

Chapter Ins 28

CONTINUING EDUCATION

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Note: Chapter Ins 28 applies to all intermediaries licensed in Wisconsin.

Ins 28.01 Purpose. To provide necessary information regarding insurance, insurance ethics and insurance laws, the commissioner of insurance finds that continuing education shall be required of all insurance intermediaries for the major lines of insurance of property, casualty, life, accident and health insurance, and the limited line of automobile.

History: Cr. Register, November, 1995, No. 479, eff. 12-1-95.

Ins 28.02 Scope. This chapter applies to all insurance intermediary licensees in the state of Wisconsin unless exempted under s. Ins 28.04 (2) (a) and (b).

History: Cr. Register, November, 1995, No. 479, eff. 12-1-95; correction made under s. 13.92 (4) (b) 7., Stats., Register August 2009 No. 644.

Ins 28.03 Definitions. In this chapter:

(1) "Certificate of Continuing Education" means a document substantially in the form described in Appendix 1.

(2) "Course" means a program of study submitted to, and approved by, the commissioner under this chapter.

(3) "Credit hour" means a period of study, included as a part of a course, consisting of no less than 50 minutes of classroom instruction, or 4500 words per credit hour for correspondence, self-study, or on-line courses.

(4) "Provider" means an entity that is approved to teach courses under s. Ins 28.06.

History: Cr. Register, November, 1995, No. 479, eff. 12-1-95; CR 09-022: am. (3) Register August 2009 No. 644, eff. 9-1-09.

Ins 28.04 Continuing education requirement. (1) (a) Each intermediary licensed in any of the major lines listed in s. Ins 6.50 (2) (a) and the grandfathered limited line of automobile shall biennially complete 24 credit hours of continuing education approved by the commissioner in accordance with this chapter and with at least 3 of the 24 credit hours covering ethics in insurance.

(b) On or before the last day of the agent's license expiration date every resident-intermediary agent shall furnish evidence to the commissioner in a manner prescribed by the commissioner that 24 credit hours of continuing education, of which at least 3 credit hours must be in the ethics of insurance, have been completed.

(c) Intermediaries may fulfill the continuing education requirements by earning the required credit hours from courses taught in any or all of the major lines and the limited line of automobile.

(d) Excess credit hours accumulated during any reporting period may not be carried forward to the next reporting period. Courses are counted and banked in the order they are completed.

(e) An instructor of an approved continuing education course may receive the same number of credit hours as a person enrolled in the course for the purpose of meeting the requirements of this section. Intermediaries and instructors may receive credit hours for attending or teaching the same course only once during any biennium.

(f) Not less than 60 days prior to the reporting date set forth in par. (b) of each reporting period, the commissioner shall notify each intermediary, who the commissioner's records indicates is lacking the necessary continuing education credit hours, of the number of continuing education credit hours needed to comply with this section. Notice shall be mailed to the intermediary's residence address on file with the commissioner by first class mail.

(g) If the required credit hours are not banked by the reporting date set forth in par. (b), the license of the intermediary shall be revoked with notice to the agent by first class mail.

(h) Any individual intermediary whose license has been revoked for failure to fulfill the continuing education requirement, shall, in order to be relicensed, satisfy the licensing requirements established by ss. Ins 6.59 and 6.63.

(1m) DEFINITIONS. (a) NAIC means National Association of Insurance Commissioners.

(b) A declaration of uniform treatment means an agreement with another state that both states will deal with certain entities in the same manner.

(2) Continuing education requirements shall not apply to the following:

(a) Any intermediary exclusively holding a limited line insurance license in the following lines: credit insurance, crop insurance, legal expense insurance, miscellaneous limited line, managing general agent, surety insurance, title insurance, or travel insurance.

(b) A nonresident intermediary whose state of residence grants similar exemptions to Wisconsin residents.

History: Cr. Register, November, 1995, No. 479, eff. 12-1-95; am. (1) (a), (b), (d) and (2) (c), cr. (1m), Register, January, 1999, No. 517, eff. 2-1-99; emerg. am. (1) (a), (2) (a), eff. 11-9-01; CR 01-074: am. (1) (a) and (2) (a), Register January 2002 No. 553, eff. 2-1-02; CR 05-111: am. (1) (a), (d), (f), (g) and (i), r. and recr. (1) (b) Register October 2006 No. 610, eff. 11-1-06; CR 07-096: am. (2) (a) Register March 2008 No. 627, eff. 4-1-08; CR 09-022: renum. (1) (b) 1., (i) and (2) (c) to be (1) (b), (h) and (2) (b) and am. (1) (b) and (2) (b), r. (1) (b) 2., 3., (h) and (2) (b), am. (1) (g) and (2) (a) Register August 2009 No. 644, eff. 9-1-09; correction to renumbering of (1) (h) made under s. 13.92 (4) (b) 1., Stats., Register August 2009 No. 644.

