



Ohio Administrative Code Rule 3901-5-05 Agent education violations.

Effective: November 14, 2019

(A) Purpose

The purpose of this rule is to identify conduct related to continuing education that violates Ohio statutes or rules and may subject a continuing education provider or agent to administrative actions.

(B) Authority

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

(C) Providers

The following are violations of the pre-licensing education and continuing education statutes and rules:

(1) Making any false, misleading or deceptive statement or representation about the status of a course approval, the number of hours for which a course topic is approved or any other statement about a course or provider. The penalty for a single violation is a forfeiture of five hundred dollars.

(2) The use of an unqualified instructor. The penalty for a single violation is a forfeiture of five hundred dollars.

(3) Failure to maintain all necessary records for the required time periods. The penalty for a single violation is a forfeiture of one hundred dollars.

(4) The use, submission or filing of any document for the purpose of complying with the agent education statutes and rules, or in responding to any inquiry from the superintendent concerning agent education, when the provider knows or should know that the document, or any part of it, is



false or deceptive. The penalty for a single violation is a forfeiture of one thousand dollars.

(5) Failure to use the approved course outline. The penalty for a single violation is a forfeiture of one hundred dollars.

(6) Failure to notify the superintendent of changes to any course, previously approved, prior to course offering. The penalty for a single violation is a forfeiture of one hundred dollars.

(7) Failure to conduct the approved course for the full time, as specified in the course application. The penalty for a single violation is a forfeiture of one hundred dollars.

(8) Failure to monitor course attendance, course participation or completion of examination. The penalty for a single violation is a forfeiture of five hundred dollars.

(9) Failure to comply with applicable Americans with Disabilities Act and "Equal Employment Opportunity" regulations. The penalty for a single violation is a forfeiture of one hundred dollars.

(10) Failure to provide timely refunds to participants when required. The penalty for a single violation is a forfeiture of one hundred dollars.

(11) Failure to file or the late filing of any form or required information, other than attendance roster. The penalty for a single violation is a forfeiture of one hundred dollars.

(12) Failure to timely file an attendance roster. The penalty for a single violation is a forfeiture of five hundred dollars.

(13) Failure to conduct a course as it was approved or maintain course integrity. The penalty for a single violation is a forfeiture of five hundred dollars.

(14) Obtaining the attendance or enrollment of licensees or students by actual or implied coercion. The penalty for a single violation is a forfeiture of five hundred dollars.

(15) The failure of a provider to timely provide a certificate of completion to an attendee or the



failure of a provider to provide an attendee with an accurate certificate of completion. The penalty for a single violation is a forfeiture of two hundred dollars.

(16) Failure to accurately report the actual number of course hours attended for each individual. The penalty for a single violation is a forfeiture of five hundred dollars.

(17) Failure to properly determine active participation in a local, regional, state or national professional insurance association activity. The penalty for a single violation is a forfeiture of five hundred dollars.

(18) Advertising that an agent may receive credit for simply becoming a member of an association. The penalty for a single violation is a forfeiture of one thousand dollars.

(19) Failure to provide a written response to the superintendent within twenty-one days after receipt of any written inquiry from the superintendent. The penalty for a single violation is a forfeiture of fifty dollars.

(20) Failure to report disciplinary action taken against the provider's authority by any regulatory body which grants a license, registration or permission to conduct business. The penalty for a single violation is a forfeiture of two hundred dollars.

(21) Sharing user names and passwords when accessing department reporting application. The penalty for a single violation is a forfeiture of five hundred dollars.

(22) The violation of any provision of rule 3901-5-01, 3901-5-02, 3901-5-03, 3901-5-04, 3901-5-06 or 3901-5-07 of the Administrative Code may be grounds for termination of a provider's authority to offer pre-license courses or continuing education courses in this state.

(D) Applicants and agents

The following are violations of the pre-licensing education and continuing education statutes and rules:



- (1) The use, submission or filing of any document or record for the purpose of complying with the agent education statutes and rules, or in responding to any inquiry from the superintendent concerning agent education, when the person knows or should know that the document or record, or any part of the document or record, is false or deceptive.
- (2) Obtaining, accepting or using any evidence of completion or participation from a provider when the person has not attended or completed the course or the number of hours identified on the certificate.
- (3) Cheating or using unauthorized materials or receiving unauthorized assistance during an examination.
- (4) Assisting another person in complying with the agent education requirements when the person knows or should know that the assistance is a violation of the agent education statutes and rules.
- (5) Disruptive threatening or deceptive behavior during a course or examination shall be grounds for termination of participation and shall be grounds for the superintendent to refuse course completion credit or a passing grade of an examination for those individuals responsible for the disruptive, threatening or deceptive behavior.
- (6) The use of any unauthorized telecommunication device, including but not limited to, cellular phones and "PDA's," examination notes and study guides, or conversations with unauthorized persons during an examination or authorized break from a state insurance licensure examination. The penalty for a single violation shall be grounds for the superintendent to refuse to issue any license as an insurance agent or assess a forfeiture of up to five hundred dollars.

(E) Application of penalties

- (1) The superintendent may suspend, revoke, non-renew or deny authority to any pre-licensing education or continuing education provider who has committed multiple violations of paragraph (C) of this rule. This penalty may be in addition to the forfeitures levied pursuant to paragraph (C) of this rule.



(2) The superintendent may, once a violation of paragraph (C) or (D) of this rule requiring a forfeiture has been found, suspend all or part of such forfeiture, upon a showing of mitigating circumstances.

(F) Severability

If any paragraph, term, or provision of this rule is adjudged invalid for any reason, the judgment shall not affect, impair or invalidate any other paragraph, term or provision of this rule, but the remaining paragraphs, terms and provisions shall be and continue in full force and effect.