

BEFORE THE NEW MEXICO OFFICE OF SUPERINTENDENT OF INSURANCE

IN THE MATTER OF)
 QUEST CONTINUING EDUCATION)
 SOLUTIONS, PROVIDER NUMBER: 3549,)
 Respondent.)
 _____)

Docket No.: [2022-0047](#)

NOTICE OF CONTEMPLATED ACTION
INTENT TO IMPOSE AN ADMINISTRATIVE PENALTY

The New Mexico Superintendent of Insurance (“Superintendent”), on his own motion based on the Declaration of Vanessa DeJesus (“Declaration”) filed in this docket, and on the exhibit appended to the Declaration, has reasonable belief and probable cause to find, conclude and order as follows:

PRELIMINARY FINDINGS

1. The Superintendent makes the Preliminary Findings set out in this *Notice of Contemplated Action* (“*Notice*”) because he has reasonable and probable cause to believe that Quest Continuing Education Solutions, Provider Number: 3549 (“Respondent”) actions or inactions as described herein constitute a violation of the New Mexico Administrative Code (“NMAC”) or other applicable laws that are subject to enforcement by the Superintendent. These Preliminary Findings are made after due inquiry and upon reasonable belief. After further development of the record in this case the Superintendent or the New Mexico Office of Superintendent of Insurance (“OSI”) may modify, delete, or add to any of these Preliminary Findings.

2. On March 7, 2022, OSI’s Producer Licensing Bureau (“PLB”) was contacted by a licensed resident insurance producer (“Producer”) who alerted PLB that the Producer had completed an approved continuing education course (“the Course”) offered by Respondent on

February 24, 2022, however, the Producer had not received credit for the course. *See* Declaration ¶ 4.

3. The Course instructor also contacted PLB and stated that the instructor was unable to request credits for the course due to Respondent's failure to update the course as "approved" for New Mexico. *See* Declaration ¶ 5.

4. The Course was approved for New Mexico on February 15, 2022. *See* Declaration ¶ 3.

5. As of the date of this *Notice*, Respondent has not submitted the attendance roster for this course to OSI.

6. 13.4.7.11(J) NMAC requires that within ten (10) business days after the completion of a course of instruction by a licensee, the provider must electronically submit an attendance roster to the superintendent.

7. Pursuant to NMSA 1978, §59A-1-18(B), NMSA 1978, the Superintendent may impose an administrative penalty by written order made after hearing held as provided in Chapter 59A, Article 4, NMSA 1978, for violations of the Insurance Code in an amount not to exceed five thousand dollars (\$5,000) for each violation. Unless such violation is found to be willful and intentional, the penalty may be up to ten thousand dollars (\$10,000) for each violation.

NOTICE OF INTENT TO IMPOSE AN ADMINISTRATIVE PENALTY

In accordance with Section 59A-1-18(B), NMSA 1978 and based on the foregoing, the Superintendent intends to order that the Respondent, Quest Continuing Education Solutions, pay an administrative penalty in the amount of One Thousand Dollars (\$1,00.00). If Respondent does not request a hearing, as set forth below, on the 31st day from the date of this Notice, the Superintendent will enter a Final Order Imposing a Fine, which must then be paid by Respondent

in accordance with the Final Order.

Respondent has the right to request a hearing to contest the imposition of the fine. Respondent must submit a written request for a formal hearing pursuant to 13.1.5.9 NMAC within thirty days (30) of this Notice. The hearing request must be submitted through the OSI eDocket system, <https://edocket.osi.state.nm.us/home>, and filed under the docket number for this case. For help filing documents with OSI Records/Docketing, parties may call (505) 827-4499 or email OSI-docketfiling@state.nm.us. (Note: The OSI eDocket system requires an initial registration step before documents can be submitted for filing). Properly filed pleadings or other documents are the responsibility of the party making the filing.

If a hearing is requested but the Respondent fails to appear on the day and time set for hearing, without further notice to the Respondent, the Final Order of the Superintendent may be granted by default, and the docket may be closed without further action.

DONE AND ORDERED this 30th day of June, 2022.

SUPERINTENDENT OF INSURANCE

A handwritten signature in black ink, appearing to read 'Russell Toal', is written over a horizontal line.

RUSSELL TOAL

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 30th day of June 2022, I filed the foregoing *Notice of Contemplated Action* through the OSI's e-filing system, which caused the individuals indicated below to be served by electronic means. Respondent was also sent a copy by USPS certified mail this same date.