Ins 28.05 Waiver of continuing education requirements. The requirements of this section may be waived in writing by the commissioner for good cause shown. "Good cause" includes long-term illness or incapacity, serving full-time in the armed forces of the United States of America on active duty outside of the state of Wisconsin during a substantial part of the biennium, and other emergency situations deemed appropriate by the commissioner. Requests for waivers of continuing education requirements shall be made in writing in a form and manner prescribed by the commissioner, and shall be submitted to the commissioner no later than 90 days prior to the end of the biennium for which such waiver is requested. Within 30 days of receipt, the commissioner shall act upon the waiver request and provide written notice of the decision to the applicant. Any waiver granted pursuant to this section shall be valid only for the biennium for which waiver application was made.

History: Cr. Register, November, 1995, No. 479, eff. 12-1-95.

Ins 28.06 Requirements for approval of continuing education providers and courses. (1) LICENSING OF CONTINUING EDUCATION PROVIDERS. An entity or individual seeking initial approval or reapproval from the commissioner as a continuing education provider shall submit an application on forms provided by the commissioner. The commissioner may require the following information and materials:

(b) A description of the experience and education that the applicant believes qualifies the applicant to be a provider;

(c) A description of the provider's organizational structure, registration policies, fee schedules, and promotional materials;

(d) A description of the provider's student record systems including a description of the methods for documenting attendance;

(e) The method used by the provider for evaluating instructors;

(f) An original signature of the person or persons authorized to sign certifications;

(g) A certificate format that the applicant proposes to use to comply with Appendix 1; and

(h) Other information as specified by the commissioner.

(2) CRITERIA FOR APPROVAL. In order to be approved, continuing education providers shall:

(a) Comply with state or federal laws, including but not limited to laws regarding discrimination on the basis of sex, race, religion, age, physical disability, sexual orientation, or national origin in their educational programs;

(b) Certify that instructors will be experienced and qualified in insurance and satisfy at least one of the following criteria:

1. Is or has been engaged in the insurance industry or the practice of teaching insurance courses for the last three years;

2. Is a properly licensed insurance intermediary for the past 5 years and demonstrates to the commissioner that he or she is of good character and has the knowledge and breadth of experience in the subject area for which he or she will be providing instruction;

3. Holders of any of the designations identified in s. Ins 26.06 (2) (b) 4., 5. and 6.;

4. Is a member of the state bar in a state or the District of Columbia and is engaged in the field of insurance-related law; or

5. Is a certified public accountant licensed in a state or the District of Columbia and engaged in insurance-related practice.

(c) Show that information provided to comply with sub. (1) is likely to support a comprehensive and accurate treatment of the subjects required in each section.

(3) PROVIDER APPROVAL FEES. (a) The initial application fee to be paid by each licensed provider will be set through a competitive bid process not to exceed limits identified in s. 601.31 (1) (x) 1., Stats. The biennial regulation fee paid by each licensed provider will be set through a competitive bid process not to exceed limits identified in s. 601.31 (1) (x) 2., Stats. Wisconsin governmental bodies, such as universities and technical colleges, shall be exempt from these fees.

(4) APPLICATION APPROVAL AND EXPIRATION OF APPROVAL. Upon receipt of an application for approval of a provider and the appropriate fee, the commissioner shall determine if the application meets the requirements and if the program provides for instruction of courses in a manner required by this chapter. The commissioner shall issue a decision on approval of an application no later than 60 days following the receipt of the completed application and all required information. Provider approval shall expire on July 31 of the next even-numbered year after approval. Each provider shall submit a renewal application for approval for the next period to the commissioner on or before June 1 of each even-numbered year.

(5) COURSE APPROVAL. (a) Upon receipt of an application for approval of a course from an approved continuing education pro-

vider and the appropriate fee, the commissioner shall determine if the course meets the requirements set forth in sub. (6). The commissioner shall issue a decision approving or denying approval of a course no later than 30 days following the receipt of the completed application. Advertisement by the provider prior to approval must include language that the course as presented is pending approval by the state. Course approval shall expire 2 years from the date the course was approved by the commissioner.

(b) Credit will not be awarded to intermediaries for courses completed prior to the date approved by the commissioner.

