

background necessary to adequately provide industrial safety and health engineering services.

F. The service agent shall maintain adequate staff, and the staff shall be authorized to act for the service agent on all matters covered by the Workmen's Compensation Act and rules and regulations applicable thereto.

G. The service agent shall file copies of all contracts entered into with interlocal risk management agencies as they relate to the services to be performed. Such reports shall be kept confidential. The service agent will handle all claims, with dates of injury or disease, within the contract period until their conclusion, unless the service agent is relieved of that responsibility by a successor service agent.

H. Failure to comply with the provisions of the Workmen's Compensation Act shall be considered good cause for withdrawal of the approval to act as a service agent. Thirty days notice of withdrawal shall be given, and notice shall be served, by certified or registered mail, upon all interested parties.

AUTHORITY NOTE: Promulgated in accordance with R.S. Title 22, Section 2 of 1950 and Act 462 of the 1979 Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 16:621 (July 1990).

§319. Penalty for Non-Compliance

A. Non-compliance with the provisions of this rule may result in suspension, revocation, or non-renewal of the Certificate of Authority issued by the Commissioner of Insurance pursuant to the provisions of Act 462 of the 1979 Session of the Louisiana Legislature.

AUTHORITY NOTE: Promulgated in accordance with R.S. Title 22, Section 2 of 1950 and Act 462 of the 1979 Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 16:621 (July 1990).

§321. Severability

A. If any of the provisions of this rule are held invalid, such invalidity shall not affect other provisions which can be given effect with the invalid item, and to this end the provisions of this rule are hereby declared severable.

AUTHORITY NOTE: Promulgated in accordance with R.S. Title 22, Section 2 of 1950 and Act 462 of the 1979 Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 16:621 (July 1990).

Chapter 7. Rule Number 10—Continuing Education

§701. Authority

A. This Rule is promulgated in accordance with R.S. 22:11, R.S. 22:1547, R.S. 22:1573, R.S. 22:1673, R.S. 22:1678, R.S. 22:1702, 22:1708, and R.S. 22:1808.4.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1547, R.S. 22:1573, R.S. 22:1673, R.S. 22:1678, R.S. 22:1702, R.S. 22:1708, R.S. 22:1808.4 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 37:2173 (July 2011), amended LR 47:600 (May 2021).

§703. Purpose

A. The purpose of this Rule is to protect the public, maintain high standards of professional competency in the insurance industry, and maintain and improve the insurance skills and knowledge of producers, adjusters, and insurance consultants licensed by the commissioner. This shall be accomplished by prescribing the following:

1. minimum standards of continuing education in approved subjects that a licensee must periodically complete;
2. procedures and standards for the approval of such education; and
3. a procedure for establishing to the commissioner that continuing education requirements have been met.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1547, R.S. 22:1573, R.S. 22:1673, R.S. 22:1678, R.S. 22:1702, R.S. 22:1708, R.S. 22:1808.4 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 37:2173 (July 2011), repromulgated LR 47:600 (May 2021), amended LR 48:2762 (November 2022).

§705. Applicability and Scope

A. This Rule applies to all natural persons who are licensed by the commissioner as producers for the lines of life, accident and health or sickness, property, casualty, bail bonds, personal lines or title and all adjusters and insurance consultants licensed by the commissioner. This Rule shall also apply to the providers of continuing education programs and instructors for such programs.

B. The requirement for the completion of continuing education shall not apply to the following:

1. nonresident licensees who have met the continuing education requirements in their home state. If a producer or adjuster is not required to take continuing education in his home state that producer or adjuster is not required to submit continuing education credits to renew his Louisiana license;
2. an individual renewing a resident claims adjuster license for the first time after initial issuance. Thereafter the licensee shall be subject to all applicable continuing education requirements;
3. an individual renewing a public adjuster license within one year of initial issuance;
4. an individual licensed as an insurance producer who, on the date of renewal submission, is 65 years or older and who has at least 15 years of experience and who either:
 - a. is no longer actively engaged in the insurance business as a producer and who is receiving social security benefits, if eligible; or

b. is actively engaged in the insurance business as a producer and who represents or operates through a licensed Louisiana insurer or insurance agency.

