

TITLE 365. INSURANCE DEPARTMENT
CHAPTER 25. LICENSURE OF PRODUCERS, BAIL BONDSMEN, ADJUSTERS
COMPANIES, PREPAID FUNERAL BENEFITS, AND VIATICAL AND LIFE
SETTLEMENTS PROVIDERS AND BROKERS

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Producers, Brokers, and Limited Lines Producers

365:25-3-1.4. Producer training requirements for long-term care insurance [NEW]

SUMMARY:

Proposed rule 365:25-3-1.4 is new. The rule establishes additional educational requirements for insurance producers selling long term care insurance. The additional educational requirements ensure that consumers purchasing long term care insurance are adequately informed about the product by their insurance producer.

AUTHORITY:

Insurance Commissioner, 36 O.S. §§ 307.1, 1435.19 and 1435.29(H).

COMMENT PERIOD:

Written or oral comments regarding the proposed rule amendment shall be received on or before March 3, 2008. Comments shall be directed to Karl Kramer, First Assistant General Counsel, Oklahoma Insurance Department, P.O. Box 53408, Oklahoma City, Oklahoma 73152-3408.

PUBLIC HEARING:

A public hearing regarding the proposed rule amendment will be held March 4, 2008 at 9:30 a.m. at the Oklahoma Insurance Department, 2401 N.W. 23rd Street, Suite 28, Oklahoma City, Oklahoma 73107.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities are requested to provide any increase in costs expected to be incurred due to compliance with the proposed rules. The comments shall be submitted to Karl Kramer, First Assistant General Counsel, Oklahoma Insurance Department, at the mailing address above on or before March 3, 2008.

COPIES OF PROPOSED RULES:

Copies of the proposed rule amendments may be inspected at the Oklahoma Insurance Department at the physical address listed above. Office hours are from 8:00 a.m. through 5:00 p.m., Monday through Friday. Additional copies of the rules may also be obtained at the Oklahoma Insurance Department.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared prior to February 1, 2008 in accordance with 75 O.S. § 303(D). A copy of the statement may be obtained at the physical address above.

CONTACT PERSON:

Karl Kramer, First Assistant General Counsel, (405) 521-2746.

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SUBCHAPTER 3. PRODUCERS, BROKERS AND LIMITED LINES PRODUCERS

365:25-3-1.4. Producer training requirements for long-term care insurance

(a) Selling, soliciting or negotiating long-term care insurance.

- (1) An individual may not sell, solicit or negotiate long-term care insurance unless the individual is licensed as an insurance producer for accident and health or sickness or life and has completed a one-time training course. The training shall meet the requirements set forth in subsection (b) of this section.
- (2) an individual already licensed and selling, soliciting or negotiating long-term care insurance on the effective date of this regulation may not continue to sell solicit or negotiate long-term care insurance unless the individual has completed a one-time training course as set forth in subsection (b) of this section, within one-year from July 14, 2008.
- (3) In addition to the one-time training course required in paragraphs (a)(1) and (2) above, an individual who sells, solicits or negotiates long-term care insurance shall complete ongoing training as set forth in subsection (b) of this section.
- (4) The training requirements of subsection (b) of this section may be approved as continuing education courses under Section 1435.29 of Title 36 of the Oklahoma Statutes.

(b) Training requirements.

- (1) The one-time training required by this section shall be no less than eight (8) hours and the ongoing training required by this section shall be no less than four (4) hours every 24-months.
- (2) The training required under paragraph (b)(1) shall consist of topics related to long-term care insurance, long-term care services and, if applicable, qualified state long-term care insurance partnership programs, including, but not limited to:
 - (A) State and federal regulations and requirements and the relationship between qualified state long-term care insurance Partnership programs and other public and private coverage of long-term care services, including Medicaid;
 - (B) Available long-term care services and providers;
 - (C) Changes or improvements in long-term care services or providers;
 - (D) Alternatives to the purchase of private long-term care insurance;
 - (E) The effect of inflation on benefits and the importance of inflation protection; and
 - (F) Consumer suitability standards and guidelines.
- (3) The training required by this section shall not include training that is insurer or company product specific or that includes any sales or marketing information, materials, or training, other than those required by state or federal law.

(c) Insurer requirements.

- (1) Insurers subject to this Act shall obtain verification that a producer receives training required by paragraph (a)(1) of this section before a producer is permitted to sell, solicit or negotiate the insurer's long-term care insurance products, maintain records subject to the state's record retention requirements, and make that verification available to the commissioner upon request.
- (2) Insurers subject to this Act shall maintain records with respect to the training of its producers concerning the distribution of its Partnership policies that will allow the state insurance department to provide assurance to the state Medicaid agency that producers have received the training contained in subparagraph (b)(2)(A) of this section as required by paragraph (a)(1) of this section and that producers have demonstrated an understanding of the Partnership policies and their relationship to public and private coverage of long term care, including Medicaid, in this state. These records shall be maintained in accordance with the state's record retention requirements and shall be made available to the commissioner upon request.
- (d) **Training received in other states.** The satisfaction of the training requirements as set out in this section in any state shall be deemed to satisfy the training requirements in this state.