

## **4781-9-02 Continuing education sponsors.**

(A) A prospective sponsor of any continuing education course shall obtain written approval from the commission before the sponsor may offer, conduct, advertise or otherwise represent that the course is or may be approved by the commission for continuing education credit in Ohio.

Any course sponsor who has been approved by the board of building standards and/or the Ohio construction industry licensing board may apply to the commission for approval, on a form prescribed by the commission for approval of the course only and shall submit a fee not to exceed fifty dollars for each course and a copy of the curriculum or may apply to be a course sponsor in accordance with this rule.

(B) Prospective sponsors of continuing education courses for manufactured home installers shall submit a nonrefundable fee of one hundred and fifty dollars in the form of a check or money order payable to "Treasurer, State of Ohio," or by credit card, which if used to make an online payment may be subject to a convenience fee, and a completed application form with the following information:

(1) The nature and purpose of the course;

(2) The course objectives and goals;

(3) The outline of the course including the number of training hours for each segment;

(4) Copies of all handouts and materials to be furnished to the course attendees;

(5) The identity, qualifications, and experience of each course instructor;

(6) Sponsor ownership.

(a) Contact information.

(i) The name, address, and telephone number of both the course sponsor and the employer, if any, of the course sponsor. Where the course sponsor is a business which has a physical address, the address and telephone number of the business shall also be provided.

(ii) If any of the employers, owners, shareholders, partners, limited liability companies and/or directors with a five per cent share or larger of the course sponsorship business currently has or has previously sponsored a commission approved course under a different official name than the official name on the current application for course sponsorship, then the previous official name shall be provided as well as the names and addresses of the owners, shareholders, partners, limited liability companies and/or directors with a five per cent share or larger. Where owners, shareholders, partners, limited liability companies and/or directors who have previously sponsored courses under a different name are corporately owned, the names and addresses must include the natural peoples' names through each layer of ownership.

(b) Provide notification of any felony conviction(s) to the commission for all owners, partners, director and shareholders with a five per cent share or larger, as required by the commission on a form

provided by the commission. Owners, partners, directors or share holders having a felony conviction may be denied as course sponsors by the commission.

(7) A statement regarding conflict of interest pursuant to the Ohio ethics commission advisory opinion 98-005; and

(8) Inclement weather policies for courses conducted outdoors. (C) Review of application.

(1) The commission or its designee shall review completed applications from prospective sponsors or approval of a course under paragraph (A)(1) of this rule and shall determine whether the materials contain the requisite information as set forth in this rule, whether the course is pertinent to the industry, if the course meets its stated objectives, and if the instructors meet the requirements of rule 4781-9-04 of the Administrative Code.

(2) If the commission determines that the application meets the requirements of this rule, then a written document of approval shall be issued to the course sponsor with a course number.

(3) If there is a change to the approved course which materially alters the contents of the course initially approved by the commission or its designee, or if an approved instructor(s) is (are) not available to teach the course; the course sponsor shall not hold that course until the course sponsor receives approval for the changes from the commission or its designee.

(4) Incomplete applications will be held open for ninety days following notification of incomplete requirements by regular mail, facsimile, or email. After sixty days, a final notice of incomplete application will be mailed by certified mail, return receipt requested. If by the end of the ninety day period, the application remains incomplete, it will be considered abandoned and the applicant will be required to submit a new application, including any fees.

(D) An approved sponsor of a continued education course shall use its official name as follows:

(1) The official name to be used by any course sponsor in connection with the offering of an approved continuing education course shall clearly distinguish the sponsor from any other previously approved continuing education sponsor.

(2) Any advertisement or promotional material used by an approved course sponsor shall include the sponsor's official name only.

(3) Violations of this rule shall result in revocation of course approval.

(E) The commission shall deny or withdraw approval of any course or course sponsor upon a finding of any of the following:

(1) The course sponsor has made false statements or presented false information in connection with an application for course or sponsor approval or renewal of approval;

(2) The course sponsor or any official or instructor employed by, or under contract with, that sponsor, has refused or failed to comply with any of the provisions of this chapter;

