

1 **11 NCAC 06A.0801 IS AMENDED WITH CHANGES AS PRINTED IN THE N.C REGISTER,**
2 **VOLUME 22, ISSUE 8, OCTOBER 15, 2007, AS FOLLOWS:**

3
4 **11 NCAC 06A .0801 DEFINITIONS**

5 As used in this Section:

- 6 (1) "Biennial compliance period" means the 24-month period during which an agent or
7 adjuster shall comply with continuing education requirements.
- 8 ~~(2)~~ (2) "Cluster of courses" means a number of courses, each of which is less than 100 minutes
9 in length, but altogether 100 minutes or more in length, that are offered within one state
10 or national program or convention.
- 11 (3) "Compliance year" means the second year of the biennial compliance period.
- 12 (4) "Continuing Education Administrator" or "Administrator" means the entity with which
13 the Commissioner contracts for continuing education administration, including the
14 approval of providers and courses and the retention of ICEC records for licensees.
- 15 ~~(5)~~ (5) "Course" means a continuing education course directly related to insurance principles and
16 practices or a course designed and approved specifically for licensees; but does not mean
17 a business course of a general nature or an insurance marketing or sales course.
- 18 ~~(6)~~ (6) "Disinterested third party" means a person not concerned, with respect to possible gain or
19 loss, in the result of a pending course final examination.
- 20 ~~(7)~~ (7) "Distance learning" means an educational program in which the licensee and the
21 instructor are in different physical locations and interact with each other through various
22 methods of telecommunication.
- 23 (8) "Ethics course" means a continuing education course that deals with usage and customs
24 among members of the insurance profession involving their moral and professional duties
25 toward one another, toward clients, toward insureds, and toward insurers.
- 26 ~~(9)~~ (9) "Insurance continuing education credit or "ICEC"" means a value assigned to a course by
27 the Commissioner after review and approval of a course information. This term means
28 the same as "credit hour" as used in G.S. 58-33-130.
- 29 ~~(10)~~ (10) "Instructor" means an individual who teaches, lectures, leads, or otherwise instructs a
30 course.
- 31 ~~(11)~~ (11) "Licensee" means ~~a duly licensed property and liability insurance or life and health~~
32 ~~insurance agent or broker who is required to comply with this Section. a [] licensed~~
33 adjuster, a licensed broker, or a licensed agent with any of the following lines of
34 authority: property, casualty, personal lines, life, or accident and health or sickness.
- 35 ~~(12)~~ (12) "Supervised examination" means a timed, closed book examination that is monitored and
36 graded by a disinterested third party party. and graded by a nationally recognized
37 insurance education program.

1 ~~(9)~~(13) "Supervised individual study" means learning through the use of audio tapes, video tapes,
2 computer programs, programmed learning courses, and ~~similar types of learning~~
3 ~~experiences~~ other types of electronic media that are completed in the presence of an
4 instructor.

5

6 *History Note:* *Filed as a Temporary Adoption Eff. June 22, 1990, for a period of 180 days to expire on*
7 *December 19, 1990;*

8 *ARRC Objection Lodged July 19, 1990;*

9 *Authority G.S. 58-2-40; 58-33-130;*

10 *Eff. December 1, 1990;*

11 *Amended Eff. February 1, 1995; June 1, 1992;*

12 *Amended Eff. February 1, 2008.*

13

14

1 11 NCAC 06A.0802 IS AMENDED WITH CHANGES AS PRINTED IN THE N.C REGISTER,
2 VOLUME 22, ISSUE 8, OCTOBER 15, 2007, AS FOLLOWS:

3
4 11 NCAC 06A .0802 LICENSEE REQUIREMENTS

5 (a) Life and health licensees shall obtain 12 ICECs during each calendar year in approved life and health
6 courses. Each person holding a life and health license shall complete a continuing education course on
7 ethics within two years after January 1, 2008, and every two years thereafter. The course shall comprise
8 three ICECs and shall be approved by the Commissioner.

9 (b) Property and liability licensees shall obtain 12 ICECs during each calendar year in approved property
10 and liability courses. Each person holding a property and liability license shall complete a continuing
11 education course on ethics within two years after January 1, 2008, and every two years thereafter. The
12 course shall comprise three ICECs and shall be approved by the Commissioner.

