

State of Utah
Administrative Rule Analysis
Revised May 2024

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or Section Number:

R590-142

Filing ID: Office Use Only

Date of Previous Publication (Only for CPRs):

Click or tap to enter a date.

Agency Information

1. Title catchline:	Insurance, Administration	
Building:	Taylorsville State Office Building	
Street address:	4315 S. 2700 W.	
City, state	Taylorsville, UT	
Mailing address:	PO Box 146901	
City, state and zip:	Salt Lake City, UT 84114-6901	
Contact persons:		
Name:	Phone:	Email:
Steve Gooch	801-957-9322	sgooch@utah.gov
Please address questions regarding information on this notice to the persons listed above.		

General Information

2. Rule or section catchline:
R590-142. Continuing Education Rule
3. Purpose of the new rule or reason for the change:
This rule contains references to Rule R590-102, which was recently repealed. The changes are necessary to notify insurance licensees about how the Department sets its fees.
4. Summary of the new rule or change:
The rule filing updates three references to the former Rule R590-102 to now point to the fee setting process contained in Section 63J-1-504.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
There is no anticipated cost or savings to state budget. The Department's fees will continue to apply, but they will now be set by the Legislature in statute instead of the Department setting them in rule.
B) Local governments:
There is no anticipated cost or savings to local governments. This rule governs the relationship between the Department and its licensees and does not apply to local governments in any way.
C) Small businesses ("small business" means a business employing 1-49 persons):
There is no anticipated cost or savings to small businesses. The Department's fees will continue to apply, but they will now be set by the Legislature in statute instead of the Department setting them in rule.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
There is no anticipated cost or savings to non-small businesses. The Department's fees will continue to apply, but they will now be set by the Legislature in statute instead of the Department setting them in rule.
E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):

There is no anticipated cost or savings to any other persons. The Department's fees will continue to apply, but they will now be set by the Legislature in statute instead of the Department setting them in rule.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

There is no compliance cost for any affected persons. The Department's fees will continue to apply, but they will now be set by the Legislature in statute instead of the Department setting them in rule.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2025	FY2026	FY2027
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2025	FY2026	FY2027
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

The Commissioner of the Insurance Department, Jonathan T. Pike, has reviewed and approved this regulatory impact analysis.

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Section 31A-2-201	Section 31A-23a-202	Section 31A-23b-205
Section 31A-23b-206	Section 31A-26-206	

Incorporations by Reference Information

7. Incorporations by Reference (if this rule incorporates more than two items by reference, please include additional tables):

A) This rule adds or updates the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to the Office of Administrative Rules; *if none, leave blank*):

Official Title of Materials Incorporated (from title page)	
Publisher	
Issue Date	
Issue or Version	

B) This rule adds or updates the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to the Office of Administrative Rules; *if none, leave blank*):

Official Title of Materials Incorporated (from title page)	
Publisher	
Issue Date	

Issue or Version	
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Public Notice Information

8. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)		
A) Comments will be accepted until:		09/03/2024
B) A public hearing (optional) will be held:		
Date (mm/dd/yyyy):	Time (hh:mm AM/PM):	Place (physical address or URL):
To the agency: If more space is needed for a physical address or URL, refer readers to Box 4 in General Information. If more than two hearings will take place, continue to add rows.		

9. This rule change MAY become effective on:	09/10/2024
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

To the agency: Information requested on this form is required by Sections 63G-3-301, 63G-3-302, 63G-3-303, and 63G-3-402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the <i>Utah State Bulletin</i> and delaying the first possible effective date.			
Agency head or designee and title:	Steve Gooch, Public Information Officer	Date:	07/15/2024

R590. Insurance, Administration.

R590-142. Continuing Education Rule.

R590-142-1. Authority.

This rule is promulgated by the commissioner pursuant to Sections 31A-2-201, 31A-23a-202, 31A-23b-205, 31A-23b-206, and 31A-26-206.

