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**IDAPA 18
TITLE 01
CHAPTER 53**

18.01.53 – CONTINUING EDUCATION

000. LEGAL AUTHORITY.

The statutory authority for this rule is set forth in Sections 41-211, 41-1013, 41-1108, 41-5813, and 41-5820, Idaho Code. (4-11-15)

001. TITLE AND SCOPE.

01. Title. This rule shall be referred to as IDAPA 18.01.53, “Continuing Education.” (4-11-15)

02. Scope. The purpose of this rule is to help protect the public by maintaining high standards of professional competence in the insurance industry and to maintain and improve the insurance skills and knowledge of producers, adjusters, and public adjusters licensed by the Department of Insurance by prescribing a minimum education in approved subjects that a licensee must periodically complete, procedures and standards for the approval of such education, and a procedure for establishing that continuing education requirements have been met. (4-11-15)

002. WRITTEN INTERPRETATIONS.

This agency may have written statements which pertain to the interpretation of the rules of this chapter, or to the documentation of compliance with the rules of this chapter. These documents will be available for public inspection and copying in accordance with the Idaho Public Records Act, Title 74, Chapter 1, Idaho Code. (4-11-15)

003. ADMINISTRATIVE APPEALS.

Any administrative appeal regarding this chapter should be made in accordance with Title 41, Chapter 2, Idaho Code, and to the extent not in conflict therewith, Title 67, Chapter 52, Idaho Code, as well as IDAPA 04.11.01, “Idaho Rules of Administrative Procedure of the Attorney General.” (4-11-15)

004. INCORPORATION BY REFERENCE.

There are no documents to be incorporated by reference. (4-11-15)

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.

01. Office Hours. The Department of Insurance is open from 8 a.m. to 5 p.m. except Saturday, Sunday and legal holidays. (4-11-15)

02. Mailing Address. The department's mailing address is: Idaho Department of Insurance, P.O. Box 83720, Boise ID 83720-0043. (4-11-15)

03. Street Address. The department's principal place of business is 700 West State Street, 3rd Floor, Boise, Idaho 83720-0043. (4-11-15)

04. Web Site Address. The department's website is <http://www.doi.idaho.gov>. (4-11-15)

006. PUBLIC RECORDS ACT COMPLIANCE.

Any records associated with this rule are subject to the provisions of the Idaho Public Records Act, Title 74, Chapter 1, Idaho Code. (4-11-15)

007. -- 009. (RESERVED)

010. DEFINITIONS.

01. Licensee. As used in this rule a “licensee” means an individual holding a license as a producer, adjuster, or public adjuster pursuant to Title 41, Chapters 10, 11, or 58, Idaho Code. (4-11-15)

011. APPLICABILITY.

01. Applicability to Certain Insurance Professionals. This rule applies to all resident licensees except for producers licensed to sell only “limited lines (other than crop) insurance” as defined by Title 41, Chapter 10, Idaho Code. (4-11-15)

02. High Standards for Programs. The Department of Insurance anticipates and expects that licensees will maintain high standards of professionalism in selecting quality education programs to fulfill the continuing education requirements set forth herein. (7-1-93)

012. BASIC REQUIREMENTS.

01. Proof of Completion. As a condition for the continuation of a license, a licensee must furnish the Director of the Department of Insurance (“Director”), on or before the licensing renewal date, proof of satisfactory completion of approved subjects or courses meeting the following requirements: (4-5-00)

a. Twenty-four (24) hours of continuing education credit during each licensing period, which licensing period is for two (2) years. (3-20-04)

b. At least three (3) hours of continuing education credit in ethics must be earned each licensing period. (4-7-11)

c. No more than four (4) hours of continuing education credit from courses approved for adjusters or public adjusters shall apply toward the continuation of a producer license. (4-11-15)

02. Relicensing Procedures After Voluntary Termination of License. A licensee who voluntarily terminates his/her license can apply to be relicensed without testing if the application is received by the Department within twelve (12) months after the termination and if the continuing education requirements were completed during the licensing period prior to voluntary termination. Non-resident licensees who were former resident licensees and who wish to obtain a resident license once again will be subject to the continuing education requirements on a pro-rata basis. (4-11-15)