C. Any person seeking an exemption to the continuing education requirements pursuant to the provisions of Paragraph B.4 above shall attest to his eligibility for the exemption on a form provided by the commissioner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1547, R.S. 22:1573, R.S. 22:1673, R.S. 22:1678, R.S. 22:1702, R.S. 22:1708, R.S. 22:1808.4 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 37:2173 (July 2011), amended LR 47:600 (May 2021), amended LR 48:2762 (November 2022).

§707. Effective Date

A. This Rule shall become effective upon final publication in the *Louisiana Register*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1547, R.S. 22:1573, R.S. 22:1673, R.S. 22:1678, R.S. 22:1702, R.S. 22:1708, R.S. 22:1808.4 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 37:2173 (July 2011), amended LR 47:600 (May 2021).

§709. Definitions

A. As used in this Rule, unless the context otherwise requires, the following definitions shall be applicable.

Adjuster—an individual who is licensed by the commissioner as a claims adjuster pursuant to the provisions of R.S. 22:1661-1678 or as a public adjuster pursuant to the provisions R.S. 22:1691-1708.

Claims Adjuster—an individual who is licensed by the commissioner as a claims adjuster pursuant to the provisions of R.S. 22:1661-1678.

Commissioner—the commissioner of insurance of Louisiana.

Insurance Consultant—an individual licensed as an insurance consultant pursuant to the provisions of R.S. 22:1808.1-1808.13.

Insurance Producer or Producer—an individual who is licensed by the commissioner as an insurance producer pursuant to the provisions of R.S. 22:1541-1566.

Licensee—an individual licensed as an insurance producer or insurance consultant for the lines of life, accident and health or sickness, property, casualty, bail bonds, personal lines, title, or as a claims adjuster or a public adjuster by the commissioner.

Provider—an entity presenting a continuing education program.

Public Adjuster—an individual who is licensed by the commissioner as a public adjuster pursuant to the provisions of R.S. 22:1691-1708.

Renewal Period—the two years immediately preceding expiration of a producer or adjuster license. For the purposes of a newly issued license “renewal period” shall mean the time between the issuance of the license and the next scheduled expiration of the license.

Self-Study—an internet, CD-ROM, DVD, or other computer based presentation or a correspondence course.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1547, R.S. 22:1573, R.S. 22:1673, R.S. 22:1678, R.S. 22:1702, R.S. 22:1708, R.S. 22:1808.4 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 37:2173 (July 2011), amended LR 47:600 (May 2021), amended LR 48:2762 (November 2022).

§711. Continuing Education Requirements

A. As a condition of the renewal of a license, the continuing education provider or licensee must furnish the commissioner, prior to the license expiration date, proof of satisfactory completion of approved programs having the required minimum hours of continuing education credit.

1. Insurance producers or insurance consultants licensed for one or more of the lines of life, accident and health or sickness, property, casualty or personal lines—24 hours.
2. Insurance producers licensed for the line of bail bonds—12 hours.
3. Insurance producers licensed for the line of title—12 hours.
4. Adjuster license—24 hours.

B. The 24 hours of continuing education required for insurance producers or insurance consultants licensed for one or more of the lines of life, accident and health or sickness, property, casualty or personal lines shall include a minimum of three hours dedicated to the subject of ethics.

C. The 24 hours of continuing education required for insurance producers or insurance consultants licensed for one or more of the lines of property, casualty or personal lines shall include a minimum of three hours dedicated to the subject of flood insurance.

D. The 12 hours of continuing education required for insurance producers licensed for the line of title shall include a minimum of two hours related to state and federal consumer finance protection laws.

E. The 12 hours of continuing education required for insurance producers for the line of bail shall include a minimum of six hours dedicated to the subject of bail enforcement as defined in the Code of Criminal Procedure Article 311.

F. The 24 hours of continuing education required for adjusters shall include a minimum of three hours dedicated to the subject of ethics.

G. An individual shall not sell, solicit or negotiate long-term care insurance unless the individual is licensed as an insurance producer for one or more of the lines of life or

INSURANCE

accident and health or sickness and has completed a one-time training course of no less than eight hours and an ongoing training of no less than four hours every two years.

H. Failure to fulfill the continuing education requirements prior to the filing date for license renewal shall cause the license to lapse.

I. A license which has lapsed may not be reinstated until the licensee has complied with all continuing education requirements which would have applied had the license continued uninterrupted.