R590-142-2. Purpose and Scope.

(1) The purpose of this rule is to implement the continuing education requirements of Sections 31A-23a-202, 31A-23b-206, and 31A-26-206.

(2) This rule applies to a continuing education provider, and an individual producer, consultant, navigator, and adjuster licensee under Sections 31A-23a-202, 31A-23b-206, and 31A-26-206.

R590-142-3. Definitions.

Terms used in this rule are defined in Sections 31A-1-301, 31A-23a-102, 31A-23b-102, 31A-26-102, and 31A-35-102. Additional terms are defined as follows:

- (1) "Classroom course" means:
 - (a) a course of study that:
 - (i) is taught on-site by a live instructor at the same location;
 - (ii) requires monitoring of a student; and
 - (iii) may require examination of course content by a student; or
 - (b) an interactive course of study that:
 - (i) is taught by a live instructor from a separate location;
 - (A) is delivered to a student via:
 - (I) computer;
 - (II) teleconference;
 - (III) webinar; or
 - (IV) another method acceptable to the commissioner; or
 - (ii) is not taught by a live instructor;
 - (A) is delivered to a student via computer; or
 - (B) another method acceptable to the commissioner;
 - (iii) requires two-way interaction between a student and the instrument of instruction;
 - (iv) requires monitoring of a student; and
 - (v) requires examination of course content by a student.
- (2) "Credit hour" means one 50-minute period of insurance-related instruction consisting of:
 - (a) a classroom course;
 - (b) a home study course; or
 - (c) another method acceptable to the commissioner.

(3) "Designated internet site" means an internet site that is designated by the commissioner for a registered provider to submit a student's course completion information.

(4) "Home study course" means a non-interactive course of study that:

(a) is not taught by a live instructor;

(b) is completed by a student via:

(i) computer;

(ii) video recording, if the video is professionally produced;

(iii) textbook; or

(iv) another method acceptable to the commissioner;

(c) does not require two-way interaction between a student and the instrument of instruction;

(d) does not require monitoring of a student; and

(e) requires examination of course content by the student.

(5) "Insurance-related instruction" means the amount of time assigned by the commissioner to a course of study to satisfy the requirements of continuing education credit hours under this rule, when the assignment of value shall be made based on:

(a) content;

(b) presentation; and

(c) format.

(6) "Monitoring of a student" means a person or system that verifies participation in and completion of a course.

(7) "Nonprofit provider" means an organization that fits the definition of nonprofit corporation as defined in Subsection 16-6a-102(35).

(8) "Registered provider" means a person who:

(a) satisfies the requirements of Sections R590-142-8 and R590-142-9; and

(b) offers a course of study or a program for credit that satisfies the continuing education requirements of this rule.

R590-142-4. Continuing Education Requirements.

(1) A producer, consultant, adjuster, and navigator licensee shall comply with, and a registered provider shall be familiar with, the following continuing education requirements:

(a) upon renewal of a license, continuing education credit hours in excess of the number required to renew the license may not be carried over or applied to any subsequent licensing period;

(b) a licensee shall attend a course in its entirety to receive credit for the course; and

(c) a licensee may repeat a course for credit but may not take a course for credit more than once in a license continuation period.

(2) A producer, consultant, and adjuster licensee shall comply with, and a registered provider shall be familiar with, the following continuing education requirements:

(a) the number of credit hours of continuing education insurance-related instruction required to be completed every two years as a prerequisite to a license renewal shall be in accordance with Sections 31A-23a-202 and 31A-26-206;

(b) a producer, consultant, or adjuster licensee may obtain continuing education credit hours at any time during the two-year licensing period;

(c) not more than half of the total credit hours required shall be satisfied by courses provided to a producer, consultant, or adjuster licensee by one or more insurers;

(d) a nonresident producer, consultant, or adjuster licensee who satisfies the licensee's home state's continuing education requirement is considered to have satisfied Utah's continuing education requirement; and