(c) The following information shall be furnished with the request for approval of a continuing education course:

1. Name, license number, and address of provider;

2. Name of the instructor;

3. Name, telephone number, and signature of the contact person for the provider;

4. Course title;

5. The date the course will initially be offered;

6. The location where course will initially be offered;

7. Whether the course is new, repeat, revised, or offered live or by interactive video teleconference;

8. If it is a repeat course or a revised course, the course number;

9. An outline including a schedule of times when topics will be presented; the topics covered in the course, listed individually; and a summary of the instruction given and the material covered for each topic;

10. Number of credit hours requested; and

11. A description of the qualifications of each instructor and the subject matter the instructor will be teaching.

(d) Instructors of continuing education programs shall be approved by the commissioner. Instructors shall meet the criteria set forth in sub. (2) (b). Submitted instructors may be replaced by other approved instructors with equal qualifications on an emergency basis.

(e) The course shall be conducted in accordance with the course outline and summary materials approved by the commissioner. After the provider has been notified of any deficiency, failure to correct the deficiency shall automatically void the course approval for any course held after notice.

(f) A provider shall give the commissioner electronic notice in a format specified by the commissioner at least 10 days in advance of offering an approved course on a date or at a place other than, or in addition to, the date and location provided in the initial request for approval.

(6) COURSE CONTENT GUIDELINES. (a) The following course topics are examples of subjects that qualify for approval under sub. (5):

1. Principles of property insurance

2. Principles of casualty insurance

3. Principles of life insurance

4. Principles of accident and health insurance

5. Estate planning/taxation

6. Ethics in insurance

7. Legal, legislative, regulatory matters in insurance

8. Wisconsin insurance code and administrative rules

9. Insurance policy contents

10. Proper use of insurance products

11. Accounting/actuarial considerations in insurance

12. Principles of risk management

13. Provisions/differences in insurance policy contracts

14. Tax laws (specifically related to insurance)

15. Wills and trusts

16. Multiple Employer Welfare Arrangements/Unauthorized Insurers

17. Legal structuring of life settlements
 18. Legal relationships among the parties to a life settlement
 19. Required disclosures and privacy requirements in life settlements
 20. Ethical considerations in selling, soliciting, and negotiating life settlements
 21. Life settlement contract requirements
 22. Advertisements of life settlements
 23. Life settlement remedies
 24. Life settlement licensing requirements
- (b) The following course topics are examples of subjects that do not qualify for approval:
1. Sales
 2. Motivation
 3. Prospecting
 4. Psychology
 5. Communication skills
 6. Supportive office skills (typing, filing, telephone, computers)
 7. Personnel management
 8. Recruiting
 9. Time management
 10. Repair procedures
 11. Cleaning techniques
 12. Other subjects not related to the insurance industry
 13. Agency management (except as permitted in par. (a))

(7) COURSE APPROVAL FEES. (a) The fee to be paid for each course submission by each provider shall be set through a competitive bid process not to exceed statutory limits identified in s. 601.31 (1) (x) 3., Stats.

(b) The fee to be paid for each course submission by each provider for recognized programs of study identified in s. Ins 26.06 (2) (b) 4., 5., and 6. shall be the same as provided in par. (a), not to exceed 8 times the credit hour fee per course.

(c) The fee to be paid for each course renewal by each provider shall not exceed 4 times the credit hour fee per course.

(8) NOTIFICATION. Within 10 days of a change to an approved course, approved providers shall notify the commissioner of any course information as required in sub. (5) (c) that has changed since filing (and on which course approval was based) with the commissioner.

History: Cr. Register, November, 1995, No. 479, eff. 12-1-95; am. (6) (b) 7., renum. (6) (b) 10. to be (6) (b) 12., cr. (6) (b) 10., 11., 13. and (7) (b), Register, January, 1999, No. 517, eff. 2-1-99; correction in (1) (a) made under s. 13.93 (2m) (b) 7., Stats.; CR 01-074: cr. (7) (c), Register January 2002 No. 553, eff. 2-1-02; CR 05-111: cr. (6) (a) 16. Register October 2006 No. 610, eff. 11-1-06; correction in (1) (a) made under s. 13.93 (2m) (b) 7., Stats., Register October 2006 No. 610; CR 09-022: r. (1) (a), am. (2) (b) 3., (5) (a), (f) and (7) (b) Register August 2009 No. 644, eff. 9-1-09; CR 10-151: cr. (6) (a) 17. to 24. Register August 2012 No. 680, eff. 9-1-12.

Ins 28.07 Evidence of attendance for continuing education courses. (1) (a) Providers shall provide an original certificate of continuing education to each intermediary within a reasonable period after completion of a continuing education course. One additional original individual certificate of continuing education shall be provided to a student upon request and at no additional charge. Every intermediary shall maintain a record of all courses attended by keeping the original certificates of completion for 4 years after the end of the year of attendance.