J. Each program applied toward satisfaction of the continuing education requirement for a license shall be completed within the renewal period for which the credit is claimed except that an insurance producer licensed for one or more of the lines of life, accident and health or sickness, property, casualty, or personal lines may apply up to 10 hours of approved instruction or self-study accumulated but not used for renewal during one renewal period to the continuing education requirements for the next renewal period. Continuing education credits dedicated to the subject of flood or ethics may be applied toward the next renewal period as general continuing education credit but may not be used to satisfy the minimum requirement for those subjects.

K. No licensee may be granted credit for a program more than once during a 24-month period.

L. Subject to the provisions of Subsection K above, a licensee who acts as an instructor for any program approved for continuing education credit by the commissioner shall receive the same number of hours as would be granted to a licensee taking and successfully completing the program.

M. Licensees who successfully complete all prerequisites of a qualified graduate level national designation program and receive the designation shall earn 24 continuing education credit hours.

N. Licensees who hold any combination of insurance producer, adjuster or insurance consultant licenses may receive credit applied to all license types for which the course is approved by the commissioner.

O.1. Insurance producers who are members of state or national insurance associations may be granted up to four continuing education credits each renewal period for actively participating in a state or national insurance association in any of the following methods:

a. attend a formal meeting of a state or national insurance association where a formal business program is presented and attendance is verified in a manner consistent with the provisions of this Rule;

b. serve on the board of directors or a formal committee of a state or national chapter of the insurance association, and actively participate in the activities of the board or committee;

c. participate in industry, regulatory, or legislative meetings held by or on behalf of a state or national chapter of the insurance association; or

d. participate in other formal insurance business activities of a state or national chapter of the insurance association.

2. To qualify for continuing education credit under this provision, members must participate in qualified activities as described in Paragraph O.1 of this Section. The state or national insurance association shall be responsible for verifying participation. Attendance at meetings which are otherwise approved for continuing education credit do not qualify under the terms of this provision. The state or national insurance association shall submit a formal request to the commissioner for approval of continuing education credits issued under the terms of this provision. The request shall include the name and Louisiana license number for all producers for whom credit is being requested and information on the completed activities including the dates, times and descriptions of those activities. Such requests shall be made to the commissioner no more than 365 days after completion of the activity and shall be made in increments of not less than one hour. The commissioner shall review the requests and grant credit to the producers only after determining that the request is consistent with the provisions of this Rule.

3. Continuing education credit for membership in a bail bond association may only be applied towards renewal or reinstatement of an insurance producer license for the line of bail bonds. Continuing education credit for membership in a life, accident and health or sickness, property, or casualty type association may only be applied towards renewal or reinstatement of a similar insurance producer license unless the insurance producer is licensed for one or more of the lines of life or accident and health or sickness and licensed for one or more of the lines of property, casualty, or personal lines.

4. Regardless of the number of state or national insurance associations in which an insurance producer actively participates, under no circumstances shall an insurance producer receive more than four credit hours per renewal period for such participation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1547, R.S. 22:1573, R.S. 22:1673, R.S. 22:1678, R.S. 22:1702, R.S. 22:1708, R.S. 22:1808.4 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 37:2173 (July 2011), amended LR 47:600 (May 2021), amended LR 48:2762 (November 2022).

§713. Waiver of Continuing Education Requirements

A. A licensee who is unable to comply with continuing education requirements due to military service or some other extenuating circumstance, such as a long-term medical disability, may request a waiver of those requirements. Such request shall be submitted in writing to the commissioner and shall include such documentation to verify the request as the commissioner may reasonably require.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1547, R.S. 22:1573, R.S. 22:1673, R.S. 22:1678, R.S. 22:1702, R.S. 22:1708, R.S. 22:1808.4 and the Administrative

Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 37:2174 (July 2011), amended LR 47:601 (May 2021).