(e) a producer, consultant, or adjuster licensee with a professional designation may use the continuing education credit hours required to maintain the designation to satisfy the requirement of the commissioner if:

(i) the hours are sufficient to meet the current continuing education requirement of Sections 31A-23a-202 and 31A-26-206; and

(ii) the professional designation consists of one or more of the following:

(A) Accredited Customer Service Representative (ACSR);

(B) Accredited Financial Examiner (AFE) or Certified Financial Examiner (CFE);

(C) Accredited Insurance Examiner (AIE) or Certified Insurance Examiner (CIE);

(D) Certified Financial Planner (CFP);

(E) Certified Insurance Counselor (CIC);

(F) Certified Risk Manager (CRM);

(G) Registered Employee Benefits Consultant (REBC);

(H) Chartered Property Casualty Underwriter (CPCU) with completion of the Continuing Professional Development (CPD)

program; or

(I) Certified Life Underwriter (CLU), Chartered Financial Consultant (ChFC) or Registered Health Underwriter (RHU) with completion of the Professional Achievement in Continuing Education (PACE) recertification program.

(f) Continuing education requirements may be administered by:

(i) the commissioner; or

(ii) a continuing education provider approved by and registered with the commissioner.

(3) A continuing education provider, including a state or national professional producer or consultant association, may:

- (a) offer a qualified program on a geographically accessible basis; and
- (b) collect a reasonable fee for funding and administration of a continuing education program, subject to the review and approval of the commissioner.

(4)(a) A navigator licensee shall comply with, and a registered provider shall be familiar with, the following continuing education requirements:

(i) the number of credit hours of continuing education instruction required to be completed annually as a prerequisite to license renewal shall be in accordance with Section 31A-23b-206; and

(ii) a navigator licensee may obtain continuing education credit hours at any time during the one-year licensing period;

(b) To act as a navigator, a person must successfully complete the federal navigator training and certification program requirements as established by federal regulation under PPACA and administered through the United States Department of Health and Human Services, including any applicable training and certification or recertification requirements under that program.

(c) A person has successfully completed the required continuing education requirements for a navigator license in accordance with Section 31A-23b-206 if the person has:

(i) met the requirements of Subsection (4)(b); and

(ii) completed at least 2 hours of ethics course.

(d) Continuing education requirements may be administered by:

(i) the commissioner;

(ii) a continuing education provider approved by and registered with the commissioner; or

(iii) a navigator-related training program administered through the United States Department of Health and Human Services.

R590-142-5. Experience Credit.

(1) Continuing education credit hours may be granted to a producer, consultant, or adjuster licensee at the discretion of the commissioner for experience credit including credit for experience such as the authoring of an insurance book, course, or article.

(2) Membership by a producer or consultant in a state or national professional producer or consultant association is a substitute for two credit hours for each year during which the producer or consultant is a member of the association, except as provided in Subsection (3).

(3) No more than two hours of continuing education credit may be granted per year during the two-year license continuation period, regardless of the number of professional association memberships a producer or consultant maintains.

(4) An approved continuing education course taught by an approved instructor holding a Utah producer, consultant, or adjuster license shall receive twice the number of credit hours allocated by the commissioner for the course, except as provided in Subsection (5).

(5) Credit for instruction of a course shall be granted no more than once per license renewal period for each course taught.

(6) Continuing education experience credit may not be granted for committee service.

R590-142-6. Controls and Reporting of Credit Hours.

(1) Within 14 days of completion of a course of study, the registered provider shall:

(a) furnish each student successfully completing the course with a certificate of completion; and

(b) submit through Sircon a course completion record identifying the:

(i) student that completed the course;

(ii) name and identifying course number of the course completed; and

(iii) number of credit hours completed by the student.

(2) If the registered provider fails to notify the commissioner of a student's course completion, the licensee may use the certificate of completion as proof of having successfully completed the course.

(3) The registered provider shall keep proof of successful electronic attendance submission on file for at least the current calendar year plus two years.