1. Quest Continuing Education Solutions
10100 W. Innovation Drive
Milwaukee, WI 53226
Imieth@questce.com

Certified Mail Tracking Number:

7020 3160 0000 7428 0150

2. Alfred Walker, Acting General Counsel
Office of Superintendent of Insurance
Alfred.Walker@state.nm.us
3. Stephen Thies, Legal Counsel
Office of Superintendent of Insurance
Stephen.Thies2@state.nm.us



Freya Tschantz, Law Clerk
Office of Superintendent of Insurance
Freya.Tschantz2@state.nm.us

BEFORE THE NEW MEXICO OFFICE OF SUPERINTENDENT OF INSURANCE

IN THE MATTER OF)
QUEST CONTINUING EDUCATION)
SOLUTIONS, PROVIDER NUMBER: 3549,)
Respondent.)
_____)

Docket No.: 2022-0047

DECLARATION OF VANESSA DEJESUS

Pursuant to NMRA Rule 1-011, I, Vanessa DeJesus, state:

1. I am over 18, competent to testify, and have personal knowledge of the facts related below, unless otherwise stated.
2. I am employed by the New Mexico Office of Superintendent of Insurance (“OSI”) as the Compliance Supervisor with the Producer Licensing Bureau (“PLB”). My duties in that capacity include reviewing compliance with provider licensing requirements under the New Mexico Insurance Code.
3. On February 15, 2022, OSI approved the continuing education course # 6000115071 “What Everyone Needs to Know About Behavioral Health,” (“the Course”) with an expiration date of February 15, 2024.
4. On March 7, 2022, PLB received an email from a licensed resident insurance producer (“Producer”) who attended and completed the Course on February 24, 2022, however, credit for the Course was not reflected on the CE online portal, State Based Systems (“SBS”).
5. On March 8, 2022, the instructor for the course contacted PLB via email. The instructor confirmed Producer’s completion of the Course. PLB was told that the instructor was unable “to request credits for the presentation [on February 24, 2022] because [the] CE vendor (QuestTrak) had not updated their portal with the approval.” *See* Exhibit A, Page 3.
6. As of the date of this declaration, Respondent has not submitted the CE attendance

list for the Course.

7. Upon information and belief, the documents appended to this declaration are true copies of what they purport to be.

8. Subject to penalty of perjury under the laws of the State of New Mexico, I affirm that these statements are true and correct.

Dated: 6/28/22



Vanessa DeJesus

From: [Dan Jolivet](#)
To: [Roybal, Doris L, OSI](#)
Cc: [DeJesus, Vanessa A, OSI](#)
Subject: [EXTERNAL] RE: Question - Missing CE credit NPN 7454422 Course# 6000115071 Provider Number 3549
Date: Thursday, March 10, 2022 6:47:34 PM
Attachments: [image002.png](#)
[image003.jpg](#)
[image004.png](#)
[Webinar Attendance SpreadSheet- Jolivet 02.24.2022 11AM NM Only.xlsx](#)

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Doris,

Thank you for the additional information. I have attached the course roster for the only time I've conducted this course with any individuals licensed by the state of New Mexico; I have redacted the names and personal information of the other 25 individuals who took the course at the same time as Mr. Smith. Please note that, in addition to attending the entire hour, Mr. Smith also answered the three unannounced polling questions in the course of the session and also verified his participation in an announced poll at the end of the hour.

I would be happy to provide any further information you need in order to verify his attendance and award him his CE credits.

Thank you again for your help with this matter.

Sincerely,

Dan

Daniel N. Jolivet, Ph.D. | Workplace Possibilities Practice Consultant

(Pronounced joe-li-VAY)

Pronouns: he, him, his

The Standard

Standard Insurance Company

900 SW Fifth Avenue | Portland, OR 97204

Phone 971-321-7240 | Cell 971-200-9068 | FAX: 971-321-5646

dan.jolivet@standard.com | standard.com | [Facebook](#) | [Twitter](#) | [LinkedIn](#)

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Visit our [Workplace Possibilities website](#) and check out The Standard's [Behavioral Health Resource Center](#).

From: Roybal, Doris L, OSI <DorisL.Roybal@state.nm.us>

Sent: Thursday, March 10, 2022 9:50 AM

To: Dan Jolivet <Dan.Jolivet@standard.com>

Cc: DeJesus, Vanessa A, OSI <VanessaA.DeJesus@state.nm.us>

Subject: RE: [EXTERNAL] RE: Question - Missing CE credit NPN 7454422 Course# 6000115071
Provider Number 3549

Hello,

Thank you for your email. OSI approved Course# 6000115071 What Everyone Needs to Know about Behavioral Health (Webinar) on 2/15/2022. Pursuant to New Mexico Regulation 13.4.7.9 (E) the course was approved on 2/15/2022 and he will need to receive credit for this course.

