

STATE OF OREGON  
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES,  
INSURANCE DIVISION  
DIVISION 80  
TRADE PRACTICES

836-080-0160 (NEW)

Use of Special Certifications and Professional Designations by Insurance Producers

(1) A person may not use a certification or designation that falsely indicates or implies that the person has special certification or training, in connection with the offer, sale or purchase of insurance or providing advice as to the value of or the advisability of purchasing insurance. The prohibition in this section applies to the use of such a certification or designation directly or indirectly, through a publication or writing, or by issuing or disseminating information relating to insurance. The prohibited use of a certification or designation includes but is not limited to the following activities:

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

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

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

(d) Use of a certification or professional designation that falsely states or implies specialized knowledge of the insurance needs of a particular segment of the population or class of persons that the person using the certification or professional designation does not have.

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

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

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

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

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

(E) Has not been certified or accredited by one of the following organizations:

(i) The American National Standards Institute;

(ii) The National Commission for Certifying Agencies; or

(iii) An organization that is on the United States Department of Education’s list entitled “Accrediting Agencies Recognized for Title IV Purposes” and the designation or credential issued from the organization does not primarily apply to sales or marketing, or both.

(2) The Director recognizes a rebuttable presumption that a designating or certifying organization is not disqualified solely for purposes of section (1) (e) of this rule when the organization is accredited by:

- 1 (a) The American National Standards Institute;  
2 (b) The National Commission for Certifying Agencies; or  
3 (c) An organization that is on the United States Department of Education’s list entitled  
4 “Accrediting Agencies Recognized for Title IV Purposes” and the designation or credential  
5 issued from the organization does not primarily apply to sales or marketing, or both.

6 (3) The Director shall consider at least the following factors in determining whether a  
7 combination of words or an acronym standing for a combination of words constitutes a  
8 certification or professional designation that falsely indicates or implies that a person has special  
9 certification or training in advising or servicing a particular segment of the population or class of  
10 insurance consumers:

11 (a) The use of one or more words indicating specialized knowledge of the needs of a  
12 particular segment of the population or class of persons, combined with one or more words such  
13 as “certified,” “registered,” “chartered,” “adviser,” “specialist,” “consultant,” “planner,” or like  
14 words, in the name of the certification or professional designation; and

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

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

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

23 (A) Indicates seniority or standing within the organization; or

24 (B) Specifies an individual’s area of specialization within the organization; or

25 (b) A degree or certificate evidencing completion of an academic program at an  
26 institution of higher education that has been accredited by an organization that is on the United  
27 States Department of Education’s list entitled “Accrediting Agencies Recognized for Title IV  
28 Purposes.”

29 (5) Violation of section (1) of this rule is an unfair trade practice for the purpose of ORS  
30 746.240.

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

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34 Stat. Auth.: ORS 731.244

35 Stats. Implemented: ORS 744.074, 746.110 and 746.240  
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