

**Rule Summary and Fiscal Analysis (Part A)****Department of Insurance**

Agency Name

Division

**Tina Chubb**

Contact

**50 W Town Street Suite 300 Columbus OH  
43215-0000**

Agency Mailing Address (Plus Zip)

**(614) 728-1044**

Phone

**(614)  
644-3742**

Fax

**tina.chubb@ins.state.oh.us**

Email

**3901-9-03**

Rule Number

**NO CHANGE**

TYPE of rule filing

Rule Title/Tag Line

**Viatical settlement broker continuing education.****RULE SUMMARY**1. Is the rule being filed for five year review (FYR)? **Yes**2. Are you proposing this rule as a result of recent legislation? **No**3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**4. Statute(s) authorizing agency to adopt the rule: **3916.05, 3916.20**5. Statute(s) the rule, as filed, amplifies or implements: **3916.01, 3916.02, 3916.03, 3916.20**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

Five year rule review under section 119.032 of the Revised Code.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

This rule establishes the criteria for viatical settlement education (VSE)

requirements for courses and licensed viatical settlement brokers. As well as the standards & procedures, and associated fees for VSE providers pursuant to Chapter 3916. of the Revised Code.

There are no proposed amendments to this rule.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

*This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.*

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

*This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.*

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

*Not Applicable.*

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so. If applicable, indicate each specific paragraph of the rule that has been modified:

*Not Applicable.*

12. Five Year Review (FYR) Date: **8/14/2015** and **08/14/2020**

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date

for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

### **FISCAL ANALYSIS**

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

0.00

Not applicable.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

Not applicable.

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

This rule establishes the fees required to establish, continue to provide or enroll in a viatical settlement education course or program. Applicable fees vary on the type of application to be filed. Therefore the exact cost of compliance will vary dependent on the applicant. Initial fees are established pursuant to the fee schedule in paragraph (R) of this rule.

There are no amendments to this rule and therefore no additional costs of compliance are proposed as a result of this rule review.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

### **S.B. 2 (129th General Assembly) Questions**

18. Has this rule been filed with the Common Sense Initiative Office pursuant to R.C. 121.82? **Yes**

19. Specific to this rule, answer the following:

A.) Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? **Yes**

This rule applies to all persons applying to provide, providing or enrolled in a viatical settlement education course or program.

B.) Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? **Yes**

Paragraphs (P) and (Q) of this rule, provide authority for the superintendent to impose civil penalties and take administrative action for failure to comply with the provisions of this rule.

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? **Yes**

Within fifteen calendar days after completion of a course, the provider shall file an attendance roster or other documentation acceptable to the superintendent.