

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1547, R.S. 22:1573, R.S. 22:1673, R.S. 22:1678, R.S. 22:1702, R.S. 22:1708, R.S. 22:1808.4 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 37:2176 (July 2011), amended LR 47:604 (May 2021).

§725. Authority of the Commissioner to Conduct On-Site Review of Continuing Education Programs [Formerly §723]

A. The commissioner or his designee shall have the authority to visit a training facility and review the provider's program at any time. Said visits may include the review of curriculum records, review of attendance records, and observation of instructional sessions in progress.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1547, R.S. 22:1573, R.S. 22:1673, R.S. 22:1678, R.S. 22:1702, R.S. 22:1708, R.S. 22:1808.4 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 37:2177 (July 2011), amended LR 47:604 (May 2021).

§727. Program Completion [Formerly §725]

A. Every provider shall maintain a list of all individuals who have successfully completed a continuing education program presented by that provider for a period of not less than five years from the date of course completion. The list shall contain the identification number assigned to the program by the commissioner and the name, and such distinct information as necessary to clearly identify all individuals who successfully completed the program and the date of completion of the course. Every provider shall submit a copy of the list to the commissioner within 15 calendar days of program completion.

B. Every provider shall also maintain electronic records of program completion in a format compatible with the commissioner's specifications to facilitate the electronic reporting and transfer of attendance information from the provider to the commissioner.

C. Every provider shall present a certificate of successful completion to each licensee who successfully completes the continuing education program. This certificate shall be on a form acceptable to the commissioner and shall include the name of the licensee and the identification number assigned to the program by the commissioner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1547, R.S. 22:1573, R.S. 22:1673, R.S. 22:1678, R.S. 22:1702, R.S. 22:1708, R.S. 22:1808.4 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 37:2177 (July 2011), amended LR 47:604 (May 2021).

§729. Fees [Formerly §727]

A. All applications submitted to the commissioner seeking certification of a continuing education program or

provider shall be accompanied by the fee set forth in R.S. 22:821(29).

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1547, R.S. 22:1573, R.S. 22:1673, R.S. 22:1678, R.S. 22:1702, R.S. 22:1708, R.S. 22:1808.4 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 37:2177 (July 2011), amended LR 47:604 (May 2021).

§731. Complaints [Formerly §729]

A. The commissioner shall review all complaints lodged against a provider, supervisory instructor or instructors of a program. Every provider, supervisory instructor or instructor shall respond to an inquiry from the commissioner regarding a complaint within 30 days of receipt of such inquiry. Any disciplinary action required shall be taken by the commissioner in accordance with the Louisiana Insurance Code, specifically R.S. 22: 2191-2208.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1547, R.S. 22:1573, R.S. 22:1673, R.S. 22:1678, R.S. 22:1702, R.S. 22:1708, R.S. 22:1808.4 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 37:2177 (July 2011), amended LR 47:604 (May 2021).

§733. Violations [Formerly §731]

A. The commissioner may deny, suspend, or rescind the certification of a continuing education program or provider should he find the program, the supervisory instructor, instructor or the provider of the program has violated any provision of this Rule or any applicable provisions of the Louisiana Insurance Code or should he find that continued operation of the continuing education program is not in the best interest of the citizens of this state or the insurance buying public.

B. Any denial, suspension, or rescission of the certification of a continuing education program shall comply with the provisions of R.S. 49:961.

C. An aggrieved party affected by the commissioner's decision, act, or order may demand a hearing in accordance with R.S. 22: 2191 et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1547, R.S. 22:1573, R.S. 22:1673, R.S. 22:1678, R.S. 22:1702, R.S. 22:1708, R.S. 22:1808.4 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 37:2177 (July 2011), amended LR 47:604 (May 2021).

Chapter 9. Rule Number 12—Transmission of Forms and Documents

§901. Transmission of Forms and Documents Filed with the Department of Insurance

A. All forms, documents, applications, filings, financial reports, and any and all other forms and types of documents required by law or voluntarily filed with the commissioner shall be filed by depositing the same in the United States mail, postage prepaid, and/or with a private or commercial interstate carrier, and/or via electronic transmission. Payment of fees, including license fees, and premium taxes shall be exempt from this Rule.

B. No document of any sort or kind described in §901.A will be accepted or received by the personnel of the department as having been filed with the department unless the same is transmitted to the department via the United States mail, a private or commercial interstate carrier, and/or electronic transmission.

C. The department shall retain the envelope or other evidence of submission method attached to the document.

D.1. Transmission of documents by private courier service without interstate service or by hand delivery is permissible as long as the documents are:

a. subsequently mailed in the United States Postal Service or delivered to a private or commercial interstate carrier for shipping and received by the department on or before the twentieth day after receipt of the private courier delivery, or hand delivery; or

b. sent via electronic transmission such that the transmission is received by the Department of Insurance on or before the twentieth day after receipt of the private courier delivery or hand delivery.

2. A document received in accordance with §901 shall be deemed received on the date of the department's receipt of the original private courier delivery without interstate service or hand delivery. Any departmental decision shall be based on the date of the initial private courier delivery or hand delivery, and any stamp of approval shall be affixed to those documents.

E. Notwithstanding §901.A through D, requests for public records shall be in accordance with procedures established for public records requests and record management.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22.2.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 17:1210 (December 1991), amended LR 18:620 (June 1992), amended by the Department of Insurance, Office of the Commissioner, LR 29:41 (January 2003), amended LR 45:63 (January 2019), LR 47:1330 (September 2021).

§903. Definitions

A. The following terms used in Rule 12 have the meanings set forth below:

Commissioner—the Commissioner of the Louisiana Department of Insurance

Department—the Louisiana Department of Insurance

Private or Commercial Interstate Carrier—any person or entity engaged in the business of accepting documents for transportation and delivery between one State, Territory, Possession, or the District of Columbia and another State, Territory, Possession, or the District of Columbia.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22.2.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 47:1330 (September 2021).

Chapter 11. Rule Number 1—Rules of Practice and Procedure before the Commissioner of Insurance

§1101. Definitions

A. By reference, all of the definitions set forth and contained in R.S. 49:951 through R.S. 49:966, inclusive, and the Louisiana Insurance Code (Title 22, of the Louisiana Revised Statutes of 1950, as amended) are incorporated herein, and for the purpose of hearings to be held hereunder, the following definitions shall prevail.

Applicant—the applicant shall be the person, persons, firm, company, partnership, association, insurer or corporations, as well as the commissioner or department seeking relief before the Commissioner of Insurance. The term *applicant* may otherwise be styled *petitioner* or *complainant*.

Commissioner—when used herein shall mean the Commissioner of Insurance, or his deputy, examiner or hearing officer appointed by him.

Department—department shall, for all purposes herein, mean the Department of Insurance.

Hearing—any contested case or any formal proceeding before the commissioner brought pursuant to any law of the state of Louisiana or rule or regulation of the commissioner, whether or not the same is adversary in nature.

Respondent—the person, persons, firms, companies, partnerships, associations, insurers, or corporations, including the commissioner and the department against whom any proceeding or application for relief is brought.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2 and R.S. 22:1351-1367.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, February 12, 1973.

§1103. Commencement of Hearings

A. All hearings initiated by an applicant other than the commissioner and those initiated by the commissioner for the purpose of promulgating rules or regulations, shall be commenced by filing of a written petition or complaint with the commissioner. Hearings initiated by the commissioner, except for promulgating of a rule or regulation, shall be commenced by the issuance of an order to show cause directed to the respondent, wherein shall be alleged the acts or omissions of acts claimed in violation of the law, or of any of the lawful rules, regulations or orders promulgated by