13 (c) Any person holding more than one license to which this Section applies shall obtain 18 ICECs during
14 each calendar year, including a minimum of six ICECs for each kind of license.

15 (a) Each person holding a life, accident and health or sickness, property, casualty, personal lines, or
16 adjuster license shall obtain 24 ICECs during each biennial compliance period. Each person holding one or
17 more life, accident and health or sickness, property, casualty, personal lines, variable life and variable
18 annuity products or adjuster license shall complete an ethics course or courses within two years after
19 January 1, 2008, and every biennial compliance period thereafter as defined in this Section. The course or
20 courses shall comprise three ICECs.

21 (b) Each person holding one or more property, personal lines, or adjuster license, shall complete a
22 continuing education course or courses on flood insurance and the National Flood Insurance Program, or
23 any successor programs, within the first biennial compliance period after January 1, 2008, and every other
24 biennial compliance period thereafter. The course or courses shall comprise three ICECs.

25 (c) Each licensee shall, before the end of that licensee's biennial compliance year, furnish evidence as set
26 forth in this Section that the continuing education requirements have been satisfied.

27 (d) An instructor shall receive the maximum ICECs awarded to a student for the course.

28 (e) Licensees shall not receive ICECs for the same course more often than one time in any ~~three calendar~~
29 year biennial compliance period.

30 (f) ~~Licensees do not have to obtain ICECs for the calendar year in which they are initially licensed.~~

31 (g) ~~(f)~~ Licensees shall receive ICECs for a course only for the ~~calendar year~~ biennial compliance period in
32 which the course is completed. Any course requiring an examination shall not be considered completed
33 until the licensee passes the examination.

34 (h) ~~(g)~~ Licensees shall maintain records of all ICECs for three years ~~following the obtaining of such~~ after
35 obtaining those ICECs, which records shall be available for inspection ~~upon the Commissioner's request~~
36 by the Commissioner.

1 ~~(h)~~ (h) Nonresident licensees who meet continuing education requirements in their home states meet the
2 continuing education requirements of this Section. ~~Nonresident licensees whose home states have no~~
3 ~~continuing education requirements shall meet the requirements of this Section.~~ ~~Nonresident adjusters who~~
4 ~~qualify for licensure by passing the North Carolina adjuster examination pursuant to G.S. 58-33-30(h)(2)a~~
5 ~~shall meet the same continuing education requirements as a resident adjuster including mandatory flood~~
6 ~~and ethics courses. Nonresident adjusters who qualify for licensure by passing an adjuster examination in~~
7 ~~another state pursuant to G.S. 58-33-30(h)(2)b and are in good standing in that state shall be credited with~~
8 ~~having met the same continuing education requirements as resident adjusters, including mandatory flood~~
9 ~~and ethics courses.~~

10 (j) ~~Licensees are exempt from the requirements of this Section, if they:~~

11 (1) ~~are age 65 or older; and~~

12 (2) ~~have been continuously licensed in the line of insurance for at least 25 years; and~~

13 (A) ~~either hold a nationally recognized professional designation for the line of~~
14 ~~insurance. Acceptable designations include those listed in 11 NCAC~~
15 ~~6A.0803(a) and (b); or~~

16 (B) ~~certify to the Department annually they are inactive agents who neither solicit~~
17 ~~applications for insurance nor take part in the day to day operation of an agency.~~

18 (i) ~~A licensee is exempt from the requirements of this Section, other than ethics and flood courses as~~
19 ~~described in Paragraph (j) of this Rule, if the licensee:~~

20 (1) ~~is age 65 or older; and~~

21 (2) ~~has been continuously licensed in the line of insurance for at least 25 years; and~~

22 (3) ~~either:~~

23 (A) ~~holds a professional designation specified in 11 NCAC 6A.0803; or~~

24 (B) ~~certifies to the Commissioner annually that the licensee is an inactive agent~~
25 ~~who neither solicits applications for insurance nor takes part in the day to day~~
26 ~~operation of an agency.~~

27 ~~(j)~~ (j) Any licensee ~~holding more than one license to which this Section applies and who~~ qualifies for
28 exemption under ~~Paragraph (j) Paragraph (i) of this Rule for one license type~~ shall ~~meet the ethics and~~
29 ~~flood courses as required in Paragraph (a) and (b) of this Rule and in Rule .0812 of this Section. obtain a~~
30 ~~minimum of six ICECs in each calendar year for the license type not exempted.~~

31 ~~(k)~~ (k) Courses completed before the issue date of a new license do not meet the requirements of this
32 Section for that new license.

