first date the course is offered for credit.**

(a) If the continuing education provider does not know the first date the course will be offered at the time the provider submits the application, then if the commissioner approves the course, the provider cannot offer the course until twenty days after the commissioner receives the course application;

(b) The provider can advertise a course after the approval date, but cannot offer the course until the effective date;

(c) The commissioner will not process a new course application submitted by a provider until after the commissioner has sent the provider's continuing education course renewal notice. The provider must immediately submit the continuing education course renewal request for processing. After the commissioner processes the provider's course renewal request, the commissioner will continue reviewing the provider's new course application.

(2) The request must include all of the following, as applicable:

(a) ~~((Lecture (-)))~~ Classroom(~~(-)~~) courses:

(i) Completed request for course and credit approval ~~((request))~~ form or the National Association of Insurance Commissioners Uniform Continuing Education Reciprocity Course filing form;

(ii) ~~((Content))~~ Detailed course outline, including a list of topics ~~((to be covered))~~ that the continuing education provider will cover and an estimate of the ~~((time to be spent))~~ amount of time the provider will spend on each topic. The commissioner will not accept video presentation slides in lieu of the detailed course outline;

(iii) Biography or resume of instructor(s); and

(iv) ~~((Date(s) that course will be offered.~~

~~(b-))~~ Sample of the attendance register form that the provider will use.

(b) Webinar courses:

(i) Completed request for course and credit approval form or the National Association of Insurance Commissioners Uniform Continuing Education Reciprocity Course filing form;

(ii) Detailed course outline, including a list of topics that the provider will cover and an estimate of the amount of time the provider will spend on each topic. The commissioner will not accept video presentation slides in lieu of the detailed course outline;

(iii) Biography or resume of instructor(s);

(iv) Polling questions or verification codes, including two for each credit hour of the course;

(v) Description of the process for monitoring and verifying attendance; and

(vi) Sample of the document the provider will use to record each attendee's attendance and participation.

(c) Self-study courses:

(i) Completed request for course and credit approval ((request)) form or the National Association of Insurance Commissioners Uniform Continuing Education Reciprocity Course filing form;

(ii) ((Study material)) Detailed course outline with word count for each chapter, section or module; and

(iii) If ethics content is included, a separate word count for the ethics content;

(iv) Samples ((exams-

(2) Continuing insurance education courses eligible for approval to satisfy the continuing insurance education requirement include:

(a) Courses demonstrating a direct and specific application to insurance; and

(b) Courses presenting information relevant to insurance-related statutory and regulatory requirements.

(3)) of the course reading material to assist the commissioner in determining course difficulty level;

(v) Sample of video content, if included in the course. If the course includes video exceeding fifty minutes and the information is mandatory for completing the course, one additional credit hour will be added to the course credit total;

(vi) Description of the verification process the provider will use to confirm that the licensee has completed the course study material before accessing the exam;

(vii) Resume of the course content developer showing education and work experience related to the course subject matter;

(viii) Copy of the examination. All examination questions must be multiple choice.

(A) The provider must include a minimum of ten exam questions for a one credit hour course, with an additional five exam questions for each subsequent credit hour;

(B) To pass the exam, licensees must achieve a score of seventy percent or higher;

(C) If the licensee does not pass the first exam, the licensee must take a second exam that contains no more than fifty percent of the same questions from the first exam. If the licensee does not pass on the second attempt, the provider must alternate the exams until the licensee passes the exam.

(3) To be eligible for approval, a course must have a direct and specific application to insurance. A course about ethics or about laws and regulations specific to insurance is eligible. The subject matter should increase the producer's technical knowledge of insurance principles, insurance coverage, and insurance laws and regulations. The continuing education provider is responsible for the accuracy of facts and figures used in the course.

(4) The commissioner will not award credit for topics such as personal improvement, general education, sales, marketing, motivation, business management, time management, leadership, ((and)) supportive office skills, internet use, social media use, automation ((courses are not eligible unless the insurance education provider demonstrates to the satisfaction of the commissioner that a substantial portion of the course relates to the business of insurance and is not solely focused on a particular insurer's products)), and other courses that are not directly and specifically related to insurance.

((4)) (5) Insurance prelicensing ((insurance)) education courses are not eligible for approval for continuing insurance education credit.