- (3) The course sponsor or any official or instructor employed by, or under contract with, that sponsor has provided false or incorrect information in connection with any reports the course sponsor, instructor, or employee is required to submit to the commission;
- (4) The course sponsor has engaged in a pattern of consistently canceling scheduled courses;
- (5) The course sponsor has paid fees with an invalid check or a check that has been dishonored;
- (6) An instructor employed by, or under contract with, the sponsor fails to conduct approved courses in a manner that demonstrates compliance with the instructor requirements of rule 4781-9-04 of the Administrative Code;
- (7) Any court of competent jurisdiction has found the course sponsor to have violated, in connection with the offering of continuing education courses, any applicable federal or state law or regulation prohibiting discrimination on the basis of disability, requiring places of public accommodation to be in compliance with prescribed accessibility standards, or requiring that the courses related to licensing or certification for professional or trade purposes be offered in a place and manner accessible to persons with disabilities;
- (8) The course sponsor has failed to comply with the cancellation and refund policies as set forth in rule 4781-9-01 of the Administrative Code; or
- (9) The course sponsor has failed to comply with Chapter 4781. of the Revised Code or the rules promulgated thereunder.

(F) Advertisements.

- (1) Course sponsors shall not use false or misleading advertisements.
- (2) If the number of continuing education credit hours awarded by the commission for a course is less than the number of scheduled hours for a course, then any advertisements or promotional materials must clearly specify the number of commission awarded credit hours for that course.
- (3) Course sponsors shall provide any prospective student a written description of the course content if requested.
- (4) Sponsors and instructors may have unapproved materials, pamphlets, and brochures available for purchase by a student, but classroom time may not be used to promote or sell any materials, or to solicit membership or affiliation in any business or organization.

(G) A sponsor may contract with an organization such as a manufactured home installation company, dealership, or trade organization to conduct approved continuing education courses for licensees affiliated with the organization.

(H) Course sponsors shall provide licensees enrolled in each continuing education course an opportunity to complete an evaluation for each approved continuing education course. Sponsors shall submit the completed evaluation forms to the commission along with the reports that verify the completion of a continuing education course.

(I) All course sponsors shall retain records of student registration, attendance and course completion for each session of a continuing education course. Such records shall be retained for not less than five years and these records shall be available to the commission upon request.

(J) Change in sponsor ownership.

The approval granted to a course sponsor may be transferred to a new or different person, firm, or corporation or owner only with the prior approval of the commission. The commission shall approve the transfer if the transferee satisfies the requirements as specified in these rules. All requests for commission approval of transfers or changes in ownership shall be in writing and shall be accompanied by a nonrefundable fee, by check or money order, of one hundred fifty dollars, payable to "Treasurer, State of Ohio," or by credit card. Any online payment made by credit card may be subject to a convenience fee.

(K) Monitoring by the commission; investigation of complaints.

(1) A course sponsor shall admit authorized representatives of the commission to monitor any continuing education class without prior notice and shall not charge a fee to the commission representatives in order to attend. Commission representatives shall not be reported as having completed the course.

(2) If the commission receives a complaint or has concerns about the quality of a course or instructor, the commission may, through written request, require that the sponsor of the course provide the commission with a video that is forty-five to sixty minutes in length, depicting the course being taught by a particular instructor or instructors specified by the commission. A video produced within twelve months preceding the commission's request is acceptable; but if no responsive video exists, then it shall be completed at the next course meeting. The cost of producing and shipping such videos shall be the sole responsibility of the sponsor. A commission member or designee may audit a course on their own action or based upon a complaint.

Within ten days of the request or within two weeks after course completion, the sponsor shall provide a video that meets the following criteria:

(a) Contains a clear label identifying the course instructor and date of the video production;

(b) Depicts an unedited and continuous block of instruction covering manufactured home installer requirements and operations;

(c) Clearly shows at least a portion of the course audience; and

(d) Video shall be of a superior visual and sound quality so that the reviewers are easily able to see and hear the instructor.

(3) An approved course sponsor shall notify the commission or its designee, in writing, fourteen business days prior to of the date of an approved course, of any cancellation, changes to the course, course date, or any change in the time, or location of a course . If the course sponsor is proposing to change the content of a course, or an approved instructor with an instructor who has not been approved for the course, the course sponsor shall request approval of the instructor by the commission

or its designee not less than three business days prior to the course being conducted.

(L) If the commission determines to deny or withdraw approval of a course or course sponsor, the hearing shall be conducted in accordance with Chapter 119. of the Revised Code.

(M) Course sponsor renewals A renewal fee not to exceed seventy-five dollars is charged to the sponsor of each course, for the annual renewal of said course.

Effective: 01/01/2010

R.C. 119.032 review dates: 10/16/2009 and 10/01/2014

Promulgated Under: 119.03

Statutory Authority: R.C. 4781.04, 4781.07

Rule Amplifies: R.C. 4781.04, 4781.07, 4781.10, 4781.11, 4781.12,

4781.14 Prior Effective Dates: 9/15/2006