R590-142-7. Course Requirements.

(1) Except as permitted in Subsection R590-142-4(3), before offering a course for credit in Utah, a person must register as a provider and submit a completed continuing education course filing form and course outline for review by the commissioner.

(2) Upon receipt of a completed continuing education course filing form and course outline from a registered provider, the commissioner shall:

(a)(i) approve a course as qualifying for credit in accordance with the standards of this rule;

(ii) issue a course number; and

(iii) assign the number of hours to be awarded to the approved course; or

(b)(i) disapprove a course as not qualifying for credit; and

(ii) furnish an explanation of the reason for disapproval of the course.

(3) A new course offered by a registered provider must be submitted to and approved by the commissioner at least 30 days before being offered, except that post-approval of a course may be granted by the commissioner upon submission of a written request and supporting documentation of a course attended.

(4) A course advertisement ~~shall~~ may not state or imply that a course has been approved by the commissioner unless written confirmation of the approval has been received by the registered provider.

(5) A department employee may attend a course at no cost ~~[for the purpose of auditing]~~ to audit the course for compliance.

(6) The following course topics are examples of subject areas that qualify for approval if they contribute to the knowledge and professional competence of an individual licensee as a producer, consultant, or adjuster, and demonstrate a direct and specific application to insurance:

- (a) a particular line of insurance;
- (b) investments or securities in connection with variable contracts;
- (c) principles of risk management;
- (d) insurance laws and administrative rules;
- (e) tax laws related to insurance;
- (f) accounting or actuarial considerations in insurance;
- (g) business or legal ethics; and
- (h) other course subject areas may be acceptable if the registered provider can demonstrate that the course contributes to professional competence and otherwise meets the standards set forth in this rule.

(7) The following course topics are examples of subject areas that do not qualify for approval:

- (a) computer training and software presentations;
- (b) motivation;
- (c) psychology;
- (d) sales training;
- (e) communication skills;
- (f) recruiting;
- (g) prospecting;
- (h) personnel management;
- (i) time management; and
- (j) any course not in accordance with this rule.

(8) The following continuing education standards must be met for a course offered by a registered provider to qualify for continuing education credit:

- (a) the course must have significant intellectual or practical content to enhance and improve the insurance knowledge and professional competence of a participant;
- (b) the course must be developed by persons who are qualified in the subject matter and instructional design;
- (c) the course content must be up to date;
- (d) the instructor must be qualified with respect to course content and teaching methods;
- (e) the instructor may be considered qualified if, through formal training or experience, the instructor has obtained sufficient knowledge to competently instruct the course;
- (f) the number of participants and physical facilities for a course must be consistent with the teaching method specified;
- (g) the course must include some means for evaluating the quality of the course content;
- (h) the course must provide for a method to authenticate each student's identity; and
- (i) the course must be taught in a manner that complies with the Americans with Disabilities Act of 1990, 42 U.S.C. 12102, to enable licensees with a physical or mental disability to complete the continuing education requirements.

(9) The following are additional requirements for an interactive computer course of study offered by a registered provider that is not taught by a live instructor:

- (a) the course shall provide one or more of the following types of exam questions at the end of each section of course material presented:
 - (i) multiple choice;
 - (ii) matching; or
 - (iii) true or false;
- (b) the exam questions shall cover material from the applicable section of the course that was presented to the student;
- (c) only upon completion of an exam and not before or during the exam, the course shall identify all incorrect responses and inform the student of the correct response with an explanation of the correct answer;
- (d) the course shall require answering 70% of the inquiries for each exam correctly to demonstrate mastery of the current section before the student is allowed by the program to proceed to the next section or complete the course;
- (e) in the event a student does not achieve the 70% correct response rate necessary to advance to the next section, the course shall generate a different set of inquiries for the section, which may be repeated as necessary on a random or rotating basis;
- (f) the course shall provide a method to authenticate the student's identity on a periodic hourly basis, including upon entering, during, and exiting the course;
- (g) the course shall provide a method to ensure that the amount of time necessary for a student to complete course instruction and exam is no less than the amount of credit hours approved for the course; and
- (h) the course shall provide for a method to directly transmit the final course completion results to the registered provider or a printed course completion receipt to be sent to the registered provider for issuance of a completion certificate.

