

Oliver.

October 7, 2021

Financial Services Regulatory Authority of Ontario
25 Sheppard Avenue West, Suite 100
Toronto, ON
M2N 6S6

Re: Comments on Life Agent Reporting Requirements and Related Insurer Obligations

To whom it may concern:

We are grateful for the opportunity to comment on FSRA's *Life Agent Reporting Requirements and Related Insurer Obligations*. We will comment specifically on FSRA's continuing education (CE) policy for life agents.

Oliver Publishing Inc. (OPI) is uniquely positioned to comment on the development and implementation of continuing education policies. For over 30 years OPI has been an active participant in the Canadian financial services industry. OPI delivers licensing and continuing education in the securities, insurance, financial planning, travel and real estate industries in multiple North American jurisdictions. OPI has delivered over 10 million hours of online continuing education through OPI and its subsidiary CE Network Inc. OPI is the only Canadian financial services educator to be certified by the International Accreditors for Continuing Education and Training (IACET) and meets the [ANSI/IACET 2018-1 Standard for Continuing Education and Training](#). OPI staff have also contributed to academic research related to the purpose and definition of continuing education in regulated professions.

If FSRA is considering changing its policy to accredit providers and delivery formats, we have recommendations to ensure its CE policy is effective and fair for all stakeholders.

Background

Currently, each life agent must evaluate the suitability of a course they propose to take against FSRA's continuing education guidelines.¹ The penalties for choosing non-compliant courses are potentially severe and include license suspension. Agents do not learn whether their CE course choice was suitable unless they are audited by FSRA. Since FSRA only has the resources to audit a small percentage of agents' CE submissions each year, it is possible that many agents could complete unsuitable courses for multiple license cycles.

¹ In this letter, we refer to courses to describe any structured learning activity that has learning objectives, instructional content and a method of evaluation. This includes courses, seminars, and lectures delivered online or in person.

Pre-approval of courses by FSRA would provide agents with greater confidence and convenience in their CE choices. However, if FSRA's policy on CE accreditation is not fully developed, it could have unintended negative consequences for stakeholders.

In our experience, in continuing education jurisdictions that allow licensees to complete accredited and non-accredited courses, licensees will overwhelmingly choose accredited rather than non-accredited courses. This tendency can lead to a dramatic narrowing of the number of topics completed by licensees. Most licensees far prefer the convenience and certainty of accredited courses over exploring non-accredited courses that could provide greater topic diversity and possess equal educational merit.

Accreditation can also lead to a significant reduction in the number of Providers used by agents since Education Providers with courses that could meet FSRA standards may decline to participate in accreditation due to the administrative burden or financial cost of becoming accredited.

We offer the following recommendations if FSRA intends to accredit continuing education courses and/or Providers.

Recommendation 1

FSRA should retain its authority to determine the suitability of a Provider's courses against FSRA's standards.

Rationale

In some jurisdictions, Regulators approve Providers and permit Providers to publicly declare the number of CE credits and categories their courses satisfy. FSRA should not delegate any of its decision-making powers to Providers to allow them to determine the suitability of their courses to meet FSRA standards. Regardless of how well-intentioned Providers may be, Providers have a conflict of interest in evaluating their own content. Permitting Providers to be the final judge of course content and delivery standards will encourage a fragmentation of the application of FSRA's standards in the marketplace.

Recommendation 2

FSRA should design and develop any accreditation process in such a way that it encourages the participation of new Education Providers and development of new courses.

Rationale

Sometimes, in an attempt to gain administrative efficiencies, regulators introduce policies that favour larger Education Providers already in the market to the disadvantage and even exclusion of smaller or newer Providers. This typically occurs in jurisdictions where regulators grandfather existing Providers' course offerings but require new Providers to submit to an accreditation process.

Alternatively, regulators may set a minimum requirement of offering several courses before a Provider can be considered for any accreditation. This approach can discourage individual subject matter experts (SMEs) with highly-specialized knowledge from participating in the education of agents. For example, an individual lawyer or accountant could have enough

content to create a short, highly-relevant estate planning course for life insurance agents but may be unable or unwilling to create a large portfolio of courses to satisfy a minimum number of courses.

Ontario's trade agreements (e.g., *Agreement on Internal Trade*) and *Ontario Regulatory Policy* are helpful tools through which to evaluate proposed policy changes to ensure they foster participation from all potentially qualified Providers and ensure an equal playing field.

Recommendation 3

FSRA should recognize internationally-accepted standards related to the design and delivery of education (e.g., ISO, ANSI/IACET) to encourage quality and effectiveness in education.

Rationale

If FSRA intends to introduce course and/or Provider accreditation, it could gain significant administrative efficiencies by recognizing or adopting independent third-party educational design and delivery standards. The most rigorous of these are the ISO and ANSI/IACET standards which are audit-based standards that govern multiple facets of program delivery. For example, the ANSI/IACET standard evaluates a program's delivery based on its organizational governance, personnel, needs analysis, learning outcomes, content and instructional requirements, learning environments, and evaluation. These standards do not explicitly approve the suitability of topics for an audience but it is inferred that the Provider will accomplish this goal by conducting a thorough needs analysis and developing their courses according to the needs analysis.

[ISO/IEC 17024](#), which is the international standard relating to the certification of personnel, is best suited for evaluating initial license certification training and designations and is likely too rigorous for FSRA's CE policy needs. The [ANSI/IACET 1-2007 Standard for Continuing Education and Training](#) on the other hand is ideally suited for evaluating the integrity of continuing education courses. Even if FSRA does not require Providers to meet the full ANSI/IACET standard, it could adopt elements of this standard as best practices to encourage quality in the marketplace.

We hope these recommendations will assist FSRA in the development of a continuing education policy that is efficient to administer, fair to Providers and appealing to agents. We welcome future opportunities to contribute to FSRA policy reviews.

Sincerely,



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