33 ~~(l)~~ (l) No credit shall be given for courses taken before they have been approved by the ~~Department.~~
34 ~~Commissioner.~~

35 (n) ~~Persons who hold adjuster licenses shall obtain 12 ICECs during each calendar year in approved~~
36 ~~property and liability courses. As used in this Section, "licensee" includes a person who holds an adjuster~~
37 ~~license and who is required to comply with this Section.~~

(o) ~~Each person holding a property and liability, personal lines, or adjuster license shall complete a continuing education course on flood insurance and the National Flood Insurance Program within two years after January 1, 2008, and every four years thereafter. The course shall comprise three ICECs and shall be approved by the Commissioner.~~

(m) Each person with an even numbered birth year shall meet continuing education requirements in an even numbered compliance year. Each person with an odd numbered birth year shall meet continuing education requirements in an odd numbered compliance year. The licensee shall complete 24 hours of continuing education by the last day of the licensee’s birth month in the compliance year.

(n) An existing licensee requiring continuing education is an individual who holds any of the following licenses on or before December 31, 2007: life and health, property and liability, personal lines, or adjuster. The licensee’s birth year determines if an individual must satisfy continuing education requirements in an even-numbered or odd-numbered year. (Example: 1960 is an even-numbered year; 1961 is an odd-numbered year.) The licensee’s birth month determines the month that continuing education is due. (Example: An individual born in October would need to complete 24 hours of continuing education by the end of October in the licensee’s compliance year.) The number of ICECs required by this Rule are prorated based on one ICEC per month, up to 24 months. This conversion shall be completed within four years. (Example: An individual with a birth date of February 16, 1960, would have the following two compliance periods during the continuing education conversion: 1st – two ICECs by the end of February 2008; the 2nd – 24 ICECs by the end of February 2010. An individual with a birth date of April 4, 1957, would have the following two compliance periods during the continuing education conversion: 1st – 16 ICECs by the end of April 2009; the 2nd – 24 ICECs by the end of April 2011.) The chart below reflects the number of hours an existing licensee requiring continuing education must have during the four-year conversion.

Compliance Year	EXISTING LICENSEE MONTH OF BIRTH EVEN/ODD YEAR OF BIRTH																							
	JAN		FEB		MAR		APR		MAY		JUN		JUL		AUG		SEPT		OCT		NOV		DEC	
	even	odd	even	odd	even	odd	even	odd	even	odd	even	odd	even	odd	even	odd	even	odd	even	odd	even	odd	even	odd
2008	1		2		3		4		5		6		7		8		9		10		11		12	
2009		13		14		15		16		17		18		19		20		21		22		23		24
2010	24		24		24		24		24		24		24		24		24		24		24		24	
2011		24		24		24		24		24		24		24		24		24		24		24		24

(o) A new licensee requiring continuing education is an individual who is issued any of the following licenses on or after January 1, 2008: life, accident and health or sickness, property, casualty, personal lines or adjuster. The licensee's birth year determines if an individual must satisfy continuing education requirements in an even-numbered or odd-numbered year. (Example: 1960 is an even-numbered year; 1961 is an odd-numbered year.) The licensee's birth month determines the month that continuing education is due. (Examples: An individual born in October would need to complete 24 hours of continuing education by the end of October in the licensee's compliance year. An individual with a birth date of December 1, 1960, licensed in 2008, is required to meet 24 hours of continuing education by December 31, 2010. An individual with a birth date of October 1, 1957, licensed in 2008, is required to meet 24 hours of continuing education by October 31, 2011.) The chart below shows the first deadline by which a new licensee would be required to complete 24 hours of continuing education. []