§715. Program Certification Requirements

A. An application for certification of a continuing education program shall be submitted to the commissioner not less than 30 days prior to the expected use of the program. Each application shall be submitted electronically using the "CE Course Administration Module" of the Industry Access System or succeeding system and shall include:

1. the full legal name and federal employer identification number (FEIN) of the provider of the continuing education program;
2. an outline of the program including a list of resource material to be used, a copy of the textbook to be used, description of the training aids to be used, a detailed description of the program, a schedule of the program which clearly indicates the time spent on each subject for which credit is being requested and the cost of the program to each participant;
3. a statement of the method used to determine the course has been completed and whether there has been a positive achievement of education on the part of the licensee participating in the program. Such method may be a written examination, a written report by the licensee, certification by the organization providing the program of the attendance or completion of the program by the licensee, or any other method approved by the commissioner as appropriate for the subject;
4. if the program is not a self-study program, a schedule of locations where the instructional program will be offered, and a schedule of times and dates when the program will be offered. Any change in the schedule of locations, dates or times of program presentation shall be filed with the commissioner no less than three days prior to the scheduled beginning date of the program presentation;
5. if the program is not a self-study program, the physical address, including room or suite number and a description of the facilities where the program will be presented. All facilities shall meet the requirements of §723 of this Rule;
6. if the program is a self-study program, a description of the measures used by the provider to verify identity of the participants;
7. if the program is a self-study program, a description of the technical support available to participants including the business hours of the support and the proposed length of time for response by the provider to any inquiries;
8. if the program is a self-study program, a description of the method used to prevent access to a course exam before review of the course material;
9. if the program is a self-study program, a user ID and log-in credentials to permit the commissioner to view

the program in the same environment under the same conditions that will be permitted for the participants.

10. payment of all fees as required by R.S. 22:821(B)(29).

B. A provider may request that any program materials deemed proprietary or which contain trade secrets be maintained as confidential by the commissioner. All such requests must be made in strict compliance with the provisions of R.S. 44:3.2.

C. The provider shall not allow credit for hours for any program work that is not conducted under the direct supervision of the program instructor at the approved facility during scheduled program presentation or completed by self-study.

D. Any material changes to information submitted to the commissioner in association with an application for certification of a continuing education program that has been approved by the commissioner must be submitted to the commissioner no less than 30 days prior to the scheduled beginning date of the program presentation. A material change shall include any of the following:

1. change(s) to the instructors of the continuing education program;
2. change(s) to the facility where the continuing education program will be presented;
3. change(s) to the text books, resource material or training materials to be used in the continuing education program.

E. The following general subjects are acceptable for certification as continuing education programs as long as they contribute to the knowledge and professional competence of a licensee and demonstrate a direct and specific application to insurance:

1. insurance and risk management;
2. insurance laws, regulations and ethics;
3. programs in economics, business, management, computers, finance, taxes and laws which relate specifically to the insurance business;
4. claims management and damage assessment;
5. any other such subjects which may be related or that have a direct and specific application to the insurance industry and which contribute to the professional competence of a licensee. This may include but is not limited to subjects such as securities and finance.

F. The following general subjects are not acceptable for certification as continuing education programs:

1. any program used to prepare for taking an insurance or securities licensing examination;
2. general computer programs not specifically related to the business of insurance or adjusting;
3. motivational, psychology, communications, or sales

training programs;

4. general business programs not specifically related to the business of insurance or adjusting;

5. any program not directly and specifically applicable to the insurance or adjusting business.

G. The commissioner shall not certify a continuing education program unless the program meets the following standards.

1. The program must have significant intellectual or practical content to enhance and improve the insurance knowledge and professional competence of participants.

2. The program must be developed by persons who are qualified in the subject matter and instructional design.

3. The program content must be current and up to date.

4. The program includes a means for evaluating the quality of the education provided.

H. If a provider utilizes published program materials, including text books, outlines or other similar materials, each attendee must be provided with a complete original text of the material as part of the fee for the program. This text shall be retained by the attendee and shall not be returned or resold to the provider. No substitute texts, outlines, summaries or copyright infringement is permitted.

I. A program may be certified for one or more of the following license types and credit shall be granted only to a licensee holding the type or types of license for which the program is approved:

1. insurance producer and consultant—life;
2. insurance producer and consultant—accident and health or sickness;
3. insurance producer and consultant—property;
4. insurance producer and consultant—casualty;
5. insurance producer—personal lines;
6. insurance producer—bail bond;
7. insurance producer—title;
8. adjuster.

J. A provider shall not advertise or represent to any licensee that a continuing education program has been approved for credit prior to the issuance of such approval by the commissioner. No assertion of pending approval may be made unless the program has been submitted to the commissioner.

K. Certification of a continuing education program shall expire three years from the date of certification. A provider may request renewal of the certification by submitting all information required by this section to the commissioner no less than 30 days prior to the expiration of the certification.

