

CHAPTER 20

REGULATION GOVERNING CONTINUING EDUCATION

Section 1. **Statutory Authority.**

The statutory authority for this regulation is W. S. § 26-9-231(c) and W. S. § 26-2-110. It is adopted pursuant to the Wyoming Administrative Procedure Act.

Section 2. **Purpose.**

The purpose of this regulation is to implement the Wyoming Legislature's mandated continuing education requirement stated in W.S. § 26-9-231, to protect the public, maintain high standards of professional competence in the insurance industry, and maintain and improve the insurance skills and knowledge of persons licensed by the Commissioner. This regulation prescribes 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.

Section 3. **Definitions.**

Terms used in this Chapter have the following meanings:

(a) "Certificate of completion" -- a document signed by the instructor (or other designated person) of a certified course which signifies satisfactory completion of the course and reflects hours of credit earned.

(b) "Certified course" -- an educational presentation offered in a class, seminar, independent study, or similar form of instruction involving insurance fundamentals, insurance-related law, insurance policies, claims and coverages, insurance needs and product changes, insurance risk management, etc., which is approved by the Commissioner pursuant to Section ~~4~~10 of this Regulation.

(c) "Classroom" -- an organized setting where a group of persons is instructed; or correspondence or home study course culminating with a supervised examination.

(d) "Code" -- the Wyoming Insurance Code, W.S. § 26-1-101, *et seq.*

(e) "Commissioner" -- the Wyoming Insurance Commissioner.

(f) "Department" -- the Wyoming Insurance Department.

(g) "Ethics" -- instruction in the usage and customs among members of the insurance profession involving their moral and professional duties toward one another, toward clients, toward insureds and toward insurers. It may include, but is not limited to, fiduciary responsibility, commingling of funds, payment and acceptance of commissions, unfair claims practices, professionalism, policy replacement consideration, handling or supervising the affairs or funds of another and conflicts of interest.

(h) "Good cause" -- may include disability, death of an immediate family member, natural disaster or other extenuating circumstances.

(i) "Licensee" - - includes resident insurance producers, title agents licensed pursuant to W.S. § 26-23-318, ~~service representatives~~, adjusters, ~~nonresident adjusters~~ designated Wyoming homestate non-resident adjusters and other resident persons required to be licensed under Chapter 9 of the Wyoming Insurance Code.

(j) "Sponsor" - - a natural person, firm, institution, partnership, corporation, or association offering or providing continuing education courses for credit intended to meet the requirements of this regulation.

~~(k) "Verification form" -- a form complying with the requirements of Section 10 of this regulation completed by the licensee to document compliance with the continuing education requirements.~~

Section 4. **Basic Requirement.**

(a) Licensees shall complete twenty-four (24) classroom hours of continuing education within each two (2) year licensing period. Of the twenty-four (24) required hours, at least three (3) shall be approved ethics hours.

~~(b) The number of insurance company sponsored continuing education hours shall not exceed fifty percent (50%) of the total requirement in Section 4(a).~~

Section 5. **Applicability.**

(a) This regulation applies to all licensees unless specifically exempted in subsection (b).

(b) All persons holding only a limited ~~agent's~~ producer's license issued under W.S. ~~§~~ 26-9-22-1 are exempt from completing the requirements of this regulation.

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Section 6. Exceptions.

The following exceptions may be made to the continuing education rules:

(a) Upon written request received by the Department on or before the end of the two-year licensing period, the Commissioner may grant an extension for a time the Commissioner deems appropriate to complete the continuing education requirement. An extension shall only be made for good cause shown by the licensee, in the written request for extension.

(b) A licensee who is not a resident of this State, who resides in a state or district having continuing education requirements which meet or exceed this State's requirements, need only comply with his resident state's requirements, ~~and the reporting requirement of Section 10 of this regulation.~~

(c) An adjuster who is not a resident of this state, who resides in a state or district having continuing education ~~requirements~~requirements, shall: complete the resident state's requirements.

- ~~(i) — Complete the resident state's requirements; and~~
- ~~(ii) — Complete the reporting requirement of Section 10 of this regulation.~~

(d) An adjuster who is not a resident of this state, who resides in a state or district not having continuing education requirements and has designated Wyoming as a homestate non-resident adjuster

(i) Complete the necessary hours of continuing education to meet this state's requirement as determined by the Commissioner; and

(ii) Complete the reporting requirement of Section ~~10~~9 of this Regulation.