License Issue Year	NEW LICENSEE MONTH OF BIRTH EVEN/ODD YEAR OF BIRTH																								
	JAN		FEB		MAR		APR		MAY		JUN		JUL		AUG		SEPT		OCT		NOV		DEC		
	even	odd	even	odd	even	odd	even	odd	even	odd	even	odd	even	odd	even	odd	even	odd	even	odd	even	odd	even	odd	
2008	2010	2011	2010	2011	2010	2011	2010	2011	2010	2011	2010	2011	2010	2011	2010	2011	2010	2011	2010	2011	2010	2011	2010	2011	
2009	2012	2011	2012	2011	2012	2011	2012	2011	2012	2011	2012	2011	2012	2011	2012	2011	2012	2011	2012	2011	2012	2011	2012	2011	2012
2010	2012	2013	2012	2013	2012	2013	2012	2013	2012	2013	2012	2013	2012	2013	2012	2013	2012	2013	2012	2013	2012	2013	2012	2013	2012
2011	2014	2013	2014	2013	2014	2013	2014	2013	2014	2013	2014	2013	2014	2013	2014	2013	2014	2013	2014	2013	2014	2013	2014	2013	2014

(p) A member of a professional insurance association may receive no more than two ICECs during the biennial compliance period based solely on membership in the association. The professional insurance association shall be approved as a continuing education provider, shall have been in existence for at least five years, and shall have been formed for purposes other than providing continuing education. The professional insurance association shall :

- (1) Provide the Commissioner or the Administrator with the association's Articles of Incorporation on file with the N.C. Secretary of State;
- (2) Certify to the Commissioner or Administrator that the licensee's membership is active during the biennial compliance period;
- (3) Certify to the Commissioner or Administrator that the licensee attended 50 percent of the regular meetings;

- 1 (4) Certify to the Commissioner or Administrator that the licensee attended a statewide or
2 intrastate regional educational meeting on an annual basis, where the regional meeting
3 covered an area of at least 25 counties of the State; and
4 (5) Pay the \$1.00 per ICEC to the Commissioner or Administrator.

5

6 *History Note: Authority G.S. 58-2-40; 58-2-185; 58-2-195; 58-33-130; 58-33-133;*
7 *Temporary Adoption Eff. June 22, 1990, for a period of 180 days to expire on December*
8 *19, 1990;*
9 *ARRC Objection Lodged July 19, 1990;*
10 *Eff. December 1, 1990;*
11 *Temporary Amendment Eff. October 3, 1991 for a period of 180 days to expire on March*
12 *30, 1992;*
13 *Amended Eff. January 1, 2007; February 1, 1995; August 1, 1994; February 1, 1994;*
14 *January 1, 1993.*
15 *Amended Eff. February 1, 2008.*

1 **11 NCAC 06A.0804 IS AMENDED AS PRINTED IN THE N.C REGISTER, VOLUME 22, ISSUE 8,**
2 **OCTOBER 15, 2007, AS FOLLOWS:**

3
4 **11 NCAC 06A .0804 CARRYOVER CREDIT**

5
6 ~~(a) No more than 75 percent of the ICECs required shall be carried forward from the previous year.~~
7 ~~Licensees holding one license shall carry over no more than nine ICECs. Licensees holding more than one~~
8 ~~license shall carry over no more than six ICECs for any one license.~~

9 ~~(b) Only whole ICECs may be carried over.~~

10 Only whole ICECs may be carried over from one biennial compliance period to the next biennial
11 compliance period. There is no limit on the number of ICECs that can be carried over.

12
13 *History Note: Filed as a Temporary Amendment Eff. October 3, 1991 for a period of 180 days to*
14 *expire*
15 *on March 30, 1992;*
16 *Filed as a Temporary Adoption Eff. June 22, 1990, for a period of 180 days to expire on*
17 *December 19, 1990;*
18 *ARRC Objection Lodged July 19, 1990;*
19 *Authority G.S. 58-2-40; 58-33-130;*
20 *Eff. December 1, 1990;*
21 *Amended Eff. February 1, 1995; June 1, 1992; March 1, 1992;*
22 *Amended February 1, 2008.*

23
24
25
26

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

**11 NCAC 06A.0805 IS AMENDED WITH CHANGES AS PRINTED IN THE N.C REGISTER,
VOLUME 22, ISSUE 8, OCTOBER 15, 2007, AS FOLLOWS:**