L. No licensee shall receive credit for a program if the program is completed after expiration of the certification. The provider shall be responsible to notify any licensee who has purchased a program of the expiration of the program if it is not completed prior to expiration of the certification.

M. A request for renewal of an internet-based self-study program shall include statistical information related to the program including the total number of Louisiana resident licensees who participated in the program in the previous three years and the average and median amount of time spent in the course environment by those licensees. In addition to the required information, the provider may also include information for all participants of the program. This information may be used by the commissioner in determining the appropriate number of credit hours to be awarded to the program upon renewal.

N. A licensee may request credit for a seminar, conference or similar program that is not self-study and has not otherwise been submitted for approval to the commissioner by the provider. Such request shall be in writing and shall contain sufficient information for the commissioner to determine compliance of the program with the requirements of this Rule. In determining the eligibility of the program for credit, the commissioner may consider all of the following:

1. Whether the seminar, conference or similar program occurred outside the boundaries of Louisiana.
2. Whether the Department of Insurance of another state has granted approval of the program for continuing education credit for insurance producers, adjusters, or insurance consultants licensed in that state.
3. Whether the information presented by the licensee is sufficient to determine the content of the program.
4. Whether the licensee can provide sufficient evidence of participation in the program. Registration and payment of any fees is not prima facie evidence of participation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1547, R.S. 22:1573, R.S. 22:1673, R.S. 22:1678, R.S. 22:1702, R.S. 22:1708, R.S. 22:1808.4 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 37:2175 (July 2011), amended LR 47:602 (May 2021), amended LR 48:2763 (November 2022).

§717. Measurement of Credit Hours

A. Credit hours for continuing education programs shall be determined by the commissioner in compliance with the provisions of this Rule.

B. Credit for continuing education programs shall be given in full hours only.

1. The number of credit hours for programs other than self-study shall be equivalent to the actual number of hours in the classroom instruction or participation. Each hourly period must include at least 50 minutes of continuous

instruction or participation. For this purpose, a one-day program will be granted eight hours credit if the total lapsed time is approximately eight hours and the total time of instruction is at least 400 minutes.

2. The number of credit hours for self-study programs shall be determined by the commissioner upon considering the following:

- a. the complexity of the material covered in the program;
- b. the word count of the total program;
- c. statistical data on the length of time spent by participants in the program;
- d. the run time of any videos, animation or interactive exercises which are mandatory for completion of the program.

C. University or college upper division credit or noncredit programs shall be evaluated as follows.

- 1. Each semester system credit hour shall not exceed eight hours toward the requirement.
- 2. Each quarter system credit hour shall not exceed four hours.

D. The number of continuing education credit hours will be limited to a maximum of eight hours per day of instruction. The maximum number of continuing education credit hours that will be approved for any single program will be 24 credit hours.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1547, R.S. 22:1573, R.S. 22:1673, R.S. 22:1678, R.S. 22:1702, R.S. 22:1708, R.S. 22:1808.4 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 37:2176 (July 2011), amended LR 47:602 (May 2021), amended LR 48:2763 (November 2022).

§719. Provider Requirements

A. Continuing education providers shall be one of the following;

- 1. an insurance trade association;
- 2. an insurance company admitted to do business in Louisiana;
- 3. an accredited public or private college or university;
- 4. an organization certified by the commissioner.

B. An organization seeking to be certified by the commissioner shall submit an application to the commissioner on the forms he requires. The application shall include:

- 1. the full, legal name and Federal Employer Identification number (FEIN) of the organization making application;

- 2. the names and addresses of every officer, director, partner or member of the provider applicant;
- 3. the names and addresses of every person owning, directly or indirectly, 10 percent or more of the provider applicant;
- 4. the name, address and a description of the professional qualifications of the supervisory instructor of the provider applicant;
- 5. the principal place of business of the provider applicant;
- 6. certification from the provider applicant that all instructors presenting the program shall meet the requirements as set forth in this Rule;
- 7. a general description of the types of continuing education programs presented by the provider applicant;
- 8. a description of the qualifications and experience of the persons responsible for the creation of continuing education programs;
- 9. the fee required by R.S. 22:821(B)(29);
- 10. such other information as the commissioner may require to confirm compliance with this Rule.

C. Every provider shall maintain a signed statement from each instructor describing the basis for the instructor’s qualifications and affirmation that the instructor shall comply with the requirements of this Rule.