~~Section 7. — Continuing Education Advisory Committee~~

~~(a) — A Continuing Education Advisory Committee, comprised of representatives from the Wyoming State Board of Insurance Agents' Examiners, shall be appointed by the Commissioner to perform the following:~~

~~(i) — Advise the Commissioner on certification of courses and hours of credit approved for courses as per the standards of this regulation;~~

~~(ii) — Attend and audit courses certified by the Commissioner, as requested; and,~~

~~(iii) Consider other related matters as the Commissioner may assign.~~

~~(b) The Continuing Education Advisory Committee, in performance of the functions set forth herein, shall act in an advisory capacity only. All final decisions regarding continuing education shall rest with the commissioner.~~

~~Section 8.~~ Section 7. **Program Requirements.**

(a) All continuing education courses are subject to review and certification by the Commissioner. They must be submitted to the Department in accordance with Section ~~H-10~~ of this regulation on forms approved by the Commissioner.

(b) Courses which qualify:

(i) A specific course will qualify as an acceptable continuing education program if it is a formal course of learning or online course study which contributes directly to the professional competence of a licensee. All programs must meet the standards outlined in Section ~~87~~(b)(ii).

(ii) Standards for continuing education courses. In order to qualify for credit, the following standards must be met:

(A) Course development:

(I) The course must have significant intellectual and/or practical content as to enhance and improve the insurance knowledge and professional competence of participants.

(II) The course must be developed by persons who are qualified in the subject matter and instructional design.

(III) The course content must be current.

~~(III)~~(IV) The course must have a method for measuring the student's successful completion of course material and for evaluating the learning experience.

(B) Course presentation:

(I) Instructors must be qualified, both with respect to course 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.

(II) The number of participants and physical facilities must be consistent with the teaching method specified.

(III) All courses must include some means for evaluating quality.

(iii) Courses which do not qualify:

(A) Any course used to prepare for taking an insurance licensing examination, or taken prior to licensure.

(B) Committee service on professional organizations.

(C) Computer science courses.

(D) Motivation, psychology, prospecting, recruiting, time management or sales training courses.

(E) Securities, other than variable annuities.

(F) Courses on communications skills, personnel management, or supportive office skills.

(G) Any program not in accordance with this regulation.

~~Section 9.~~ Section 8. **Measurement of Credit.**

(a) 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 - - number of hours of instruction or participation in the classroom. Each hourly period must include at least fifty (50) minutes of continuous instruction or participation. For this purpose, a one-day program will be granted eight (8) hours 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 shall be determined by the Commissioner.

(b) University or college upper division credit or noncredit courses shall be evaluated as follows:

(i) Credit courses - - each semester system credit shall not account for more than five (5) hours toward the continuing education requirement; each quarter system credit shall not account for more than three (3) hours. The final number of credits shall be determined by the Commissioner.

(ii) Non-credit courses - - the number of credits will be determined by the Commissioner, but not to exceed the amount allowed for credit courses.

(c) A licensee, whether an instructor or student, may receive credit for the same course only once in every two-year licensing period.

~~Section 10.~~Section 9. **Reporting and Fees.**

(a) ~~At any time during the two-year licensing period, and only after the continuing education requirements are met, the licensee to the Department a completed verification form and copies of all course certificates.~~ Each licensee sponsor shall submit the electronic course certification for continuing education within fifteen (15) days of completion and verification form and copies of the certificates prior to expiration of licensee's renewal date.

(b) Each licensee's invoice shall include a fee of thirty dollars (\$30) ~~with the completed verification form and copies of all course certificates to the Department for Continuing Education processing and records.~~

(c) The original certificate of completion received for each educational course shall be retained by the licensee sponsor as evidence of completion of the program or course for the most recent two (2) year period. The certificates of completion shall be ~~on a form in an electronic form~~ approved by the Commissioner.

(d) The ~~electronic verification forms~~ course certificates submitted by licensees sponsors will be reviewed by the Department and may be audited. If the continuing education electronic filing submitted by a licensee the sponsor, as required by this regulation, is not approved, the licensee sponsor shall be notified and the basis for rejection will be set forth.

(e) The responsibility for establishing that a particular course for which credit is claimed is acceptable and meets the continuing education requirements set forth in this regulation rests solely on the licensee.

~~Section 11.~~Section 10. **Programs of Study -- Certification by Commissioner.**

(a) All courses must be certified by the Commissioner. ~~If a~~ course ~~is not~~ must be certified in advance of presentation and an approved electronic application for certification must be submitted to the Commissioner by the sponsor ~~within~~ sixty (60) days ~~prior of to~~ completion of the course ~~on forms approved by the Commissioner~~. All correspondence courses or individual study programs must be approved and certified in accordance with Section 8-7 prior to being offered to licensees for continuing education credit.

(b) Any sponsor intending to provide classes, seminars, or other forms of instruction as certified courses shall apply electronically on forms approved by the Commissioner and furnish, for approval by the Commissioner, an outline of the subject matter to be covered, the method of presentation, the qualifications of the instructor, and other information supporting the request for approval.

