

K.A.R. 40-7-20a. Agents; continuing education; approval of courses; requirements. (a)

~~Definitions. For the purposes of this regulation, the following definitions shall apply:~~

~~(1) “Coordinator” means an individual who is responsible for monitoring continuing education offerings.~~

~~(2) “Course” means a series of lectures or lessons that deals with a particular subject following a prearranged agenda or study plan and that may culminate in a written examination.~~

~~(3) “Instructor” means an individual lecturing in a continuing education offering.~~

~~(4) “Licensee,” “licensed agent,” and “agent” mean a natural person licensed by this state as an agent.~~

~~(5) “Person” means a natural person, firm, institution, partnership, corporation, or association.~~

~~(6) “Provider” and “providing organization” mean a person or firm offering or providing insurance education.~~

~~(7) “Self study courses” means courses that are primarily delivered or conducted in other than a classroom setting or with on-site instruction and are designed to be completed independently by the student.~~

~~(b) General requirements.~~

~~(1) Only courses that impart substantive and procedural knowledge relating to insurance and are beneficial to the insuring public after initial licensing shall be approved for credit.~~

~~Approved courses shall be classified as life, health, and variable contracts courses; property and casualty courses; general courses; ethics courses; or general management courses. Credit earned from general courses, ethics courses, or general management courses shall be acceptable in~~

~~meeting the requirements for the property and casualty insurance or the life and health insurance license classifications.~~

~~(2) Courses of the following types shall not meet the basic criteria for approvable courses described in paragraph (1) of this subsection:~~

~~(A) Courses designed to prepare students for a license examination;~~

~~(B) courses in mechanical office skills, including typing, speed reading, and the use of calculators or other machines or equipment; and~~

~~(C) courses in sales promotion, including meetings held in conjunction with the general business of the licensee.~~

~~(3)(A) Each licensee shall attend a course in its entirety in order to receive full credit.~~

~~(B) Upon completion of each approved course, the student shall receive credit for the number of hours approved for the course, which shall be equivalent to one hour of credit for each hour of instruction.~~

~~(C) If the number of credit hours for which a course is approved is fewer than the total number of hours of the course presentation, the student shall attend the entire course in order to receive credit for the number of approved hours.~~

~~(D) The number of approved hours shall not include time spent on introductions, breaks, or other activities not directly related to approved educational information or material.~~

~~(E) Neither a student nor an instructor shall earn full credit for attending or instructing any subsequent offering of the same course in the current biennial license period after attending or teaching the course.~~

~~(4) Course examinations shall not be required for approval of continuing education courses except self study courses.~~

~~(5) Each provider shall submit proposed courses to the commissioner or the commissioner's designee for preapproval at least 30 days before the date on which the course is to be held.~~

~~(6) An advertisement shall not state or imply that a course has been approved by the commissioner or the commissioner's designee unless written confirmation of this approval has been received by the provider or the course is advertised as having approval pending.~~

~~(7) If approval has been granted for the initial offering of a course, approval for subsequent offerings not disclosed in the initial submission may be obtained by providing written notification to the commissioner or the commissioner's designee at least 30 days before the date the program is to be held, indicating that no change has been made in the course and specifying the additional times and places the course will be presented.~~

~~(8) The provider shall submit all fees required for individual course approval with the course submission. If the provider elects to pay the prescribed fee for all courses, the provider shall pay the fee annually and shall submit the fee with the first course submission each year.~~

~~(9) Each course of study, except self-study courses, shall be conducted in a classroom or other facility that comfortably accommodates the faculty and the number of students enrolled. The provider may limit the number of students enrolled in a course.~~

~~(10)(A) Each successfully completed course leading to a nationally or regionally recognized designation shall receive credit as approved by the commissioner or the commissioner's designee.~~

~~(B) Any agent attending at least 80 but less than 100 percent of regularly scheduled classroom sessions for any single course may receive full educational credit if the course is filed~~

as a formal classroom course. This credit may be earned to the extent that adequate records are maintained and appropriate certification of such attendance is provided by the course instructor.