NEW SECTION

WAC 284-17-279 Denial, cancellation or nonrenewal of an insurance continuing education course. (1) The commissioner may deny, cancel or not renew courses if:

(a) The commissioner determines that the course content is outdated or the facts and figures in the course are likely to mislead producers;

(b) The commissioner determines that the course misrepresents insurance laws and regulations or is likely to mislead producers;

(c) The commissioner determines that the course does not meet the requirements of WAC 284-17-278 (2) and (3);

(d) The commissioner determines that the subject matter is an ineligible topic as specified in WAC 284-17-278(4);

(e) The commissioner determines that credit hours were calculated based on a method that the commissioner no longer uses.

(2) The commissioner will notify the continuing education provider of the denial, cancellation or nonrenewal of the course by e-mail sent to the continuing education provider's registered e-mail address within ten days of the commissioner's decision.

NEW SECTION

WAC 284-17-281 Insurance continuing education course attendance requirements. (1) For classroom courses:

(a) Attendance is based on personally identifiable information including government-issued photo identification and signature, with student participation and live interaction with the instructor;

(b) At least two Washington insurance licensees and an instructor must be in attendance at the course presentation;

(c) The continuing education provider must use a monitor in addition to the instructor if the classroom exceeds twenty attendees;

(d) The presentation is the amount of time devoted to the actual course instruction and does not include breaks, reviewing class rules, and introducing speakers;

(e) To verify course completion, licensees must attend the entire presentation and sign the attendance register at the beginning and end of the presentation.

(2) For self-study courses:

(a) Course access is verified based on identity such as user name, password, and e-mail or signature;

(b) Licensees must review the entire course before viewing or completing the final exam;

(c) Licensees must successfully pass the final examination to verify course completion.

(3) For webinar courses:

(a) Attendance is monitored and validated based on personally identifiable information including username, password, and e-mail;

(b) Attendees must participate in interactive exercises;

(c) Credit for a webinar course is based on attendance and activity, not examination;

(d) The attendee and an instructor do not need to be in the same location;

(e) A monitor is required, in addition to the instructor, if the number of attendees exceeds five;

(f) The presentation is the amount of time devoted to the actual course instruction and does not include breaks, reviewing class rules, and introducing speakers.

AMENDATORY SECTION (Amending WSR 09-02-073, filed 1/6/09, effective 7/1/09)

WAC 284-17-282 ((Continuing)) Insurance continuing education course numbers. The course number issued by the commissioner at the time of approval of the continuing ((insurance)) education course must be included on all correspondence related to the course and must be included on all certificates of completion for that course.

AMENDATORY SECTION (Amending WSR 09-02-073, filed 1/6/09, effective 7/1/09)

WAC 284-17-284 Insurance designation courses. ~~((1) Successful completion of any part of a course of study leading to an insurance professional designation is approved for the maximum number of credit hours required per renewal period as a designation course, as defined in WAC 284-17-210(6).~~

~~(2) A current list of approved designations for course credit can be found on the commissioner's web site at www.insurance.wa.gov.)~~ (1) An approved continuing education provider can submit a request for course and credit approval of a designation program course if the course is directly and specifically related to insurance, or if part of the course is directly and specifically related to insurance. With the request, the provider must submit the documents specified in WAC 284-17-278 and must include:

(a) The name of the designation program with a description of the program requirements; and

(b) If the continuing education provider does not use multiple choice examination questions, the provider must give an explanation of the testing method with samples of the exam questions;

(c) The continuing education provider must indicate the number of exam questions and the score that the licensee will need to achieve in order to pass the exam.

(2) The commissioner will assign continuing education credit hours as specified in WAC 284-17-286.

AMENDATORY SECTION (Amending WSR 09-02-073, filed 1/6/09, effective 7/1/09)

WAC 284-17-286 Insurance continuing ((insurance)) education course credit hours. (1) The commissioner will determine the number of credit hours assigned to a continuing ((insurance)) education

course ((will be based upon the number of classroom hours or the equivalent for self-study courses)). The commissioner will consider:

(a) The presentation minutes for a classroom course or webinar course;

(b) The word count and course difficulty level of the study material for a self-study course; and

(c) Course difficulty level based on whether the course is designed for inexperienced or experienced licensees and the complexity of the materials.

(i) Basic: A course designed for entry-level licensees or licensees new to the subject matter. Significant course time is devoted to building familiarity with appropriate terminology, definitions and concepts of the subject matter. The course is characterized as "an introduction to" or "the fundamentals of" the subject matter rather than application of the subject matter to client specific situations.

(ii) Intermediate: A course designed for licensees who have existing competence in the subject area and who seek to further develop and apply their skills. A minimal part of the course is used to review terms, definitions and concepts considered to be basic level subject matter. Course time is devoted to the application of the subject matter to client-specific situations through nonsophisticated case studies, problem-solving and calculations.