(c) The outline shall include a statement of the method used to determine whether the licensee satisfactorily completed the approved subject. Such method may be a written examination, a written report by the licensee, certification by the providing organization of the licensee's program attendance or completion, or other method approved by the Commissioner as appropriate for the subject.

(d) Upon receipt of the application, the Commissioner will certify or deny the course or program as qualifying for credit and indicate the number of hours that will be awarded for approved subjects. In cases of denial, the Commissioner will furnish a written explanation of the reason for such action. Upon certification, the course will be given a course identification number which must be used on all certificates of completion and verification forms.

(e) Certification of a program will be effective for a period of time not to exceed two (2) years, or until such earlier time as any material changes are made in the program, after which it must be resubmitted to the Commissioner. Courses which have previously been certified may be submitted by referencing the previously given course certification number, and outlining any material changes to the course.

(f) If any course has not been certified by the Commissioner 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. No course may be advertised as "continuing education credits have been applied for" until a completed application for certification has been submitted to the Commissioner.

(g) Because of the high quality of the programs, any recognized national program may be filed within sixty (60) days after it is given and will be approved for the

number of classroom hours spent, up to the number of hours credited for passage of the national examination. This exception applies only to CIC Institutes and classroom study of the following courses: Chartered Financial Consultant (ChFC); Certified Insurance Counselor (CIC); Chartered Property and Casualty Underwriter (CPCU); Registered Health Underwriter (RHU); Chartered Life Underwriter (CLU); Life Underwriter Training Council Fellow (LUTCF); Certified Employee Benefit Specialist (CEBS); Certified Financial Planner (CFP); Fellow of the Life Management Institute (FLMI); Registered Employee Benefits Counselor (REBC); Health Insurance Associate (HIA); Associate in Claims (AIC); Associate in Risk Management (ARM); Associate in Underwriting (AU); Certification in Long Term Care (CTLC); Registered Professional Liability Underwriting (RPLUS); Certified Insurance Service Representative (CISR), Associates in Loss Control Management (ALCM), Fraternal Insurance Counselor (FIC); Life Office Management Association (LOMA); and, similar courses specifically accepted by the Department.

~~Section 12.~~Section 11. **Proof of Completion -- Sponsor Responsibilities.**

(a) Upon completion of a class, program, or course of study, the instructor or sponsor shall, within ~~sixty-five~~ sixty-five (6015) days of completion of the course:

(i) provide a certificate of completion ~~to each licensee to the department in electronic form for the individuals~~ who have satisfactorily completed the class, program, or course of study; and

(ii) certify to the Commissioner ~~an electronic roster~~ an electronic roster of all such individuals, specifying whether the determination of satisfactory completion was based upon attendance, written report, or examination.

(b) Sponsor responsibilities. Sponsors shall be responsible for, but not limited to, the following:

(i) Assuring compliance with all laws and rules pertaining to insurance education. During the approved program, if the sponsor finds that a student is reading unrelated materials, sleeping, talking excessively or is otherwise disruptive or inattentive, the sponsor may take whatever action it feels is appropriate, including refusing to grant the student any credit for attendance;

(ii) Notifying the Commissioner of any material change of course instructors or course content;

(iii) Assuring that licensees are provided with current, accurate information, and classroom facilities conducive to a sound learning environment;

(iv) Evaluating courses and instructors. The Commissioner may request written evaluations of courses and instructors, either by licensees or coordinators;

(v) Investigating complaints relating to course offerings and instructors, and forwarding all written complaints to the Department;

(vi) Maintaining accurate records relating to course offerings, instructors, and licensee attendance for a period of two years from the date the course was completed;

(vii) Being available to instructors and licensees by providing the name of the coordinator and a telephone number at which the coordinator can be reached;

(viii) Notifying the Commissioner fifteen (15) days in advance of any changes in course offering dates and subsequent offering dates of an approved course; and

(ix) Appointing one (1) person to act as coordinator of the course and contact person for the Department.

~~Section 13.~~ Section 12. **Loss of Certification: Action Against Sponsors.**

(a) The certification of a course may be suspended if the Commissioner determines:

(i) That the course teaching method or program content no longer meets the standards of this regulation, or has been significantly changed without notice to the Commissioner for his re-approval; or

(ii) That the instructor, coordinator, or sponsor had certified to the Commissioner that a licensee had completed the program in accordance with course standards, when in fact the licensee had not done so; or

(iii) That licensees who have satisfactorily completed the program in accordance with course standards were not so certified by the sponsor, coordinator, or instructor (unless the certificate of completion was withheld pursuant to Section ~~4211~~(b)(i)); or

(iv) That the instructor or sponsor is not qualified as defined by the standards of this regulation, has had an insurance license revoked, or lacks necessary education or experience in the subject matter of the course; or

(v) That there is other good and just cause why certification should be suspended. The Commissioner reserves the right to audit courses with or without the approval of the sponsor. The Commissioner may at any time after notice and opportunity for hearing withdraw previously granted approval of any course. Licensees who attended a

course previous to the withdrawal of approval will be granted credit for hours in actual attendance.