(10) A continuing education course may not be offered or taught by a person who has:

- (a) a lapsed, surrendered, suspended, or revoked provider registration;
- (b) a suspended or revoked insurance license; or
- (c) been prohibited from teaching a course.

(11) Continuing education credit may not be granted for a course offered by a registered provider in which the course is:

- (a) not approved by the commissioner; or
- (b) offered or taught by a person who has:
 - (i) a lapsed, surrendered, suspended, or revoked provider registration; or
 - (ii) been prohibited from teaching a course.

R590-142-8. Registered Provider Requirements.

- (1) A registered provider, or a state or national professional producer, consultant, adjuster, or navigator association, may:
 - (a) offer a qualified course for a license type or line of authority on a geographically accessible basis; and
 - (b) collect a reasonable fee for funding and administration of a continuing education program, subject to the review and approval of the commissioner.
- (2) A person shall register with the commissioner as a provider before acting as a registered provider in Utah.
- (3) Except as provided in Subsection (4), to initially register as a provider, a person must:
 - (a) submit a completed provider registration form via Sircon; and
 - (b) pay an initial registration fee ~~[-as identified in Rule R590-102]~~ in an amount annually established by the Utah Legislature under Section 63J-1-504.
- (4)(a) To initially register as a nonprofit provider, a person must submit a completed provider registration form via:
 - (i) Sircon; or
 - (ii) facsimile, or as a PDF attachment to an email, using a form available on the department's website:
<https://insurance.utah.gov>.
- (b) A person initially registering as a nonprofit provider is not required to pay a registration fee.
- (5) To renew a provider registration, a provider, other than a nonprofit provider, must:
 - (a) submit a completed provider renewal form via Sircon; and
 - (b) pay an annual renewal fee ~~[-as identified in Rule R590-102]~~ in an amount annually established by the Utah Legislature under Section 63J-1-504, before the annual renewal date.
- (6)(a) To renew a nonprofit provider registration, a nonprofit provider must:
 - (i) submit a completed provider renewal form via:
 - (A) Sircon; or
 - (B) facsimile, or as a PDF attachment to an email using a form available on the department's website:
<https://insurance.utah.gov>.
 - (b) A nonprofit provider is not required to pay an annual renewal fee.
- (7) Before teaching a course, a registered provider shall:
 - (a) submit via Sircon, before offering the course, an outline that includes information regarding the course content and the number of credit hours requested;
 - (b) post the course offering to a designated internet site;
 - (c) provide to the commissioner the name and resume of each instructor who will be teaching the course; and
 - (d) include identifying information about any insurance license previously or currently held by each instructor who will be teaching the course.
- (8) A registered provider shall report to the commissioner:
 - (a) an administrative action taken against the registered provider in any jurisdiction; and
 - (b) a criminal prosecution taken against the registered provider in any jurisdiction.
- (9) The report required by Subsection (8) shall:
 - (a) be filed:
 - (i) when submitting the initial provider registration; and
 - (ii) within 30 days of the:
 - (A) final disposition of the administrative action; or
 - (B) initial appearance before a court; and
 - (b) include a copy of the complaint or other relevant legal documents related to the action or prosecution described in Subsection (8).
- (10) The commissioner may prohibit any person from acting as a registered provider or instructor in Utah if the commissioner determines that:
 - (a) the person is not competent and trustworthy; or
 - (b) the person or course of study fails to meet the qualifying standards.

R590-142-9. Loss of Provider Registration and Course Disapproval.

