**Section 3119.70 Course and Provider Disqualification**

a) The Director may disqualify any provider and/or any provider's courses if the Director finds that:

1) the provider or course has not met the requirements of this Part;

2) the provider has made a material misstatement or intentional misrepresentation on a certification form filed with the Director; a misstatement will be considered material if the course would not have been certified in the absence of such statement;

3) the provider has intentionally misrepresented itself or its course to students or prospective students;

4) the provider has violated any commitment made in the request for certification and supplementary attachments to the certification, including failure to maintain the standards and method of operation set forth in the request for certification and any supplementary attachments;

5) the provider has employed instructors who do not meet the requirements of Section 3119.30(f);

6) the provider is deemed by the Director to have failed to act in good faith in providing a course. A failure to act in good faith may be evidenced by the following:

A) a student pass/fail ratio inconsistent with those of other providers for courses which are similar in content and difficulty;

B) the number of complaints received by the Director that specifically relate to the provider's courses;

C) provides to the student a proof of completion form that contains false or incomplete information;

D) provides to the student a partially completed proof of completion form;

7) the provider has failed to maintain the materials and records pursuant to Section 3119.30;

8) the provider failed to furnish the Director with information and records required by Section 3119.30, or the provider supplied false or incomplete information or records;

9) the provider fails to furnish the Director with an accurate student proof of completion list required by Section 3119.30(e) within 10 days following the end of the week in which the course was completed;

10) The provider has, while conducting business as a provider, used fraudulent or dishonest practices, or has demonstrated incompetence or untrustworthiness.

b) Disqualification of a provider or course shall be by order of the Director and will be sent to the provider by certified or registered mail at the address specified in the Department's records. The provider may request a hearing in writing in accordance with 50 Ill. Adm. Code 2402, within 30 days from the date of mailing. If no written request is made, the order shall be final upon the expiration of 30 days.

c) If the provider requests a hearing within 30 days, then the Director shall issue within 30 days after receipt of the request a written notice of hearing to the provider by certified or registered mail and it will be sent to the provider at the address specified in the Department's records. The notice of hearing must state:

1) The grounds, charges or conduct that justifies disqualification under this Section;

2) A specific time for the hearing, which may not be less than 20 days nor more than 30 days after the mailing of the notice of hearing; and

3) A specific place for the hearing.

d) Upon disqualification, the provider shall immediately discontinue offering its courses as certified courses. The Director shall publish all final disqualifications.

e) In any order of disqualification, the Director shall give consideration for credit hours to present students.

f) An education provider who has been disqualified will be ineligible to apply to the Department for 3 years after the date of the disqualification. A provider whose certification has been disqualified may not be employed, contracted or engaged in any insurance education related capacity during the time the disqualification is in effect.

(Source: Amended at 34 Ill. Reg. 5856, effective April 7, 2010)