



Ohio Administrative Code

Rule 3901-5-04 Continuing education market practices/audit.

Effective: November 14, 2024

(A) Purpose

The purpose of this rule is to establish criteria, standards, and procedures for providers of continuing education (CE) programs.

(B) Authority

This rule is promulgated pursuant to the authority vested in the superintendent under sections 3901.041, 3905.26, 3905.28, and 3905.486 of the Revised Code.

(C) Providers must:

(1) Offer and present a course as approved by the superintendent. Failure to do so may result in a denial of CE credit for the course.

(2) Provide the superintendent with written notice that includes both the provider and course identification number at least fifteen days in advance of any change to a provider or course application.

(3) No change to a course's content or outline is effective without prior written approval of the superintendent. Change to a course's content or outline may result in the issuance of a new course identification number. Failure to obtain written approval in advance of offering the course may result in a denial of CE credit for the course.

(4) A provider will submit the date, time, and location of each course to the superintendent at least ten days prior to the offering of the course. A provider will hold approved course on the date(s) scheduled, during the specified hours and at the designated location unless cancelled in accordance with paragraphs (C)(5) and (C)(6) of this rule or unless notification of any change is given to the



superintendent in accordance with paragraph (C)(2) of this rule. Providers do not need to report examination schedules for courses approved as self-study.

(5) A provider will refund all fees in full within forty-five days of a course's cancellation or in accordance with the refund policy conspicuously printed on the provider's materials if an approved course is cancelled or if an agent cancels in advance of the date scheduled.

(6) No change to course location, date, time, content, or applicable refund policy is effective unless the provider issues written notification to the department and all individuals scheduled to attend prior to the course offering. Agents scheduled to attend a course that is later postponed or moved to a different location more than ten miles away from the original location are entitled to a full refund for any fee paid to attend that course.

(7) A provider's failure to monitor course attendance, examination, or participation or provide reasonable assurance of active student participation may result in denial of CE credit for that course.

(8) A provider will conduct all courses in compliance with both the "Equal Employment Opportunity" and the "Americans with Disabilities Acts."

(9) A provider will ensure that facilities are large enough to comfortably accommodate all attendees and instructors and conducive to the education process.

(10) All applications, schedules, and rosters will be submitted by providers electronically, using a system prescribed or otherwise approved by the superintendent. Each individual authorized to access the department's electronic reporting system will have a unique user name and password.

(11) Providers are responsible for obtaining the following information from each agent as part of that agent's course registration:

(a) National producer number (NPN);

(b) First and last name as they appear on the agent's license record with this state;



(c) Attestation from each agent that they will complete the course themselves and without improper assistance of others; and

(d) Agent's signature. Electronic signature is acceptable.

(12) Providers will retain all records pertaining to its Ohio CE activities for at least four years, including attendance and credits awarded.

(D) Attendance rosters

(1) Each provider is responsible for maintaining accurate attendance records for each course and obtaining each agent's signature and appropriate verification of the time of arrival and departure.

(2) Providers are to file an attendance roster no later than fifteen calendar days after a course's completion which identifies each agent who completed the course, their name, national producer number (NPN), other identification number requested by the superintendent, and number of requested credits per agent listed on the roster. If partial credit is being given, the provider will note on the attendance roster the actual number of credits to be given to that agent. The participation fee amount submitted to the department will be equal to the number of credits approved for the course.

(3) Instructors may receive double the number of credit hours which they taught so long as the instructor is listed on the attendance roster submitted by the provider along with the total number of credits that are to be given for the instruction and payment for a participation fee equal to the number of credits given to the instructor.

(4) The provider's failure to timely file an attendance roster, or other acceptable documentation, may result in a denial of CE credit for those agents who attended the course.

(5) For association membership credit, the provider must submit a course roster to the superintendent within fifteen calendar days of an agent making a written request to the association. Prior to submitting a course roster, it is the responsibility of the association to verify that the agent's activity qualifies for association credit.



(a) The provider may only submit one qualifying activity or program per roster along with the number of association credits each agent earned per activity. The provider may issue association credit on each roster ranging from one credit to no more than four credits per agent.

(b) A course participation fee of one dollar per association membership credit per member will be included with the roster.

(E) Advertising

(1) All CE advertising or promotion of any kind will contain all of the following:

(a) The complete name of the provider as it appears on the application for provider approval;

(b) The complete title of the course as it appears on the application for course approval;

(c) The number of Ohio CE credit hours and topic for which the course is approved;

(d) Whether an exam is required in order to receive CE credit; and

(e) Level of course instruction (i.e. introductory, intermediate, advanced).

(2) A provider may only represent that a course has been approved for CE credit in Ohio if the superintendent has issued written approval for that course. A provider may represent that an application for CE approval is pending, but if a provider does so and approval is not granted, a full refund of all fees will be made. If a provider represents that approval is pending, the provider will also state, in substance, that the superintendent could deny course approval or approve the course for fewer credits than requested.

(3) No guarantee or representation that a licensee will pass a required examination may be made.

(4) No guarantee or representation that membership in an organization will automatically qualify for CE credit.



(5) If several approved courses are offered together, all advertising and promotional materials will separately identify each approved course and the respective number of CE credit hours for which each course topic is approved.

(6) No advertising or promotional materials may contain any representation or statement, or cause or permit another to make any representation or statement which is false, deceptive or misleading.

(7) A provider's refund policy will be clearly and conspicuously disclosed in all advertising and on all printed promotional materials.

(F) Audit

(1) The superintendent may audit a provider's records and courses at any time without prior notice.

(2) The instructors at an approved course may be required to provide proof of identity upon request during an audit of a course.

(G) Certificate of completion

(1) Providers are to issue a certificate of completion, including the agent's name, national producer number (NPN), course name, course identification number, course date(s), association credit activity earned date(s), credit hours completed, provider name, provider identification number, provider signature, and any other identification number requested by the superintendent, within ten calendar days of course completion.

(2) For association membership credit, the course completion date is based on the date the provider received a written request from an agent requesting association membership credit pursuant to paragraph (F)(5) of rule 3901-5-01 of the Administrative Code or the date of the association activity, whichever is later.

(H) Severability

If any portion of this rule or the application thereof to any person or circumstance is held invalid, the



AUTHENTICATED,
OHIO LEGISLATIVE SERVICE
COMMISSION
DOCUMENT #319069

invalidity does not affect other provisions or applications of the rule or related rules which can be given effect without the invalid portion or application, and to this end the provisions of this rule are severable.