(iii) Advanced: A course designed for licensees who have extensive knowledge and a high level of competence in the subject matter and already specialize in the subject matter and related field of practice. No part of the course is used to review terms, definitions and concepts considered to be basic level subject matter. The course is designed to provide analysis of more sophisticated or complex issues concerning the subject matter. Significant course time is devoted to the application of the subject matter to client specific situations through complex case studies, problem solving or calculations.

(2) Generally, fifty minutes of instruction equals one credit hour.

(3) After ((evaluation of)) evaluating the content of a continuing ((insurance)) education course, the commissioner may assign fewer credits than the total hours ((spent by the licensee in the classroom or in self-study)) the continuing education provider had requested for the classroom, webinar or self-study instruction.

((+3)) (4) No continuing ((insurance)) education course will be approved for less than one hour of continuing ((insurance)) education credit. Continuing education credits will be assigned in one-hour increments.

AMENDATORY SECTION (Amending WSR 09-02-073, filed 1/6/09, effective 7/1/09)

WAC 284-17-292 Certificates of completion of insurance continuing ((insurance)) education courses—Form. The form of certificate of course completion required by the commissioner is available to ((insurance)) continuing education providers ((only on the commissioner's web site at www.insurance.wa.gov)) by contacting the commissioner's office. The certificate and signature may be in electronic format. ((The certificate must include the following:

- ~~(1) Name of student;~~
- ~~(2) Course title and number;~~
- ~~(3) Date of purchase of course, if applicable;~~
- ~~(4) Date of completion of course;~~
- ~~(5) Number of credit hours;~~
- ~~(6) Provider's name and number; and~~
- ~~(7) Signature of instructor or monitor and date.)~~

(1) The certificate must indicate that it is a Washington approved insurance continuing education course; and

(2) The certificate must include the following:

(a) Licensee's name and Washington producer license number;

(b) Course title and number;

(c) Date of course completion;

(d) Total number of credit hours and ethics credit hours if included;

(e) Continuing education provider's name and number; and

(f) Signature of the authorized designee of the provider and date.

AMENDATORY SECTION (Amending WSR 09-02-073, filed 1/6/09, effective 7/1/09)

WAC 284-17-294 Renewal—Insurance continuing ((insurance)) education provider. (1) A continuing ((insurance)) education ((provider is required to request renewal of approval to act as a continuing insurance education provider only if the provider did not receive approval from the commissioner for at least one course within the last four years. Otherwise, the commissioner's approval is continuous)) provider's authority is continuous so long as the provider has one or more active courses that the commissioner has approved.

(2) If the continuing education provider does not have an active course for twelve consecutive months, the commissioner will cancel the provider's authority.

(3) If the commissioner cancels a continuing education provider's authority, the provider can reapply for approval to act as a continuing education provider.

AMENDATORY SECTION (Amending WSR 09-02-073, filed 1/6/09, effective 7/1/09)

WAC 284-17-296 Renewal—Approval of ((a)) an insurance continuing ((insurance)) education course. ((Approval of a continuing insurance education course offered by an approved insurance education provider must be renewed every two years. A notice of renewal of course approval will be sent to the continuing insurance education provider. If substantive changes have been made in the course curriculum since its most recent approval, the course must be resubmitted as a new course.)) (1) The commissioner will send a course renewal notice electronically to the continuing education provider's registered e-mail address sixty days prior to the expiration date of the courses. The

commissioner will send a second renewal notice to the continuing education provider's registered e-mail address ten days prior to the expiration date of the courses if the provider has not renewed prior to that date;

(2) The continuing education provider must request to renew each course using the commissioner's online services at www.insurance.wa.gov;

(3) The commissioner will send a confirmation by e-mail to the continuing education provider's registered e-mail address after the commissioner has processed the renewal request. After the continuing education provider receives the confirmation, the provider can check the status of each course at their online services account on the commissioner's web site;

(4) If the continuing education provider elects to cancel a course listed on the renewal notice, the cancellation will be effective on the current expiration date of the course;

(5) Before requesting to renew a course, the continuing education provider must verify that the course content remains accurate and has no outdated facts or figures;

(6) The commissioner will review the course(s) selected for renewal by the continuing education provider. If the commissioner determines that a course no longer meets the requirements of this chapter, the commissioner will not renew the course;

(7) After the commissioner initially approves a continuing education course, the continuing education provider may submit a request to renew the course a maximum of four times. However, the provider can submit a nonrenewed course as a new course as specified in WAC 284-17-278;

(8) If the continuing education provider will make substantive changes in the course after the date that the commissioner most recently approved the course, the provider cannot renew the course. The provider can submit the revised course as a new course as specified in WAC 284-17-278;

(9) The commissioner cannot process a new course application from a continuing education provider after the provider has sent the continuing education course renewal notice. The provider must immediately submit the continuing education course renewal request for processing. After the commissioner processes the continuing education course renewal, the commissioner will resume reviewing the provider's new course application.