~~(11)(A) The amount of credit received by an agent for a self study course shall be based upon successful completion of the course and an independently monitored examination subject to the number of hours assigned by the commissioner or the commissioner's designee.~~

~~(B) Examination monitors shall not be affiliated in any way with the providing organization or the licensee and shall be subject to approval by the commissioner or the commissioner's designee. Each examination utilized or to be utilized shall be included in the material submitted for course approval. No examination shall be approved unless the commissioner is satisfied that security procedures protecting the integrity of the examination can be maintained. If security is compromised, no credit shall be granted.~~

~~(C) Each provider of self study courses shall clearly disclose to any agent wishing to receive credit in Kansas the number of hours for which that particular course has been approved by the commissioner or the commissioner's designee.~~

~~(D) Each self study course provided online shall meet the following requirements:~~

~~(i) Require the agent to enroll and pay for the course before having access to the course materials;~~

~~(ii) prevent access to the course exam before review of the course materials;~~

~~(iii) prevent the downloading of any course exam;~~

~~(iv) provide review questions at the end of each unit or chapter and prevent access to the following unit or chapter until the review questions after the previous unit or chapter have been correctly answered;~~

~~(v) provide exam questions that do not duplicate unit review questions;~~

~~(vi) prevent alternately accessing course materials and course exams; and~~

~~(vii) prevent the issuance of a monitor affidavit until the course and course examination are successfully completed.~~

~~(e) Each licensee or provider found to have falsified a continuing education report to the commissioner shall be subject to suspension or revocation of the licensee's or provider's insurance license in accordance with K.S.A. 40-4909 and amendments thereto, a penalty as prescribed in K.S.A. 40-254 and amendments thereto, or termination of approval as a provider.~~

~~(d) Course requirements.~~

~~(1) Each course of study shall have a coordinator who is responsible for supervising the course and ensuring compliance with the statutes and regulations governing the offering of insurance continuing education courses.~~

~~(2)(A) Each provider and each providing organization shall maintain accurate records relating to course offerings, instructors, and student attendance. If the coordinator leaves the employ of the provider or otherwise ceases to monitor continuing education offerings, the records shall be transferred to the replacement coordinator or an officer of the provider. If a provider ceases operations, the coordinator shall maintain the records or provide a custodian of the records acceptable to the commissioner. In order to be acceptable, a custodian shall agree to make copies of student records available to students free of charge or at a reasonable fee. The custodian of the records shall not be the commissioner, under any circumstances.~~

~~(B) Each provider shall provide students with course completion certificates, in a manner prescribed or approved by the commissioner, within 30 days after completion of the course. A provider may require payment of the course tuition as a condition for receiving the course completion certificate.~~

~~(3) Each instructor shall possess at least one of the following qualifications:~~

~~(A) Recent experience in the subject area being taught; or~~

~~(B) an appropriate professional designation in the area being taught.~~

~~(4) Each instructor shall perform the following:~~

~~(A) Comply with all laws and regulations pertaining to insurance continuing education;~~

~~(B) provide the students with current and accurate information;~~

~~(C) maintain an atmosphere conducive to learning in a classroom; and~~

~~(D) provide assistance to the students and respond to questions relating to course material.~~

~~(5) Each provider, coordinator, and instructor shall notify the commissioner within 10 days after the occurrence of any of the following:~~

~~(A) A felony or misdemeanor conviction or disciplinary action taken against a provider or against an insurance or other occupational license held by the coordinator or instructor; and~~

~~(B) any change of information contained in an application for course approval.~~

~~(c) Licensee reporting requirement.~~

~~(1) Each licensee shall report continuing education credit on forms and in a manner prescribed by the commissioner. Each course shall be completed or attended during the reporting period for which the credit hours are to be applied.~~

~~(2) Each request for an extension permitted by K.S.A. 40-4903(j) and amendments thereto shall be submitted in writing not later than the reporting deadline and shall include an explanation and independent verification of the hardship.~~

Approval of Courses.

(1) Each provider shall submit proposed continuing education courses to the commissioner or the commissioner's designee for preapproval at least 30 days before the date on which the course is to be held.

