

FILED

2009 MAY -8 PM 3: 41

OFFICE WEST VIRGINIA  
CLERK OF STATE

**WEST VIRGINIA LEGISLATURE**

**SEVENTY-NINTH LEGISLATURE**

**REGULAR SESSION, 2009**

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**ENROLLED**

**Senate Bill No. 434**

(BY SENATOR MINARD)

[Passed April 10, 2009; to take effect July 1, 2009.]

SB 434

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## Senate Bill No. 434

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[Passed April 10, 2009; to take effect July 1, 2009.]

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AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-12-8a, relating to training of insurance producers selling long-term care products; setting minimum standards for long-term care training; and mandating that certain records be retained by companies.

*Be it enacted by the Legislature of West Virginia:*

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §33-12-8a, to read as follows:

**ARTICLE 12. INSURANCE PRODUCERS AND SOLICITORS.**

**§33-12-8a. Producer training for long-term care products; record retention requirements.**

1 (a) (1) No individual may sell, solicit or negotiate  
2 long-term care insurance unless he or she is licensed as a  
3 producer for accident and sickness insurance in accor-

4 dance with the provisions of this article and has completed  
5 a one-time training course that meets the requirements of  
6 subsection (b) of this section: *Provided*, That a producer  
7 selling, soliciting or negotiating long-term care insurance  
8 on July 1, 2009 is permitted to continue such activities and  
9 must complete the one-time training course prior to July  
10 1, 2010.

11 (2) In addition to the one-time training course required  
12 in subdivision (1) of this subsection, every producer who  
13 sells, solicits or negotiates long-term care insurance shall  
14 complete ongoing training that meets the requirements of  
15 subsection (b) of this section.

16 (b) (1) The one-time training shall be no less than eight  
17 hours.

18 (2) Beginning July 1, 2010, the ongoing training required  
19 by subsection (a) of this section shall be no less than four  
20 hours in each mandatory continuing education biennium  
21 subsequent to that in which the one-time training was  
22 completed.

23 (3) The training required by this section shall consist of  
24 topics related to long-term care insurance, long-term care  
25 services and, if applicable, qualified state long-term care  
26 insurance partnership programs, including, but not limited  
27 to, state and federal regulations and requirements and the  
28 relationship between qualified state long-term care  
29 insurance partnership programs and other public and  
30 private coverage of long-term care services, including  
31 Medicaid; available long-term services and providers;  
32 changes or improvements in long-term care services or  
33 providers; alternatives to the purchase of private  
34 long-term care insurance; the effect of inflation on bene-  
35 fits and the importance of inflation protection; and  
36 consumer suitability standards and guidelines: *Provided*,  
37 That the training required by this section may not include  
38 training that is insurer or company product-specific or

39 that includes any sales or marketing information, materi-  
40 als or training, other than those required by state or  
41 federal law.

42 (4) The training required by this section may be ap-  
43 proved for continuing education credit by the board of  
44 Insurance Agent Education in the manner as set forth in  
45 section eight of this article.

46 (c) An insurer subject to this chapter shall:

47 (1) Verify that each producer appointed to sell its  
48 long-term care products is compliant with this section  
49 before the producer is permitted to sell, solicit or negotiate  
50 such products; and

51 (2) Maintain records supporting the verification for five  
52 years and make the records available to the commissioner  
53 upon request.

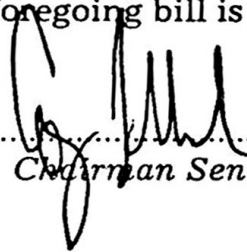
54 (d) If this state participates in the federal Long-Term  
55 Care Partnership Program established under the Deficit  
56 Reduction Act of 2005, Pub. L. 109-171:

57 (1) All training required by this section must be ap-  
58 proved by the commissioner; and

59 (2) Any insurer subject to this chapter shall maintain  
60 records with respect to the training of its appointed  
61 producers that will allow the commissioner to provide  
62 assurances to the state Medicaid agency that producers  
63 have received the training required by this section and  
64 that completion of such training is sufficient to demon-  
65 strate that the producer understands partnership policies  
66 and their relationship to public and private coverage of  
67 long-term care, including Medicaid, in this state.

68 (e) A nonresident individual producer's satisfaction of  
69 another state's training requirements is satisfaction of this  
70 section.

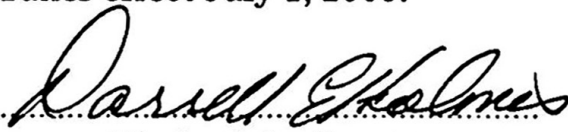
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

  
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Chairman Senate Committee

  
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Chairman House Committee

Originated in the Senate.

Takes effect July 1, 2009.

  
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Clerk of the Senate

  
.....  
Clerk of the House of Delegates

  
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President of the Senate

  
.....  
Speaker House of Delegates

The within is approved ..... this the 8<sup>th</sup> .....  
Day of May ....., 2009.

  
.....  
Governor

PRESENTED TO THE  
GOVERNOR

MAY · 5 2009

Time 11:10am