03. Completion Within Two Years. Each course to be applied toward satisfaction of the continuing education requirement must have been completed within the two (2) year period immediately preceding renewal of the license. Courses may not have been duplicated in the same renewal period. The date of completion for a self-study course is the date of successful completion of exam. (3-20-04)

013. EXCEPTIONS/EXTENSION.

01. Excepting and Extension. The following exceptions and extensions may be made to the continuing education rules: (7-1-93)

a. Licensees on extended active duty with the Armed Forces of the United States for the period of such duty and all other exceptions allowed under Section 41-1008(4), Idaho Code. (5-3-03)

b. Persons which hold a temporary license as provided in Section 41-1015, Idaho Code. (5-3-03)

c. Other exceptions and extensions, where good cause exists, as approved by the Continuing Education Advisory Committee or the Director. (4-5-00)

02. Age Exception or Extension. No exception or extension shall be made solely because of age. (7-1-93)

03. Application for Exception or Extension Required. Licensees requesting exceptions and extensions pursuant to this Rule must apply prior to the renewal date to the Director, in writing, and set forth the basis for the exception or extension. (7-1-93)

014. CONTINUING EDUCATION ADVISORY COMMITTEE.

01. Continuing Education Advisory Committee. An eleven (11) member Continuing Education Advisory Committee, comprised of representatives from each segment of the insurance industry, shall be appointed by the Director. The committee shall be appointed as follows: (7-1-98)

a. Five (5) of the members to serve a term of two (2) years and six (6) of the members to serve a term of three (3) years. (7-1-98)

b. Subsequent committee members shall serve a term of three (3) years. (7-1-98)

c. Members may succeed themselves if: (7-1-98)

i. Renominated by the industry and approved by the Director; or (7-1-98)

ii. Reappointed by the Director. (7-1-98)

02. Duties of the Advisory Committee. The advisory committee shall perform the following duties at the discretion of the Director: (7-1-98)

a. Approve or disapprove programs as per the standards of this rule; (7-1-93)

b. Assign the number of continuing education hours to be awarded to programs that are approved; (7-1-93)

c. Consider applications for exceptions and extensions as permitted under Section 013 of this rule; (7-1-93)
and

d. Consider other related matters as the Director may assign. (7-1-93)

03. Quorum. Those present at any meeting of the Continuing Education Advisory Committee shall be deemed to be a quorum for purposes of acting to perform the duties of the Committee pursuant to this rule. Matters before the Continuing Education Advisory Committee may be decided by a majority of those members present. In the event of a tie vote, the Chairman shall vote to break the tie. (7-1-93)

04. Decisions or Rulings. Decisions or rulings of the Continuing Education Advisory Committee in its performance of the duties set forth herein shall have the effect of decisions or rulings of the Director of the Department of Insurance. Such decisions are, however, in the discretion of the Director, subject to his review and approval or rejection. (7-1-93)

015. PROGRAM REQUIREMENTS.

All continuing education programs are subject to review and approval by the Continuing Education Advisory Committee and certification by the Director. They must be submitted to the Continuing Education Advisory Committee in accordance with Section 021 of this rule on forms promulgated by the Director. Any course provider that resides in, and has had their continuing education program(s) approved by, a state in which the insurance department has signed the Midwest Zone Declaration Regarding Continuing Education Course Approval or has signed a separate reciprocity agreement with the Idaho Department of Insurance, need not have their continuing education program(s) reviewed and approved by the Idaho Continuing Education Advisory Committee. However, prior to offering the course for continuing education credit, all courses must be filed with the department on a form approved by the director and course application fees paid. (5-3-03)

016. PROGRAMS WHICH QUALIFY.

01. Requirements of Acceptable Program. A specific program will qualify as an acceptable continuing education program if it is a formal program of learning which contributes directly to the professional competence of a licensee. It will be left to each individual licensee to determine the course of study to be pursued. All programs must meet the standards outlined in Section 018. (7-1-93)

