

NOTICE OF
PROPOSED RULE AMENDMENT

- The agency identified below in box 1 provides notice of proposed rule change pursuant to Utah Code Section 63G-3-301 and Subsection 53C-1-201(3)(c).
- Please address questions regarding information on this notice to the agency.
- The full text of all rule filings is published in the Utah State Bulletin unless excluded because of space constraints.
- The full text of all rule filings may also be inspected at the Division of Administrative Rules.

Agency Information

1. Agency: Insurance - Administration
 Room no.: 3110
 Building: STATE OFFICE BLDG
 Street address 1: 450 N MAIN ST
 Street address 2:
 City, state, zip: SALT LAKE CITY UT 84114-1201
 Mailing address 1: PO BOX 146901
 Mailing address 2:
 City, state, zip: SALT LAKE CITY UT 84114-6901

Contact person(s):

Name:	Phone:	Fax:	E-mail:
Jilene Whitby	801-538-3803	801-538-3829	jwhitby@utah.gov

(Interested persons may inspect this filing at the above address or at DAR during business hours)

Rule Information

DAR file no: 35543 Date filed: 12/15/2011 12:13 PM
 State Admin Rule Filing Key: 151899
 Utah Admin. Code ref. (R no.): R 590 - 142 -
 Changed to Admin. Code ref. (R no.): - -

Title

2. Title of rule or section (catchline):
 Continuing Education Rule.

Notice Type

3. Type of notice: Amendment

Rule Purpose

4. Purpose of the rule or reason for the change:
 The changes to this rule are being made to comply with requirements in HB 128, Health Reform Amendments, which was passed this year. The bill requires that a rule be adopted to explain the continuing education (CE) requirements in the defined contribution arrangement market and the Utah Health Exchange.

Response Information

5. This change is a response to comments by the Administrative Rules Review Committee.
 No

Rule Summary

6. Summary of the rule or change:
 The changes to this rule requires a producer in the defined contribution arrangement market to take a minimum of two

hours of continuing education every two years on the use of the Utah Health Exchange and premium assistance programs.

Aggregate Cost Information

7. Aggregate anticipated cost or savings to:

A) State budget:

Affected: No

The department has seen a very small increase in workflow from CE providers seeking approval for new courses. So far four non-profit organizations have applied to provide the training required in HB128. These however were non-profit providers and were not required to pay an annual licensing fee of \$270.

B) Local government:

Affected: No

This rule and its changes will have no fiscal impact on local government since it relates only to the relationship between the department and its licensees.

C) Small businesses:

Affected: No

("small business" means a business employing fewer than 50 persons)

The changes to this rule has opened the door for CE providers to create new courses for those insurance producers required to take them. So far two of the four CE providers offering these courses are not charging for this training and two are. Providers have the freedom to determine what they will charge for their courses.

D) Persons other than small businesses, businesses, or local government entities:

Affected: No

("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency)

Since the total number of CE hours has not changed the changes to this rule will have no fiscal impact on producers that are a part of the Health Exchange. Consumers will only be affected in that the producer providing information on the Health Exchange and premium assistance programs will be better educated and better able to direct them to the coverage right for the consumer.

Compliance Cost Information

8. Compliance costs for affected persons:

Producers will not be financially impacted since the total number of CE hours has not changed. Consumers will only be affected in that the producer providing information on the Health Exchange and premium assistance programs will be better educated and better able to direct them to the coverage right for the consumer. CE providers so far have had no cost to become CE providers for this training and only two of the four providers are charging students who take their courses. It is not expected that there will be very many more CE providers apply to give this training. Those already providing training are also the ones that assisted with the creation of the Health Exchange and premium assistance programs and so are most knowledgeable about them.

Department Head Comments

9. A) Comments by the department head on the fiscal impact the rule may have on businesses:

These changes may have a small impact on CE providers who have or will create CE courses and charge an attendance fee.

B) Name and title of department head commenting on the fiscal impacts:

Neal T. Gooch, Insurance Commissioner

Citation Information

10. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws.

State code or constitution citations (required) (e.g., Section 63G-3-402; Subsection 63G-3-601(3); Article IV) :
31A-26-206

31A-2-201

31A-23a-202

31A-35-401.5

31A-30-209

Incorporated Materials

11. This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to DAR; if none, leave blank) :

Official Title of Materials Incorporated (from title page):

Publisher:

Date Issued:

Issue, or version:

ISBN Number:

ISSN Number:

Cost of Incorporated Reference:

Adds, updates, removes:

Comments

12. 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. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy) :

01/31/2012

B) A public hearing (optional) will be held:

On (mm/dd/yyyy): At (hh:mm AM/PM): At (place):

Proposed Effective Date

13. This rule change may become effective on (mm/dd/yyyy):

02/07/2012

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After a minimum of seven days following the date designated in Box 12(A) above, the agency must submit a Notice of Effective Date to the Division of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Indexing Information

14. Indexing information - keywords (maximum of four, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")):
- insurance continuing education

File Information

15. Attach an RTF document containing the text of this rule change (filename):

There is a document associated with this rule filing.

To the Agency

Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the Utah State Bulletin, and delaying the first possible effective date.

Agency Authorization

Agency head or designee, and title:

Jilene Whitby Information
Specialist

Date (mm/dd/yyyy): 12/15/2011