D. Every provider certified by the commissioner shall notify the commissioner of any material change in the information submitted with the application within 30 days of the effective date of the change. Every such notice shall include information comparable to that required with the initial application. A material change shall include, but not be limited to:

- 1. a change of the name of the provider;
- 2. a change in the address of the provider;
- 3. a change of officer, director, partner or member of the provider;
- 4. the merger of the provider;
- 5. a change in ownership of 10 percent or more of the provider;
- 6. a change in supervisory instructor of the provider.

E. Every certification of a provider by the commissioner shall expire three years from the date of issuance and may be renewed by filing a renewal application as required by the commissioner not less than 90 days prior to expiration.

F. If the certification of a provider expires without renewal or is rescinded or renewal refused, the commissioner’s approvals of continuing education programs presented by that provider shall be rescinded.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1547, R.S. 22:1573, R.S. 22:1673, R.S. 22:1678,

R.S. 22:1702, R.S. 22:1708, R.S. 22:1808.4 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 37:2176 (July 2011), amended LR 47:603 (May 2021), amended LR 48:2763 (November 2022).

§721. Instructor Qualifications
[Formerly §719]

A. Every provider of a continuing education program shall designate an individual as a supervisory instructor. The supervisory instructor shall be responsible for the conduct of all other instructors or guest instructors and shall be responsible for assuring the quality of the instructional program. Every supervisory instructor shall have a minimum of five years of insurance experience and/or graduate level or professional education satisfactory to the commissioner.

B. Nonsupervisory instructors shall meet at least one of the following criteria:

1. have a minimum of three years experience as an insurance instructor with experience in the subject being taught;
2. have been licensed for at least five years as a licensee of this state or another state;
3. hold a national designation directly related to the subject matter being taught;
4. be in a profession pertinent to the subject matter being taught.

C. Special consideration may be granted by the commissioner where it is determined that the specific background of the instructor warrants consideration.

D. Every instructor and supervisory instructor shall notify the provider and the commissioner of any of the following:

1. any administrative action taken against the supervisory instructor or instructor for insurance related practices by any regulatory or governmental agency;
2. any conviction or entry of a nolo contendere plea to any felony;
3. participation in a pretrial diversion program pursuant to a felony charge;
4. conviction of any misdemeanor involving moral turpitude or public corruption on the part of the supervisory instructor or instructor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1547, R.S. 22:1573, R.S. 22:1673, R.S. 22:1678, R.S. 22:1702, R.S. 22:1708, R.S. 22:1808.4 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 37:2176 (July 2011), amended LR 47:603 (May 2021), amended LR 48:2764 (November 2022).

§723. Training Facilities Requirements
[Formerly §721]

A. At a minimum, all training facilities shall:

1. provide an atmosphere conducive to educational presentation, including good housekeeping, controlled environment as to heating and cooling, proper lighting and proper furnishings;

2. be easily accessible and secure for the safety of the attendees;

3. be dedicated for the exclusive use of the instructional program while in session;

4. provide ready access to rest rooms and other facilities of human needs to the attendees;

5. provide a proper layout to ensure that training aids, overhead viewing equipment and other such aids are easily visible by all attendees of the program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1547, R.S. 22:1573, R.S. 22:1673, R.S. 22:1678, R.S. 22:1702, R.S. 22:1708, R.S. 22:1808.4 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 37:2176 (July 2011), amended LR 47:604 (May 2021).

§725. Authority of the Commissioner to Conduct On-Site Review of Continuing Education Programs
[Formerly §723]

A. The commissioner or his designee shall have the authority to visit a training facility and review the provider's program at any time. Said visits may include the review of curriculum records, review of attendance records, and observation of instructional sessions in progress.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1547, R.S. 22:1573, R.S. 22:1673, R.S. 22:1678, R.S. 22:1702, R.S. 22:1708, R.S. 22:1808.4 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 37:2177 (July 2011), amended LR 47:604 (May 2021).

§727. Program Completion
[Formerly §725]

A. Every provider shall maintain a list of all individuals who have successfully completed a continuing education program presented by that provider for a period of not less than five years from the date of course completion. The list shall contain the identification number assigned to the program by the commissioner and the name, and such distinct information as necessary to clearly identify all individuals who successfully completed the program and the date of completion of the course. Every provider shall submit a copy of the list to the commissioner within 15 calendar days of program completion.