11 NCAC 06A .0805 CALCULATION OF ICECS

The following standards ~~shall be~~ are used to evaluate courses submitted for continuing education approval:

- (1) Programs requiring meeting or classroom attendance:
 - (a) Courses or clusters of courses of less than 50 minutes shall not be evaluated for continuing education ICECs.
 - (b) Courses shall not be approved for less than one ICEC.
 - (c) One ICEC shall be awarded for each 50 minutes of instruction unless the Commissioner assigns fewer ICECs based upon the evaluation of the submitted course materials. Courses shall only be approved for whole ICECs.
 - (d) Course providers shall monitor participants for attendance and attention.
- (2) Independent study programs:
 - (a) Independent study programs qualify for continuing education only when there is a supervised examination. No examination administered or graded by insurance company personnel for its own employees ~~shall be~~ is considered to be administered by a disinterested third party. The examination supervisor shall submit to the provider a sworn affidavit that certifies the authenticity of the examination. The provider shall retain the affidavit and examination records.
 - (b) Each course shall be assigned ICECs, which shall be awarded upon the passing of the supervised examination.
- (3) Distance Learning Programs:
 - (a) Distance learning qualifies only when an instructor is available to respond to questions and to maintain attendance records.
 - (b) Any organization sponsoring a teleconference shall have an on-site instructor.
- (4) Internet programs qualify only when there is a secure examination required at the end of the licensee's study of the course material and when periodic security measures have been used throughout the course material before the final examination.

1 (5) Webinar courses qualify only when there is a method of monitoring attendance, by way of a
2 random question and answer segment throughout the course, or a monitor at each location.
3 Examinations are not required in Webinar courses.
4

5 *History Note: Authority G.S. 58-2-40; 58-33-130;*
6 *Temporary Adoption Eff. June 22, 1990, for a period of 180 days to expire on December*
7 *19, 1990;*
8 *ARRC Objection Lodged July 19, 1990;*
9 *Eff. December 1, 1990;*
10 *Amended Eff. April 1, 2003; February 1, 1995; June 1, 1992;*
11 *Amended Eff. February 1, 2008.*

1 **11 NCAC 06A.0807 IS AMENDED WITH CHANGES AS PRINTED IN THE N.C REGISTER,**
2 **VOLUME 22, ISSUE 8, OCTOBER 15, 2007, AS FOLLOWS:**

3

4 **11 NCAC 06A .0807 HARDSHIP**

5 ~~Licensees shall make appeals for extensions of time under G.S. 58-33-130(c) on or before January 30 of the~~
6 ~~year immediately following the calendar year in which the required ICECs were not obtained. A licensee~~
7 ~~may request **in writing** an extension of time under G.S. 58-33-130(c) during or before the last month of the~~
8 ~~licensee's compliance year.~~

9

10 *History Note: Authority G.S. 58-2-40; 58-33-130;*
11 *Temporary Adoption Eff. June 22, 1990, for a period of 180 days to expire on December*
12 *19, 1990; ARRC Objection Lodged July 19, 1990;*
13 *Eff. December 1, 1990;*
14 *Amended Eff. January 1, 2007; June 1, 1992;*
15 *Amended Eff. February 1, 2008.*

1 **11 NCAC 06A.0808 IS AMENDED WITH CHANGES AS PRINTED IN THE N.C REGISTER,**
2 **VOLUME 22, ISSUE 8, OCTOBER 15, 2007, AS FOLLOWS:**

3
4 **11 NCAC 06A .0808 INSTRUCTOR QUALIFICATION**

5 (a) ~~Instructor~~ Continuing education providers shall certify that continuing education instructors meet the
6 qualification requirements requirements, which shall be are the same as those for instructors as provided in
7 11 NCAC 6A .0705(c), except that the Commissioner may approve instructors possessing specific areas of
8 expertise to instruct courses comprising those areas of expertise.

9 (b) Insurance company trainers as instructors ~~must~~ shall be full time salaried employees of the insurance
10 company sponsoring the course and ~~must~~ shall have as part of their full time responsibilities the duty to
11 provider insurance company training.

