

1
2 STATE OF OREGON
3 DEPARTMENT OF CONSUMER AND BUSINESS SERVICES,
4 INSURANCE DIVISION
5 DIVISION 80
6 TRADE PRACTICES
7
8

9 836-080-0160 (NEW)

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11 Use of Special Certifications and Professional Designations by Insurance Producers
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13 (1) A person may not use a certification or designation that falsely indicates or implies that
14 the person has special certification or training, in connection with the offer, sale or
15 purchase of insurance or providing advice as to the value of or the advisability of
16 purchasing insurance. The prohibition in this section applies to the use of such a
17 certification or designation directly or indirectly, through a publication or writing, or by
18 issuing or disseminating information relating to insurance. The prohibited use of a
19 certification or designation includes but is not limited to the following activities:

20 (a) Use of a certification or professional designation by a person who has not actually
21 earned or is otherwise ineligible to use the certification or designation.

22 (b) Use of a nonexistent or self-conferred certification or professional designation.

23 (c) Use of a certification or professional designation that indicates or implies a level of
24 occupational qualifications obtained through education, training or experience that the
25 person using the certification or professional designation does not have.

26 (d) Use of a certification or professional designation that falsely states or implies specialized
27 knowledge of the insurance needs of a particular segment of the population or class of
28 persons that the person using the certification or professional designation does not have.
29 Examples of a particular segment of the population, or class of investors, include but are
30 not limited to senior citizens, elderly or retired persons.

31 (e) Use of a certification or professional designation that was obtained from a designating
32 or certifying organization that:

33 (A) Is primarily engaged in the business of instruction in sales or marketing, or both;

34 (B) Does not have reasonable standards or procedures for assuring the competency of its
35 designees or certificants;

36 (C) Does not have reasonable standards or procedures for monitoring and disciplining its
37 designees or certificants for improper or unethical conduct;

38 (D) Does not have reasonable continuing education requirements for its designees to
39 maintain the designation or certificate; or

40 (E) Has not been certified or accredited by one of the following organizations or has been
41 certified or accredited by one of the following organizations but the designation or
42 credential issued from the organization primarily applies to sales or marketing, or both:

43 (i) The American National Standards Institute;

44 (ii) The National Commission for Certifying Agencies; or

1 **(iii) An organization that is on the United States Department of Education’s list entitled**
2 **“Accrediting Agencies Recognized for Title IV Purposes.”**

3 **(2) The Director recognizes a rebuttable presumption that a designating or certifying**
4 **organization is not disqualified solely for purposes of section (1) (e) of this rule when the**
5 **designation or credential does not primarily apply to sales or marketing or both, and when**
6 **the organization is accredited by:**

7 **(a) The American National Standards Institute;**

8 **(b) The National Commission for Certifying Agencies; or**

9 **(c) An organization that is on the United States Department of Education’s list entitled**
10 **“Accrediting Agencies Recognized for Title IV Purposes.”**

11 **(3) The Director shall consider at least the following factors in determining whether a**
12 **combination of words or an acronym standing for a combination of words constitutes a**
13 **certification or professional designation that could falsely indicate or imply that a person**
14 **has special certification or training in advising or servicing a particular segment of the**
15 **population or class of insurance consumers:**

16 **(a) The use of one or more words indicating specialized knowledge of a particular type of**
17 **product or of the needs of a particular segment of the population including but not limited**
18 **to “senior,” “elder,” “retired,” or “retirement,” or class of persons, combined with one or**
19 **more words such as “certified,” “registered,” “chartered,” “adviser,” “specialist,”**
20 **“consultant,” “planner,” or like words, in the name of the certification or professional**
21 **designation; and**

22 **(b) The manner in which the words in subsection (a) of this section are combined.**

23 **(4) This rule does not apply to use of any of the following designations, titles, degrees or**
24 **certifications by a person unless the facts and circumstances associated with the use of the**
25 **designation, title, degree or certification indicate that the use suggests or implies a greater**
26 **degree of certification or training than the person possesses or that the designation, title,**
27 **degree or certification otherwise misleads consumers:**

28 **(a) A job title within an organization that is licensed, registered or authorized by a state or**
29 **federal financial services regulatory agency, when that job title:**

30 **(A) Indicates seniority or standing within the organization; or**

31 **(B) Specifies an individual’s area of specialization within the organization;**

32 **(b) A degree, certificate or designation evidencing completion of an academic program at**
33 **an institution of higher education that has been accredited by an organization that is on the**
34 **United States Department of Education’s list entitled “Accrediting Agencies Recognized for**
35 **Title IV Purposes;” or**

36 **(c) A certification or designation conferred by the Insurance Institute of America and the**
37 **American Institute for Chartered Property and Casualty Underwriters.**

38 **(5) Violation of section (1) of this rule is an unfair trade practice for the purpose of ORS**
39 **746.240.**

40 **(6) The prohibitions in this rule and the remedies available to the Director do not limit the**
41 **Director’s authority to enforce existing provisions of law or to apply existing remedies.**

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43 Stat. Auth.: ORS 731.244

44 Stats. Implemented: ORS 744.074, 744.605, 746.110 and 746.240