NEW SECTION

WAC 284-17-297 Continuing education providers may not make substantive changes to approved insurance continuing education courses. A course approval is no longer valid if the continuing education provider has made any change in the course curriculum, including the instruction method, after the commissioner approved the course. The provider must submit a new course per WAC 284-17-278. However, updates to facts and figures in the course are not considered substantive changes.

NEW SECTION

WAC 284-17-299 Audit of insurance continuing education providers, courses and records. (1) The insurance commissioner will notify a continuing education provider about a request for continuing education records by sending a written request to the provider's continuing education program coordinator at the e-mail address on record for the provider.

(2) If the commissioner requests continuing education records for an audit, the continuing education provider must make the records available to the commissioner within thirty days from the date on the written request. If the commissioner grants a written extension, then the records are due by the date indicated on the extension.

(3) Upon the commissioner's request in order to resolve a consumer inquiry, the continuing education provider must give course attendance and completion information and other course documents to the commissioner within fifteen days of the written request. If the commissioner grants a written extension, then the records are due by the date indicated on the extension.

(4) The insurance commissioner may conduct unannounced audits of classroom and webinar courses that are approved for continuing education credit. The commissioner will monitor the presentation for the purpose of confirming compliance with continuing education regulations.

AMENDATORY SECTION (Amending WSR 09-02-073, filed 1/6/09, effective 7/1/09)

WAC 284-17-302 Actions by ~~((a continuing))~~ an insurance continuing education provider that may result in a fine. The following actions by a continuing ~~((insurance))~~ education provider or any of its employees, designees, or instructors may result in a fine:

(1) Advertising or offering a course for credit without the commissioner granting prior approval of the ~~((commissioner))~~ course, including advertising that indicates the continuing education provider has submitted the course for credit approval;

(2) Failing to follow the approved course outline;

(3) Issuing ~~((fraudulent))~~ a Washington insurance continuing education completion certificate~~((s))~~ for a course that the commissioner has not approved for continuing education credits;

(4) ~~((Erroneous))~~ Misrepresentation in advertising of insurance continuing education; ~~((e))~~

(5) Making substantive changes to an approved course and offering the course for credit without the commissioner's prior approval of the changes;

(6) Changing the approved course instruction method without the commissioner's prior approval of the course;

(7) Offering a course that has erroneous facts and figures or that could reasonably be expected to mislead producers;

(8) Submitting rosters with erroneous information or issuing erroneous certificates;

(9) Issuing a certificate of completion to a person who did not complete the course in accordance with chapter 284-17 WAC;

- (10) Submitting a roster for a person who did not complete the course in accordance with chapter 284-17 WAC;
- (11) Submitting a roster for a person who:
 - (a) Did not sign the classroom attendance register;
 - (b) Did not indicate their arrival time or departure time on the attendance register; or
 - (c) Indicated an arrival time after the class started or a departure time before the class ended.
- (12) Failing to issue a certificate of completion to a person who satisfactorily completed the course in accordance with chapter 284-17 WAC;
- (13) Failing to submit a roster for a person who satisfactorily completed the course in accordance with chapter 284-17 WAC;
- (14) Failing to supply insurance continuing education records for an audit within thirty days of the commissioner's written request. If the commissioner grants a written extension, then the records are due by the date indicated on the extension;
- (15) Failing to supply continuing education course attendance or completion records, course materials, or other records to resolve a consumer inquiry within fifteen days of the date on the commissioner's written request. If the commissioner grants a written extension, then the records are due by the date indicated on the extension;
- (16) Not notifying the commissioner of a change in contact information or a change to the continuing education program coordinator within thirty days of the change. Contact information includes the continuing education provider's mailing address, phone number, and e-mail address last submitted by the provider;
- (17) Failing to comply with any statute or rule pertaining to continuing ((insurance)) education providers as specified in Titles 48 RCW and 284 WAC.