12 (c) College and university instructors may be full time or adjunct faculty of the accredited college or
13 university, ~~must~~ and shall be teaching a curriculum course in his or her field of expertise, expertise and
14 must I meet the requirements of the association that accredits the college or university.

15 (d) The Commissioner shall require applicants and current instructors to submit to a personal interview,
16 provide a video or audio tape, a written history of courses taught or any other documentation that will
17 verify the applicant's qualifications to instruct approved insurance courses.

18 (e) Temporary instructor authority shall be given to each qualified applicant. The instructor authority shall
19 become permanent after six months unless otherwise denied, suspended, terminated or revoked by the
20 Commissioner.

21 (f) As a condition to continued instructor ~~approval, instructors shall teach~~ qualification, providers shall
22 insure that each instructor teaches one precicensing or continuing education course each calendar year
23 beginning in 1996 year.

24
25 *History Note: Filed as a Temporary Adoption Eff. June 22, 1990, for a period of 180 days to expire on*
26 *December 19, 1990;*

27 *ARRC Objection Lodged July 19, 1990;*

28 *Authority G.S. 58-2-40; 58-33-130; 58-33-132;*

29 *Eff. December 1, 1990;*

30 *Amended Eff. February 1, 1996;*

31 *Amended Eff. February 1, 2008.*

1 11 NCAC 06A.0809 IS AMENDED WITH CHANGES AS PRINTED IN THE N.C REGISTER,
2 VOLUME 22, ISSUE 8, OCTOBER 15, 2007, AS FOLLOWS:

3
4 11 NCAC 06A .0809 APPROVAL OF COURSES

5 (a) ~~Providers of all courses specifically approved under 11 NCAC 6A.0803 must file copies of program~~
6 ~~catalogs, course outlines, copies of advertising literature, a nonrefundable, nontransferable filing fee of one~~
7 ~~hundred dollars (\$100.00) per course up to a two thousand five hundred dollar (\$2,500) per calendar year~~
8 ~~maximum, and any other documents or related materials that the Commissioner requests, prior to January~~
9 ~~1, 1991, and within 30 days of any changes to such programs in the future.~~

10 (a) Providers of all courses specifically approved under Rule .0803 of this Section shall file with the
11 Commissioner or Administrator copies of program catalogs, course outlines, copies of advertising
12 literature, and pay the fee prescribed in G.S. 58-33-133(b).

13 (b) ~~All providers of courses not specifically approved under 11 NCAC 6A .0803 must~~ Rule .0803 of this
14 Section shall do the following:

15 (1) Any individual, school, insurance company, insurance industry association, or other
16 organization intending to provide classes, seminars, or other forms of instruction as
17 approved courses shall apply on forms provided by the ~~Commissioner;~~ Commissioner or
18 Administrator; pay the fee prescribed in G.S. 58-33-133(b), a nonrefundable,
19 nontransferable filing fee of one hundred dollars (\$100.00) per course up to a two
20 thousand five hundred dollars (\$2,500) per calendar year maximum and provide the
21 requested number of copies of detailed outlines of the subject matter to be covered, and
22 copies of handouts to be given. ~~given, the qualifications of each instructor, and other~~
23 ~~information requested by the Commissioner to support the request for approval.~~

24 (2) Providers of supervised individual study programs ~~must shall file the requested number~~
25 ~~of copies of the study programs;~~ programs and the examination, and Internet course
26 security procedures. ~~Extra copies will be returned to a provider after course approval if a~~
27 ~~return fee is paid in advance.~~

28 (3) ~~Such applications and accompanying information must be received by the Commissioner~~
29 ~~at least 30 days prior to the intended beginning date of the course~~

30 (4) ~~The Commissioner shall approve or deny the application; and shall indicate the number~~
31 ~~of ICECs that have been assigned to the course if approved. If a course is not approved or~~
32 ~~disapproved within 60 days after receipt of all required information, the course is deemed~~
33 ~~to be approved at the end of the 60-day period.~~

34 (5) ~~If a course approval application is denied, a written explanation of the reason for such~~
35 ~~action shall be furnished with the denial.~~

1 (c) The Commissioner shall indicate the number of ICECs that have been assigned to the course that has
2 been approved. If a course is not approved or disapproved within 60 days after receipt of all required
3 information, the course is deemed to be approved at the end of the 60-day period.