B. Every provider shall also maintain electronic records of program completion in a format compatible with the commissioner's specifications to facilitate the electronic reporting and transfer of attendance information from the provider to the commissioner.

C. Every provider shall present a certificate of successful completion to each licensee who successfully completes the

continuing education program. This certificate shall be on a form acceptable to the commissioner and shall include the name of the licensee and the identification number assigned to the program by the commissioner.

D. A provider may not provide credit unless the licensee has completed the full continuing education program. A licensee may not receive partial credit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1547, R.S. 22:1573, R.S. 22:1673, R.S. 22:1678, R.S. 22:1702, R.S. 22:1708, R.S. 22:1808.4 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 37:2177 (July 2011), amended LR 47:604 (May 2021), amended LR 48:2764 (November 2022).

§729. Fees
[Formerly §727]

A. All applications submitted to the commissioner seeking certification of a continuing education program or provider shall be accompanied by the fee set forth in R.S. 22:821(B)(29).

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1547, R.S. 22:1573, R.S. 22:1673, R.S. 22:1678, R.S. 22:1702, R.S. 22:1708, R.S. 22:1808.4 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 37:2177 (July 2011), amended LR 47:604 (May 2021), amended LR 48:2764 (November 2022).

§731. Complaints
[Formerly §729]

A. The commissioner shall review all complaints lodged against a provider, supervisory instructor or instructors of a program. Every provider, supervisory instructor or instructor shall respond to an inquiry from the commissioner regarding a complaint within 30 days of receipt of such inquiry. Any disciplinary action required shall be taken by the commissioner in accordance with the Louisiana Insurance Code, specifically R.S. 22: 2191-2208.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1547, R.S. 22:1573, R.S. 22:1673, R.S. 22:1678, R.S. 22:1702, R.S. 22:1708, R.S. 22:1808.4 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 37:2177 (July 2011), amended LR 47:604 (May 2021).

§733. Violations
[Formerly §731]

A. The commissioner may deny, suspend, rescind, or refuse to renew the certification of a continuing education program or provider should he find the program, the supervisory instructor, instructor or the provider of the program has violated any provision of this Rule or any applicable provisions of the Louisiana Insurance Code or should he find that continued operation of the continuing education program is not in the best interest of the citizens of this state or the insurance buying public.

B. Any denial, suspension, or rescission of the certification of a continuing education program shall comply with the provisions of R.S. 49:961.

C. An aggrieved party affected by the commissioner's decision, act, or order may demand a hearing in accordance with R.S. 22: 2191 et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1547, R.S. 22:1573, R.S. 22:1673, R.S. 22:1678, R.S. 22:1702, R.S. 22:1708, R.S. 22:1808.4 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 37:2177 (July 2011), amended LR 47:604 (May 2021), amended LR 48:2764 (November 2022).

Chapter 9. Rule Number **12—Transmission of Forms and Documents**

§901. Transmission of Forms and Documents Filed with the Department of Insurance

A. All forms, documents, applications, filings, financial reports, and any and all other forms and types of documents required by law or voluntarily filed with the commissioner by any insurer or entity regulated by the commissioner shall be filed by depositing the same in the United States mail, postage prepaid, and/or with a private or commercial interstate carrier, and/or via electronic transmission. Payment of fees, including license fees, and premium taxes shall be exempt from this Rule.

B. No document of any sort or kind described in §901.A will be accepted or received by the personnel of the department as having been filed with the department unless the same is transmitted to the department via the United States mail, a private or commercial interstate carrier, and/or electronic transmission.

C. The department shall retain the envelope or other evidence of submission method attached to the document.

D.1. Transmission of documents by private courier service without interstate service or by hand delivery is permissible as long as the documents are:

a. subsequently mailed in the United States Postal Service or delivered to a private or commercial interstate carrier for shipping and received by the department on or before the twentieth day after receipt of the private courier delivery, or hand delivery; or

b. sent via electronic transmission such that the transmission is received by the Department of Insurance on or before the twentieth day after receipt of the private courier delivery or hand delivery.

2. A document received in accordance with §901 shall be deemed received on the date of the department's receipt of the original private courier delivery without interstate service or hand delivery. Any departmental decision shall be based on the date of the initial private courier delivery or