A. Reporting by providers. Continuing education providers are required to report completion of continuing education courses to the superintendent.

E. Course approval. Licensees shall receive course credit only for courses that have been approved by the committee prior to enrollment in the course.

J. Submission of roster. Within ten business days after the completion of the course of instruction by a licensee, the provider must electronically submit an attendance roster to the superintendent.

Please provide me with a course roster of individuals that have taken the course since its OSI approved date of 2/15/2022. These individuals will need to receive a New Mexico Certificate of Completion for this course and the course will need to be banked into the State Based Systems. The Roster must be received by OSI no later than 3/18/2022.

Thank you,
Doris



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From: Dan Jolivet <Dan.Jolivet@standard.com>
Sent: Tuesday, March 8, 2022 11:28 AM
To: Roybal, Doris L, OSI <DorisL.Roybal@state.nm.us>
Cc: Jason Smith <Jason.Smith@alliant.com>

Subject: [EXTERNAL] RE: Question - Missing CE credit NPN 7454422

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Ms. Roybal,

I recently completed a CE training course in which Jason Smith participated, entitled, "What Everyone Needs to Know About Behavioral Health." The course is approved for credit in New Mexico, but I was not able to request credits for the presentation I did on 02/24/22 because our CE vendor (QuestTrak) had not updated their portal with the approval.

I can confirm that Mr. Smith participated and he answered three unannounced polling questions during it (to confirm that he was actually paying attention). We don't create certificates of attendance either, but I can make one for this if that would help.

Please let me know what else I can do to ensure he gets credit for attending.

Thank you!

Dan

Daniel N. Jolivet, Ph.D. | Workplace Possibilities Practice Consultant

(Pronounced joe-li-VAY)

Pronouns: he, him, his

The Standard

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900 SW Fifth Avenue | Portland, OR 97204

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Follow me on [LinkedIn](#) and [Twitter](#), and subscribe to my [Workplace Possibilities blog](#).

Visit our [Workplace Possibilities website](#) and check out The Standard's [Behavioral Health Resource Center](#).

From: Jason Smith <Jason.Smith@alliant.com>

Sent: Tuesday, March 8, 2022 10:09 AM

To: Dan Jolivet <Dan.Jolivet@standard.com>

Subject: FW: [EXTERNAL] Question - Missing CE credit NPN 7454422

Dan see below from NM.

Visit [Alliant's COVID-19 Resources Page](#) for the latest updates

****NEW**** [Alliant's Return to Work Guide](#)

Thank you for your time,

Jason Smith

Client Manager

Employee Benefits – Midwest Region

Pronouns: he / him / his

353 N. Clark St

11th Floor

Chicago, IL 60654

D (312) 595-8265

F (312) 595-4412

E Jason.Smith@alliant.com

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From: Roybal, Doris L, OSI <DorisL.Roybal@state.nm.us>

Sent: Tuesday, March 8, 2022 12:07 PM

To: Jason Smith <Jason.Smith@alliant.com>

Subject: RE: [EXTERNAL] Question - Missing CE credit NPN 7454422

This message has originated outside the organization.

Hello,

Thank you for your email. Please contact the Provider they submit the course electronically to the State Based Systems and have 10 days to submit. We no longer receive the Certificates of Completion.

Thank you,
Doris



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From: Jason Smith <Jason.Smith@alliant.com>
Sent: Tuesday, March 8, 2022 8:37 AM
To: Roybal, Doris L, OSI <DorisL.Roybal@state.nm.us>
Subject: RE: [EXTERNAL] Question - Missing CE credit NPN 7454422

Here you go

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Thank you for your time,
Jason Smith
Client Manager
Employee Benefits – Midwest Region
Pronouns: he / him / his

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From: Roybal, Doris L, OSI <DorisL.Roybal@state.nm.us>

Sent: Tuesday, March 8, 2022 9:35 AM

To: Jason Smith <Jason.Smith@alliant.com>

Subject: RE: [EXTERNAL] Question - Missing CE credit NPN 7454422

This message has originated outside the organization.

Hello,

Please provide me a copy of the Certificate of Completion.

Thank you,

Doris



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From: Jason Smith <Jason.Smith@alliant.com>
Sent: Monday, March 7, 2022 10:56 AM
To: Roybal, Doris L, OSI <DorisL.Roybal@state.nm.us>
Subject: RE: [EXTERNAL] Question - Missing CE credit NPN 7454422

I am a resident.

My NPN number is NPN: 7564422

Sorry I think I mistyped my NPN originally

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****NEW **** [Alliant's Return to Work Guide](#)

Thank you for your time,

Jason Smith

Client Manager

Employee Benefits – Midwest Region

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