4 (d) If a course approval application is denied, a written explanation of the reason for such action shall be
5 furnished with the denial.

6 ~~(e)~~ (e) Course approval applications must include all of the following forms and attached information in
7 exactly the following order: shall include the following:

8 ~~(1) — A cover letter with payment of the nonrefundable, nontransferable filing fee of one~~
9 ~~hundred dollars (\$100.00) per course attached with separate paragraphs for the following:~~

10 ~~(A) — a request that the course be evaluated;~~

11 ~~(B) — for whom the course is designed;~~

12 ~~(C) — the course objectives;~~

13 ~~(D) — the names and duties of all persons who will be affiliated in an official capacity~~
14 ~~with the course;~~

15 ~~(E) — the course provider's tuition and fee refund policy; and~~

16 ~~(F) — an outline that shall include a statement of the method used to determine~~
17 ~~whether there will be meaningful attainments of education by licensees to be~~
18 ~~certified upon their satisfactory completion of the course. Such method may be~~
19 ~~a written examination, a written report, certification of attendance only, or other~~
20 ~~methods approved by the Commissioner. The outline shall describe the method~~
21 ~~of presentation;~~

22 ~~(2) — The course content outline with instruction hours assigned to the major topics;~~

23 ~~(3) — Instructor approval application and instructor qualification documentation or resume ;~~

24 ~~(4) — Schedule of dates, beginning and ending times and places the course will be offered,~~
25 ~~along with the names of instructors for each course session. Schedules shall be submitted~~
26 ~~at least 30 days in advance of any subsequent course offerings but it will not be necessary~~
27 ~~that courses be resubmitted unless there are substantial changes in content;~~

28 ~~(5) — A copy of the course completion certificate ;~~

29 ~~(6) — A course rating form;~~

30 ~~(7) — A course bibliography.~~

31 (1) A statement for whom the course is designed;

32 (2) The course objectives;

33 (3) The names and duties of all persons who will be affiliated in an official capacity with the
34 course;

35 (4) The course provider's tuition and fee refund policy;

36 (5) An outline that shall include:

1 **11 NCAC 06A.0811 IS AMENDED WITH CHANGES AS PRINTED IN THE N.C REGISTER,**
2 **VOLUME 22, ISSUE 8, OCTOBER 15, 2007, AS FOLLOWS:**

3
4 **11 NCAC 06A .0811 SANCTIONS FOR NONCOMPLIANCE**

5 ~~(a) This Rule establishes sanctions for licensees who fail to complete their annual biennial continuing~~
6 ~~education requirements and for licensees, course providers, course provider personnel, course presenters,~~
7 ~~course presenter personnel, and course instructors who falsify any records or documents in connection with~~
8 ~~the continuing education program or who do not comply with G.S. 58-33-130, G.S. 58-33-132, or this~~
9 ~~Section.~~

10 ~~(b) (a)~~ If the license of any person lapses under G.S. 58-33-130(c), the license shall be reinstated
11 ~~Commissioner shall reinstate the license~~ when the person has completed the continuing education
12 requirements. If the person does not satisfy the requirements for licensure reinstatement ~~by July 1 of that~~
13 ~~year,~~ within 120 days after the end of the person's previous compliance year, the person shall complete the
14 appropriate preclicensing education requirement and pass the appropriate licensing examination, at which
15 time the Commissioner shall reinstate the person's license.

16 ~~(c) (b)~~ The Commissioner may suspend, revoke, or refuse to renew a license for any of the following
17 causes:

- 18 (1) Failing to respond to Department inquiries, including continuing education audit requests,
19 within seven calendar days after the receipt of the inquiry or request.
- 20 (2) Requesting an extension or waiver under false pretenses.
- 21 (3) Refusing to cooperate with Department employees in an investigation or inquiry.