- 02. Subjects Which Qualify.** (7-1-93)
- a.** The following general subjects are acceptable for producers as long as they contribute to the knowledge and professional competence of an individual licensee as a producer and demonstrate a direct and specific application to insurance. (4-11-15)
- i. Insurance, annuities, and risk management. (7-1-93)
 - ii. Insurance laws and rules. (7-1-93)
 - iii. Mathematics, statistics, and probability. (7-1-93)
 - iv. Economics. (7-1-93)
 - v. Business law. (7-1-93)
 - vi. Finance. (7-1-93)
 - vii. Taxes, Trusts, Estate Planning. (4-5-00)
 - viii. Business environment, management, or organization. (7-1-93)
 - ix. Securities. (7-1-98)
- b.** The following general subjects are acceptable for adjusters and public adjusters as long as they contribute to the knowledge and professional competence of an individual licensee as an adjuster or public adjuster and demonstrate a direct and specific application to adjusting. (4-11-15)
- i. Insurance. (3-19-10)
 - ii. Insurance laws and rules. (3-19-10)
 - iii. Mathematics, statistics, and probability. (3-19-10)
 - iv. Economics. (3-19-10)
 - v. Business law. (3-19-10)
 - vi. Restoration. (3-19-10)
 - vii. Communications. (3-19-10)
 - viii. Arbitration. (3-19-10)
 - ix. Mitigation. (3-19-10)
 - x. Glass replacement and/or repair. (3-19-10)
- c.** Areas other than those listed above may be acceptable if the licensee can demonstrate that they contribute to professional competence and otherwise meet the standards set forth in this rule. The responsibility for substantiating that a particular program meets the requirements of this rule rests solely upon the licensee. (7-1-93)
- 017. PROGRAMS WHICH DO NOT QUALIFY.**
- 01. Any Course Used to Prepare for Taking an Insurance Licensing Examination.** (7-1-93)

- 02. Committee Service of Professional Organizations.** (7-1-93)
- 03. Computer Science Courses.** (7-1-93)
- 04. Motivation, Psychology, or Selling Skills Courses.** (7-1-93)
- 05. Reviews, Quizzes and/or Examinations.** (7-1-93)
- 06. Any Program Not in Accordance with This Rule.** (7-1-93)
- 018. STANDARDS FOR CONTINUING EDUCATION PROGRAMS.**
In order to qualify for credit, the following standards must be met by all continuing education programs: (7-1-93)
- 01. Program Development.** (7-1-93)
- a.** The program must have significant intellectual or practical content to enhance and improve the insurance knowledge and professional competence of participants. (7-1-93)
- b.** The program must be developed by persons who are qualified in the subject matter and instructional design. (7-1-93)
- c.** The program content must be current or up to date. (7-1-93)
- 02. Program Presentation.** (7-1-93)
- a.** Instructors must be qualified, both with respect to program content and teaching methods. Instructors will be considered qualified if, through formal training or experience, they have obtained sufficient knowledge to instruct the course competently. (7-1-93)
- b.** The number of participants and physical facilities must be consistent with the teaching method specified. (7-1-93)
- c.** All programs must include some means for evaluating quality. (7-1-93)
- 019. MEASUREMENT OF CREDIT.**
- 01. Credits Measured in Full Hours.** Professional education courses shall be credited for continuing education purposes in full hours only. The number of hours shall be equivalent to the actual number of contact hours which must include at least fifty (50) minutes of instruction or participation. As an example, a program will be granted eight (8) hours of credit if the total lapsed time is approximately eight (8) hours and the contact time is at least four hundred (400) minutes. The approved credit hours assigned a course determines the number of hours participants are required to complete. No credit will be given for partial attendance. (7-1-93)
- 02. College Courses.** University or college upper division credit or noncredit courses shall be evaluated as follows: (7-1-93)
- a.** Credit courses -- each semester system credit hour shall not exceed fifteen (15) hours toward the requirement; each quarter system credit hour shall not exceed ten (10) hours. The final number of credits shall be determined by the Continuing Education Advisory Committee. (7-1-93)
- b.** Non-credit courses -- number of credits to be determined by the Continuing Education Advisory Committee. (7-1-93)
- 03. Internet Courses.** Internet self-study courses will be credited one (1) hour of continuing education for every fifty (50) minutes of study material, excluding exams. Credit will be given based on the information received in accordance with Section 021 of these rules. (3-19-10)