- (1) A provider registration, other than a nonprofit provider registration, shall lapse if a provider fails to:
 - (a) submit a completed provider renewal form via Sircon; and
 - (b) pay an annual renewal fee before the annual renewal date.
- (2) A nonprofit provider registration shall lapse if a nonprofit provider fails to submit a completed provider renewal form via:
 - (a) Sircon; or
 - (b) facsimile, or as a PDF attachment to an email, using a form available on the department's website:
<https://insurance.utah.gov>.

(3) To reinstate a lapsed or surrendered provider registration, other than a nonprofit provider registration, a provider must:
(a) submit a completed provider reinstatement form via Sircon; and
(b) pay a reinstatement fee[~~as identified in Rule R590-102~~] in an amount annually established by the Utah Legislature under Section 63J-1-504.

(4)(a) To reinstate a lapsed or surrendered nonprofit provider registration, a nonprofit provider must submit a completed provider registration form via:

(i) Sircon; or

(ii) facsimile, or as a PDF attachment to an email, using a form available on the department's website:

<http://insurance.utah.gov>.

(b) A nonprofit provider is not required to pay a reinstatement fee.

(5) A provider registration may be denied, suspended, or revoked; an instructor prohibited from teaching a course; or a course disapproved, if the commissioner determines that:

(a) a course teaching method or course content fails to meet the standards of this rule;

(b) a registered provider reports that an individual completed a course in accordance with the standards furnished for course credit, when in fact the individual has not done so;

(c) a registered provider or instructor conducting a course instructs for less than the number of credit hours approved by the commissioner, but reports the full credits for the individual attending the course;

(d) credit for a course is not electronically reported to a designated internet site in a timely manner for an individual who satisfactorily completes a course in accordance with the standards furnished for course credit;

(e) a registered provider or instructor:

(i) lacks sufficient education or experience in the subject matter of the course;

(ii) has had a provider registration suspended or revoked in another jurisdiction;

(iii) has had an insurance license suspended or revoked;

(iv) uses course material that has been plagiarized; or

(v) is otherwise no longer qualified in accordance with the standards of this rule; or

(f) there is other good cause showing that:

(i) a provider registration should be suspended or revoked;

(ii) an instructor should be disallowed from teaching a course; or

(iii) a course should be disapproved.

(6) The commissioner may disapprove any course, even if it has been previously approved, if:

(a) the commissioner determines that the course of study fails to meet the qualifying standards;

(b) the commissioner determines that the course material has been plagiarized; or

(c) a change of 50% or more has been made in the course content since the initial approval of the course, subject to resubmission of the course for review and subsequent approval of the course by the commissioner.

(7) A registered provider may re-apply for a course that has been disapproved upon providing satisfactory proof to the commissioner that the conditions responsible for the disapproval have been corrected.

(8) To reinstate a suspended or revoked provider registration, a provider must:

(a) submit a completed provider registration form;

(b) submit a course outline that includes information regarding the course content and the number of credit hours requested for the course;

(c) pay a reinstatement fee[~~as identified in Rule R590-102~~] in an amount annually established by the Utah Legislature under Section 63J-1-504, except as provided in Subsection R590-142-8(4); and

(d) provide satisfactory proof to the commissioner that each condition responsible for the suspension or revocation has been corrected.

(9) A person with a revoked provider registration may not apply for a new registration for five years from the date the registration was revoked without the express approval of the commissioner, unless otherwise specified in the revocation order.

R590-142-10. Severability.

If any provision of this rule, Rule R590-142, or its application to any person or situation is held invalid, such invalidity does not affect any other provision or application of this rule that can be given effect without the invalid provision or application. The remainder of this rule shall be given effect without the invalid provision or application.

KEY: insurance continuing education

Date of Last Change: 2024[~~February 8, 2022~~]

Notice of Continuation: February 28, 2022

Authorizing, and Implemented or Interpreted Law: 31A-2-201; 31A-23a-202; 31A-23b-205; 31A-23b-206; 31A-26-206; 31A-26-209; 31A-35-401.5

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