WEST VIRGINIA LEGISLATURE
SEVENTY-NINTH LEGISLATURE
REGULAR SESSION, 2009

ENROLLED

Senate Bill No. 434
(BY SENOATOR MINARD)

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

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 long-term care insurance unless he or she is licensed as a producer for accident and sickness insurance in accor-
dance with the provisions of this article and has completed
a one-time training course that meets the requirements of
subsection (b) of this section: Provided, That a producer
selling, soliciting or negotiating long-term care insurance
on July 1, 2009 is permitted to continue such activities and
must complete the one-time training course prior to July
1, 2010.

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

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

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

(3) The training required by this section shall consist of
topics related to long-term care insurance, long-term care
services and, if applicable, qualified state long-term care
insurance partnership programs, including, but not limited
to, state and federal regulations and requirements and the
relationship between qualified state long-term care
insurance partnership programs and other public and
private coverage of long-term care services, including
Medicaid; available long-term services and providers;
changes or improvements in long-term care services or
providers; alternatives to the purchase of private
long-term care insurance; the effect of inflation on bene-
fits and the importance of inflation protection; and
consumer suitability standards and guidelines: Provided,
That the training required by this section may not include
training that is insurer or company product-specific or
that includes any sales or marketing information, materials or training, other than those required by state or federal law.

(4) The training required by this section may be approved for continuing education credit by the board of Insurance Agent Education in the manner as set forth in section eight of this article.

(c) An insurer subject to this chapter shall:

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

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

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

(1) All training required by this section must be approved by the commissioner; and

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

(e) A nonresident individual producer's satisfaction of another state's training requirements is satisfaction of this section.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

 origins in the Senate.

Takes effect July 1, 2009.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within was approved this the Day of , 2009.

Governor