(2) Only continuing education courses, submitted for approval pursuant to K.S.A. 40-4903, and amendments thereto, that impart substantive and procedural knowledge relating to insurance and are beneficial to the insuring public after initial licensing, shall be reviewed and approved for credit by the commissioner. The tangential impact on the insuring public, including product knowledge, benefits of coverage, and protection against future contingencies may be considered in the sole discretion of the commissioner in reviewing and approving courses.

(3) Approved courses that meet the requirements of ethics, crop, or title continuing education requirements shall be classified as such in order to meet the requirements for license renewal, and other approved courses may be classified as general courses, management courses, property and casualty courses, life and health courses, or variable contracts courses for informational purposes.

(4) Approved courses may be renewed for up to three (3) years or until a change in law, regulation, or other standard requires a substantial change to the content of the offered course, whichever is sooner. Following the expiration of the course approval, the course may be resubmitted for review and approval pursuant to K.S.A. 40-4903, and amendments thereto.

(A) Substantial change as used in this subsection is any modification in course content of 20% or more, including modification of course title, addition of topics or content, removal of topics or content, and modification of the course outline.

(5) If approval has been granted for the initial offering of a continuing education course, approval for subsequent offerings not disclosed in the initial submission may be obtained by

providing written notification to the commissioner or the commissioner's designee at least 30 days before the date the course presentation is to be held, indicating that no change has been made in the course and specifying the additional times and places the course will be presented.

(6) Each successfully completed continuing education course leading to a nationally or regionally recognized designation shall receive credit as approved by the Commissioner or the Commissioner's designee.

(7) Courses designed to prepare students for a license examination shall not meet the criteria for approved continuing education courses.

(8) An advertisement shall not state or imply that a continuing education course has been approved by the commissioner or the commissioner's designee unless written confirmation of approval has been received by the provider or the course is advertised as having approval pending.

(b) Course credit.

(1) Upon completion of each approved continuing education course, the student shall receive credit for the number of hours approved for the course, which shall be equivalent to one hour of credit for each hour of instruction. For purposes of this regulation, hour of instruction shall mean equal to or exceeding fifty (50) minutes. Neither a student nor an instructor shall earn full credit for attending or instructing any subsequent offering of the same continuing education course in the current biennial license period after attending or teaching the course.

(2) Each producer attending at least eighty (80) but less than one hundred (100) percent of regularly scheduled classroom sessions for any single continuing education course may receive full educational credit if the course is filed as a formal classroom course. This credit may

be earned to the extent that adequate records are maintained, and appropriate certification of the attendance is provided by the course instructor.

(3) The amount of credit received by a producer for a self-study continuing education course shall be based upon successful completion of the course.

(4) Each provider of self-study continuing education courses shall clearly disclose to any producer wishing to receive credit in Kansas the method of verification for successful completion and the number of hours for which that particular course has been approved by the Commissioner.

(5) Each provider shall provide students with a continuing education course completion certificate, in a manner prescribed or approved by the commissioner, within ten (10) days after completion of the course.

(6) Each continuing education course shall be completed or attended during the reporting period for which the credit hours are to be applied.

(c) Reporting requirements.

(1) Each licensee shall report continuing education credit in the manner prescribed by the commissioner.

(2) Each provider shall report completion of continuing education courses on behalf of licensees in the manner prescribed by the Commissioner, within ten (10) days of completion of the course.

(3) Each provider shall notify the commissioner within ten (10) days after the occurrence of any change of information contained in an application for course approval or change to provider contact information. Failure to keep this contact information up to date will result in the provider's license becoming inactive. (Authorized by K.S.A. 40-103 and K.S.A. 2007 Supp.

40-4916; implementing K.S.A. ~~2007~~2024 Supp. 40-4903; effective May 15, 1989; amended, T-40-8-28-90, Aug. 30, 1990; amended Oct. 15, 1990; amended Feb. 8, 1993; amended April 11, 1997; amended Feb. 9, 2007; amended May 22, 2009; amended P-_____.)