(b) Reinstatement of a suspended certification will be made upon the furnishing of proof satisfactory to the Commissioner that the conditions responsible for the suspension have been corrected.

(c) The Commissioner may, upon finding any one or more of the following, institute an action against a sponsor:

(i) Advertising that a course is certified prior to the sponsor's obtaining certification. Included within the meaning of "certified" are such notations as " ___ hours CECs," "will be worth ___ hours" or "approved for credit in Wyoming";

(ii) Submitting a course outline with material inaccuracies, including out-of-date information or topic content;

(iii) Presenting non-approved material, during the time of a certified course;

(iv) Failing to present a course for the full time specified in the request form submitted to the Department.

(d) In addition to imposing any penalty provided by W.S. § 26-1-107, the Commissioner may, upon finding a violation of this regulation by a sponsor, withdraw the possibility of certification of that sponsor's courses, either for a set period of time or indefinitely.

~~Section 14.~~ Section 13. **Credit for Individual Study Programs.**

(a) In determining whether credit is to be allowed for specific correspondence programs, individual study programs, online courses or webinars, the Commissioner will determine the equivalency of the program to a comparable seminar or a comparable course for credit in an accredited educational institution.

(b) The individual study program must ~~be supervised by a qualified educational director or other official as approved by the Commissioner.~~ require each agent to enroll for the course before having access to course material.

(c) All approved correspondence courses, online courses, webinars and independent study courses must include a monitored examination which requires a score

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of seventy (70) percent or better, or an equivalent scaled score, to earn a certificate of completion. For each approved course, the sponsor shall maintain a pool of tests sufficient to maintain the integrity of the testing process. A written explanation of test security and administration methods shall accompany the course examination materials. The examinations shall be administered, graded, and the results recorded by the sponsor to which approval was originally granted. Completed tests shall be retained by the sponsor and shall not be returned to any licensee. The administration of the examinations must be monitored by a disinterested third party.

(d) All correspondence courses, online courses, webinars or individual study courses must be submitted by the sponsor which compiles or publishes the course materials and must be approved prior to being offered to licensees for continuing education credit. Any course approval is not transferable to any other entity.

(e) Credit will be allowed only in the licensing period in which the course is completed, and must be reported during the same licensing period.

(f) Online courses and webinars will prevent access to the course exam before review of the course materials.

(g) Online courses and webinars will prevent downloading of any course exam.

(h) Online courses and webinars will provide review questions at the end of each unit/chapter and prevent access to the final exam until each set of questions are answered at a seventy (70) percent rate.

(e)(i) Correspondence programs, individual study programs, online courses or webinars require a monitor affidavit containing specific monitor duties and responsibilities printed for monitor's use to direct the taking of the final exam. A monitor will complete the affidavit after the exam is completed.

~~Section 15.~~ Section 14. Credit for Service as Lecturer, Discussion Leader, or Speaker.

(a) One (1) hour of continuing education credit will be awarded for each hour completed as an instructor or discussion leader, provided the course is certified by the Commissioner.

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~~Section 16.~~Section 15. **Credit for Breakfast, Luncheon, or Dinner Meetings.**

(a) Courses, seminars, or programs presented in connection with breakfast, luncheon, or dinner meetings may qualify for continuing education credit only if they are meetings of recognized insurance organizations, meet the requirements of this regulation, and are certified in advance.

~~Section 17.~~Section 16. **Licensee's Failure to Meet Requirements.**

(a) If a completed verification form showing compliance with this regulation is not submitted by a sponsor as set forth in Section ~~109~~, or if a licensee has not met the continuing education requirements and has not been granted an extension of time within which to comply, the licensee shall not have his license renewed until the person demonstrates to the satisfaction of the commissioner that he has complied with all requirements of W.S. § 26-9-231.

(b) If a request for extension is denied, the licensee's license will lapse after the expiration of thirty (30) days from the date denial of the extension is mailed to the licensee, unless proof of compliance with the continuing education requirement has been received by the Department.

(c) The Commissioner may immediately institute an action pursuant to W.S. § 26-9-211 against any licensee who submits a false or fraudulent certificate of compliance or reporting form.

(d) All actions instituted pursuant to this regulation shall be conducted in accordance with Chapter 32 of the Department's rules and regulations, W.S. § 26-2-125 and the Wyoming Administrative Procedure Act, W.S. §§ 16-3-101, *et seq.*

~~Section 18.~~Section 17. **Effective Date.**

This regulation shall be effective immediately upon filing with the Secretary of State.

~~Section 19.~~Section 18. **Separability.**

If any provision of this regulation is for any reason held to be invalid, the remainder of the regulation shall not be affected thereby.