22 ~~(d) (c)~~ The Commissioner may suspend, revoke, or refuse to renew a course provider's, ~~presenter's~~
23 presenters, or instructor's authority to offer courses for any of the following causes:

- 24 (1) Advertising that a course is approved before the Commissioner has granted such approval
25 in writing.
- 26 (2) Submitting a course outline with material inaccuracies, either in length, presentation time,
27 or topic content.
- 28 (3) Presenting or using unapproved material in providing an approved course.
- 29 (4) Failing to conduct a course for the full time specified in the approval request submitted to
30 the Commissioner.
- 31 (5) Preparing and distributing certificates of attendance or completion before the course has
32 been approved.
- 33 (6) Issuing certificates of attendance or completion before the completion of the course.
- 34 (7) Failing to issue certificates of attendance or completion to any licensee who satisfactorily
35 completes a course.

- 1 (8) Failing to notify the Commissioner in writing of suspected or known violations of the
2 North Carolina General Statutes or Administrative Code within 30 days after suspecting
3 or knowing about the violations.
4 (9) Violating the North Carolina General Statutes or Administrative Code.
5 (10) Failing to monitor attendance and attention of attendees.

6 ~~(e)~~ (d) Course providers and presenters are responsible for the activities of persons conducting,
7 supervising, instructing, proctoring, monitoring, moderating, facilitating, or in any way responsible for the
8 conduct of any of the activities associated with the course.

9 ~~(f)~~ (e) The Commissioner may require any one of the following upon a finding of a violation of this
10 Section:

- 11 (1) Refunding all course tuition and fees to licensees.
12 (2) Providing licensees with a course to replace the course that was found in violation.
13 (3) Withdrawal of approval of courses offered by the provider, presenter, or instructor.

14 ~~(g)~~ (f) Each nonresident licensee shall certify to the Commissioner that the licensee has complied with the
15 continuing education requirements in the licensee's home state and paid a recertification fee by March 1 of
16 each year. Each year, the Commissioner shall verify each nonresident licensee's record through the NAIC
17 Producer Data Base to ensure that the licensee has complied with the continuing education requirements in
18 the licensee's home state. If the license lapses under ~~G.S. 58-33-125(e)~~ and an extension of time is not
19 sought, ~~the Commissioner shall reinstate the license when the licensee has completed the home state
20 continuing education requirements and paid a recertification fee~~ G.S. 58-33-32, the Commissioner shall
21 cancel the license.

22
23 *History Note: Authority G.S. 58-2-40; 58-33-125(a); 58-33-130; 58-33-132;*
24 *Temporary Adoption Eff. June 22, 1990, for a period of 180 days to expire on December*
25 *19, 1990;*
26 *ARRC Objection Lodged July 19, 1990;*
27 *Eff. December 1, 1990;*
28 *Amended Eff. January 1, 2007; June 1, 1992;*
29 *Amended Eff. February 1, 2008.*

1 11 NCAC 06A.0813 IS AMENDED WITH CHANGES AS PRINTED IN THE N.C REGISTER,
2 VOLUME 22, ISSUE 8, OCTOBER 15, 2007, AS FOLLOWS:

3
4 11 NCAC 06A .0813 ISSUANCE/CONTINUATION OF PROVIDER APPROVAL

5 (a) Any individual or entity intending to provide classes, seminars, or other forms of instruction as
6 approved courses shall submit:

- 7 (1) an application as approved prescribed by the Commissioner for provider approval; and
8 (2) a course approval application in accordance with ~~11 NCAC 6A .0809~~ Rule .0809 of this
9 Section.

10 (b) The Commissioner or the Administrator shall approve or deny the provider and course approval
11 application.

12 (c) Any provider approval that is denied shall be furnished a written explanation for the denial in
13 accordance with ~~11 NCAC 6A .0809(4)~~ Rule .0809(4) of this Section.

14 (d) Any provider receiving a provider approval denial shall have 15 business days to respond to the denial.
15 denial; previously submitted materials will be destroyed; and the one hundred dollar (\$100.00)
16 nonrefundable, nontransferable course filing fee shall be forfeited if the applicant fails to respond within
17 the required timeframe.

18 (e) As a condition to continued provider approval, providers shall conduct a minimum of one course within
19 the State of North Carolina each calendar year.

20 (f) Providers shall retain continuing education records for three years and shall provide these records upon
21 request to the Commissioner or to the Administrator.

22
23 *History Note: Authority G.S. 58-2-40; 58-33-130; 58-33-132;*
24 *Eff. February 1, 1996;*
25 *Amended Eff. February 1, 2008.*
26