04. Webinar Courses. Webinars will be credited as classroom instruction or participation. In the event one course encompasses multiple webinars and self-study is required between webinars, the self-study material must be submitted to the Continuing Education Advisory Committee to be evaluated for additional credit in accordance with Section 021 of these rules. (3-19-10)

05. Power Point Courses. Power point course presentations will be evaluated as follows: (3-19-10)

a. Each power point slide must be accompanied by a timed outline of the subject matter to be presented. (3-19-10)

b. Credit will be given based on the information received in accordance with Section 021 of these rules. (3-19-10)

020. CONTROLS AND REPORTING.

01. Course List Required Upon Renewal. The application for renewal of a license shall be accompanied by a form designated and furnished by the Director, listing the courses that have been taken and are in compliance with this rule. (5-3-03)

02. Licensee to Retain Original Certificate as Evidence. The original certificate of completion received for each educational program or course shall be retained by the licensee as evidence of completion of the program or course for the most recent two (2) year renewal period. The certificates of completion shall be on a form promulgated by the Director. (7-1-93)

03. Statement Subject to Audit. The continuing education statement submitted by a licensee will be reviewed by the Department of Insurance and may be verified by a formal audit on a sample basis. If a continuing education statement submitted by an applicant for license renewal, as required by this rule, is not approved, the applicant shall be notified and administrative action shall be taken pursuant to Sections 41-1013 and 41-1016, Idaho Code. (5-3-03)

04. Responsibility That Course Acceptable on Licensee. The responsibility for establishing that a particular course or other program for which credit is claimed is acceptable and meets the continuing education requirements set forth in this rule rests solely on the licensee. (7-1-93)

05. Sign-In and Sign-Out Sheets. Sign-in and sign-out sheets are to be used and monitored to ensure attendance for the full length of the seminar. No Certificate of Completion is to be given to any one arriving late or leaving prior to the conclusion of the seminar. Failure to comply with these requirements will result in loss of certification in accordance with Section 023. (7-1-93)

021. APPROVED PROGRAMS OF STUDY - CERTIFICATION BY DIRECTOR.

01. Requirements of Course Approval. All courses must be approved by the Continuing Education Advisory Committee and certified by the Director, except as noted under program requirements pursuant to Section 015. If a course is not approved in advance of presentation, an application for credit must be submitted to the Continuing Education Advisory Committee within sixty (60) days of completion of the course on forms promulgated by the Director, with the exception of an individual licensee who may submit an application for courses completed within one hundred eighty (180) days of the course completion date and at least thirty (30) days prior to the license expiration date. All correspondence courses or individual study programs must be approved and certified in accordance with Section 024 prior to being offered to licensees for continuing education credit. (3-19-10)

02. Nonrefundable Application Fee. Each course application shall be accompanied by a nonrefundable application fee (as set forth in IDAPA 18.01.44, "Schedule of Fees, Licenses and Miscellaneous Charges"). (7-1-93)

03. Course Approval Procedures. Any individual, school, insurer, industry association, or other organization intending to provide classes, seminars, or other forms of instruction as approved subjects shall apply for such approval to the Director on forms approved by the Director or on other forms which provide information

including but not limited to the following: (5-3-03)

- a. A specific outline and/or course material; (7-1-93)
- b. Time schedule; (7-1-93)
- c. Method of presentation; (7-1-93)
- d. Qualifications of instructor; and (7-1-93)
- e. Other information supporting the request for approval. (7-1-93)

04. Method to Determine Completion Required. The submission shall include a statement of the method used to determine the satisfactory completion of an approved subject. Such method may be a written examination, a written report by the agent, certification by the providing organization of the agent's program attendance or completion, or other methods approved by the Director as appropriate for the subject. (7-1-93)

05. Final Acceptance/Rejection of Program. Except as noted under Section 015, all continuing education course material received will be submitted to the Continuing Education Advisory Committee who will approve or deny the course or program as qualifying for credit, indicate the number of hours that will be awarded for approved subjects, and refer the class, seminar, or program to the Director for his certification. In cases of denial, the Continuing Education Advisory Committee will furnish a written explanation of the reason for such action. (5-3-03)

06. List of Programs Certified Acceptable. The Director will provide, upon request, a list of all programs currently available which the Department of Insurance has certified. (7-1-93)