NEW SECTION

- WAC 284-17-303 Advertising a continuing education course.** (1) A continuing education provider cannot advertise a course submitted for continuing education credit prior to the commissioner approving the course. A provider may not advertise a course before obtaining the commissioner's approval for the course, even if the provider indicates that the provider has submitted the course to the commissioner and credit approval is pending.
- (2) If the commissioner approves the course, the commissioner will send a course approval notice to the provider's registered e-mail address. A provider cannot present a course until the effective date.
- (3) A continuing education course advertisement must include all of the following:
- (a) The continuing education provider's name;
 - (b) The course title;
 - (c) A brief description of the course subject matter;
 - (d) The number of approved continuing education credit hours;
 - (e) If a classroom course, the location where the course will be presented;
 - (f) If a classroom or webinar course, the date and time the course will be presented; and
 - (g) The total cost of the course.

AMENDATORY SECTION (Amending WSR 09-02-073, filed 1/6/09, effective 7/1/09)

WAC 284-17-304 Revocation or suspension of approval of ((a)) an insurance continuing ((insurance)) education provider—Probation—Reinstatement. (1) The commissioner's approval of a person, organization or business entity to act as a continuing ((insurance)) education provider ((and approval of any or all of the provider's approved courses)) may be suspended or revoked or the provider may be placed on probation by the commissioner if:

(a) The continuing education provider or any of its employees, instructors or designees involved in continuing ((insurance)) education is found to have violated any provision of Titles 48 RCW or 284 WAC; ((or))

(b) The commissioner finds that disciplinary action against a continuing ((insurance)) education provider is appropriate based on the facts and circumstances of the violation((—

~~(2) Reinstatement of));~~

(c) The continuing education provider has not notified the commissioner of a change to their contact information and the commissioner is unable to contact the provider at the mailing address, phone number or e-mail address last submitted by the provider;

(d) Within thirty days after the date of the commissioner's written request, the continuing education provider fails to supply continuing education records requested for an audit and has not received a written extension from the commissioner;

(e) Within fifteen days after the date of the commissioner's written request, the continuing education provider fails to supply continuing education records requested to resolve a consumer inquiry and has not received a written extension from the commissioner.

(2) If the commissioner places a continuing education provider on probation, the provider must submit proof to the commissioner to confirm that the provider is adhering to the conditions specified in the consent order. If further violations occur during the period of probation, the commissioner may take further enforcement action, including suspending or revoking the provider's approval.

(3) The commissioner may reinstate a suspended or revoked approval ((may be made by the commissioner)) only after ((acceptance of)) the commissioner has accepted satisfactory proof that the continuing education provider has successfully corrected the conditions responsible for the suspension or revocation ((have been successfully corrected)) and the provider has eliminated the possibility of reoccurrence of the violation ((has been eliminated)).

~~((3))~~ (4) Reinstatement is at the sole discretion of the commissioner.

AMENDATORY SECTION (Amending WSR 09-02-073, filed 1/6/09, effective 7/1/09)

WAC 284-17-306 Grounds for revocation or suspension of approval of ((a)) an insurance continuing ((insurance)) education course. (1) Approval of a continuing ((insurance)) education course may be suspen-

ded or revoked if the commissioner concludes that any of the following has occurred:

(a) The continuing education provider significantly changes the content of an approved course (~~((is significantly changed))~~) without notice to and prior approval from the commissioner;

(b) A continuing education provider issues a certificate of completion (~~((is issued))~~) to a person who did not complete the course;

(c) A (~~((certificate of completion is not issued to a person who satisfactorily completed the course))~~) continuing education provider changes the approved instruction method without the prior approval of the commissioner;

(d) The commissioner finds that the actual instruction of the course is (~~((found by the commissioner to be))~~) inadequate; or

(e) Within fifteen days after the date of the commissioner's request, the continuing (~~((insurance))~~) education provider fails to supply (~~((updated descriptions of any course,))~~) continuing education course attendance or completion records, course materials, or (~~((audit reports))~~) other records requested to resolve a consumer inquiry.

(2) Reinstatement of approval is at the sole discretion of the commissioner and is conditioned upon receipt of satisfactory proof that the continuing education provider has corrected the conditions responsible for the suspension (~~((have been corrected and the possibility of reoccurrence of the violation has been eliminated))~~).

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 284-17-244	Request for approval of attendance at an insurance related education course that is not preapproved and is given by a nonapproved insurance education provider.
WAC 284-17-246	Approval of continuing insurance education credit for insurance related college courses.
WAC 284-17-274	Fee.