(b) Certificates of continuing education shall be issued to each agent completing an approved course and shall contain the agent's name, Wisconsin license number, course title and number, date the course was completed, number of approved credit hours, name of provider and provider license number, signature of authorized provider representative, and the date issued in a form acceptable to the commissioner.

(c) Certificates of continuing education shall be signed by authorized provider representatives whose signatures are on file with the commissioner.

(d) The date indicated on the certificate of continuing education shall be the date of the class attended by the student, or on the date which the intermediary successfully completed an examination for courses identified in s. Ins 26.06 (2) (b) 4., 5., and 6.

(e) Intermediaries shall not claim credit for any course [for] which they did not attend all required credit hours or complete all requirements.

(f) Intermediaries may not claim credit for preclicensing education currently approved as a continuing education course toward their continuing education requirements for an original license. Individuals may receive credit if they are adding qualifications to an existing license and the provider and course has been approved for continuing education credit.

(2) Providers shall submit to the commissioner a computerized list of course attendees, which includes the intermediary's name, Wisconsin license number, course number, course title, date and location of the course, and number of credit hours for which the course has been approved in a format specified by the commissioner, of all persons satisfactorily completing continuing education programs. Submission of the course completion information will certify that the students listed personally completed the reported instruction. The computerized list shall be furnished to the commissioner within 10 days following the date of completion of continuing education programs.

(3) The provider of a continuing education program shall maintain attendance records for 4 years.

History: Cr. Register, November, 1995, No. 479, eff. 12-1-95; am. (1) (b) and (2), Register, January, 1999, No. 517, eff. 2-1-99; CR 01-074: cr. (4), Register January 2002 No. 553, eff. 2-1-02; CR 05-111: am. (2), r. (4) Register October 2006 No. 610, eff. 11-1-06; CR 09-022: am. (1) (d), cr. (1) (f) Register August 2009 No. 642, eff. 9-1-09.

Ins 28.08 Correspondence courses. (1) Correspondence, self-study, and on-line courses may be approved if they meet the criteria under s. Ins 28.06 (6) and include successful completion of a certified proctored examination.

(2) The examination shall consist of a minimum of 25 questions for courses approved for 3 or less credit hours, and a minimum of 50 questions for courses approved for more than 3 credit hours. A passing score of 70% or greater is required.

(3) An approved proctor is an impartial, disinterested third party or currently licensed agent with no family or financial relationship to the student. The proctor shall verify the agent's identity and complete an affidavit supplied by the approved provider testifying that the agent received no outside assistance. Membership in a professional association/organization does not constitute a financial relationship.

History: Cr. Register, November, 1995, No. 479, eff. 12-1-95; CR 05-111: r. and recr. Register October 2006 No. 610, eff. 11-1-06.

Ins 28.09 Recognized programs of study. **History:** Cr. Register, November, 1995, No. 479, eff. 12-1-95; am. Register, January, 1999, No. 517, eff. 2-1-99; CR 01-074: am. Register January 2002 No. 553, eff. 2-1-02; CR 05-111: am. Register October 2006 No. 610, eff. 11-1-06; CR 09-022: r. Register August 2009 No. 644, eff. 9-1-09.

Ins 28.10 Investigation and review. (1) The commissioner, or a duly appointed representative, shall investigate and review all provider and course applications and may investigate or examine previously approved providers, courses, and instructors. The method and timing of the reviews shall be determined by the commissioner in each case and may consist of any of the following:

(a) Consideration of information available from state, federal, or local agencies, private organizations or agencies, or interested persons.

(b) Conferences with officials, representatives, and former students of the provider involved.

(c) A public hearing respecting the program, course, or instructor involved, with adequate written notice to the provider, instructor, or both.

(d) Investigation by visitation without notice to the provider.

(e) Information furnished by the applicant with any application for approval.

(f) Any other information the commissioner or representative deems relevant to the investigation.

(2) The commissioner may also investigate or examine any provider, course or instructor upon receipt of a complaint from any person.

(3) The commissioner may examine the provider under ss.

601.43 and 601.44, Stats., and bill the reasonable costs of the examination to the program under s. 601.45, Stats.

(4) If, after investigation or examination, the commissioner denies or withdraws approval of any program, course, or instructor, written notification shall be given with reasons for such action. The denial or withdrawal constitutes an order pursuant to s. 601.62 (3) (a), Stats., and the provider or instructor may request a hearing before the commissioner under that section.

Note: A free copy of each form referenced in this chapter may be obtained from the Office of the Commissioner of Insurance, P. O. Box 7872, Madison, Wisconsin 53707-7872 or on the office of the commissioner of insurance website at <http://oci.wi.gov/>.

History: Cr. Register, November, 1995, No. 479, eff. 12-1-95.