07. Certification of Program. Certification of a program may be effective for a period of time not to exceed two (2) years or until such time as any material changes are made in the program, after which it must be resubmitted to the Continuing Education Advisory Committee for its review and approval. (7-1-93)

08. Advertising Programs Prior to Certification. If any course has not been approved and certified by the Director before the date on which it is to be presented, the course may be advertised or presented as "continuing education credits have been applied for" but shall not be represented or advertised in any manner as "approved" for continuing education credit. (5-3-03)

022. PROOF OF COMPLETION.

Upon completion of a class, program, or course of study, the authorized representative of the sponsoring organization shall, within thirty (30) days of completion of the course: (3-19-10)

01. Certificate of Completion. Provide a certificate of completion to each individual who satisfactorily completes the class, program, or course of study; and (7-1-93)

02. Certification of Attendees Completion. Certify to the Director electronically a list of all such individuals. (3-19-10)

023. APPROVED SUBJECTS - LOSS OF CERTIFICATION.

01. Program Suspension. The certification of a program may be suspended by the Director if it has been determined that: (7-1-93)

a. The program teaching method or program content no longer meets the standards of this rule, or have been significantly changed without notice to the Director for recertification; or (7-1-93)

b. The program certified to the Director that an individual had completed the program in accordance with the standards furnished for certification or completion of the program, when in fact the individual had not done so; or (7-1-93)

c. Individuals who have satisfactorily completed the program of study in accordance with the standards furnished for certification or completion were not so certified by the program; or (7-1-93)

d. The instructor or sponsoring organization is not qualified as per the standards of this rule or lacks education or experience in the subject matter of the proposed course; or (5-3-03)

e. The instructor, sponsoring organization, or any company or affiliate of a sponsoring organization has had a license revoked or suspended in any jurisdiction. This includes any firm or organization where a revoked or suspended individual has a substantial ownership interest, or other control in a firm or organization; or (5-3-03)

f. There is other good and just cause why certification should be suspended. (7-1-93)

02. Reinstatement of a Suspended Certification. Reinstatement of a suspended certification will be made upon the furnishing of proof satisfactory to the Continuing Education Advisory Committee or the Director, in the case of courses approved per Section 015, that the conditions responsible for the suspension have been corrected. (5-3-03)

024. CREDIT FOR INDIVIDUAL STUDY PROGRAMS.

01. Requirements for Credit of Independent Study Programs. All approved correspondence courses or independent study programs must include an examination which requires a score of seventy percent (70%) or better to earn a certificate of completion. For each approved course, the sponsoring organization shall maintain multiple tests (two (2) or more) sufficient to maintain the integrity of the testing process. A written explanation of test security and administration methods shall accompany the course examination materials. Each unit and/or chapter of a course must contain review questions that must be answered with a score of seventy percent (70%) or better before access to the following unit/chapter is allowed. (4-7-11)

02. Completed Tests. The examinations shall be administered, graded, and the results recorded by the organization to which approval was originally granted. Completed tests shall be retained by the sponsoring organization and shall not be returned to any licensee. (4-7-11)

03. Prior Approval Required for Independent Study Programs. All correspondence courses or individual study programs must be submitted for approval and must be approved prior to being offered to licensees for continuing education credit. (7-1-93)

04. Time Period for Credit. Credit will be allowed only in the renewal period in which the course is completed. (7-1-93)

025. CREDIT FOR SERVICE AS LECTURER, DISCUSSION LEADER, OR SPEAKER.

Credit for Instructor. One (1) hour of continuing education credit will be awarded for each hour completed as an instructor or discussion leader, provided the class or program is certified by the Director and meets the continuing education requirements of those attending. (3-19-10)

026. CREDIT FOR BREAKFAST, LUNCHEON, OR DINNER MEETINGS.

Courses, seminars, or programs presented in connection with breakfast, lunch, or dinner meetings may qualify for continuing education credit only if they are meetings of recognized insurance organizations and meet the requirements of Sections 015 and 016. (7-1-93)

027. SEVERABILITY.

If any provision of this rule is for any reason held to be invalid, the remainder of the rule shall not be affected thereby. (7-1-93)

028. -- 999. (RESERVED)

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