



Rules of
Department of Insurance,
Financial Institutions and
Professional Registration
Division 10—General Administration
Chapter 3—Internal Affairs

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**Title 20—DEPARTMENT OF
INSURANCE, FINANCIAL
INSTITUTIONS AND
PROFESSIONAL REGISTRATION**

**Division 10—General Administration
Chapter 3—Internal Affairs**

20 CSR 10-3.100 Confidentiality

PURPOSE: This rule regulates the internal affairs of the department regarding confidentiality.

(1) Any information furnished to or received by the department or its employees from a corporation, person or other entity shall be open to inspection by the public and be subject to reasonable requirements set by the department for safekeeping, except those matters which are specifically required by the laws of this state, or the rules of this department, to be kept confidential.

(2) Confidential information that employees receive in their capacity in the department may not be used for personal gain or for the benefit of any private interest. All employees of the department shall become familiar with the department's meetings and records rules in 20 CSR 10-2.

(3) Employees shall be mindful not to discuss confidential, sensitive or personal information regarding personnel actions, employees, applicants, companies, agents or brokers, or other department matters in a manner or place where the discussion could be overheard. Active measures must be taken by employees to insure that confidential information is not accessible to anyone other than authorized employees. Records and files must not be left where other employees, visitors or industry representatives could read or examine them.

(4) It is the responsibility of supervisors and management to provide employees with instruction on maintaining the security of records, and the proper release of information in records; however, each department employee is responsible for assuring confidentiality of information in records within his/her control, and releasing information to authorized agencies, companies or individuals as provided for by law. It is also each employee's responsibility to check with supervisors or other members of management to determine whether particular information is considered confidential.

(5) Any employee of the department who divulges any confidential information in violation of this rule shall be subject to disciplinary proceedings, legal action, or both.

*AUTHORITY: section 374.045, RSMo 2000. * Original rule filed Jan. 8, 1992, effective May 14, 1992. Amended: Filed Oct. 15, 2007, effective May 30, 2008.*

**Original authority: 374.045, RSMo 1967, amended 1993, 1995.*

20 CSR 10-3.200 Gratuities

PURPOSE: This rule regulates the internal affairs of the department regarding gratuities.

(1) The employees of the department are prohibited from accepting, directly or indirectly, gifts, trips, travel, meals, gratuities, goods, services or any other thing with benefit or value, or of monetary advantage in compliance with Executive Order 81-2, dated February 10, 1981, and Executive Order 92-04, dated January 31, 1992 (see 20 CSR 10-3.900), which would result in a personal benefit to the employee or have the appearance of improperly influencing the performance of official duties.

(2) If a gratuity is offered, employees should graciously refuse and explain that they are prohibited by rule from accepting those gratuities. Exceptions to the overall policy are—out-of-pocket expenses for meals, transportation or housing provided by an organization and given in connection with a speaking engagement or appearance at a convention, conference or association meeting. Additional exceptions would be inexpensive items such as pens, pencils, or other tokens of appreciation for speaking appearances, which could not be refused without undue rudeness to the sponsoring organization.

(3) All employees of the department are subject to the appropriate criminal state and federal statutes related to conflict of interest, bribery and similar offenses. For further clarification, see sections 105.450, 105.452 and 105.454, RSMo.

*AUTHORITY: section 374.045, RSMo 2000. * Original rule filed Jan. 8, 1992, effective May 14, 1992. Amended: Filed Oct. 25, 1996, effective May 30, 1997. Amended: Filed Oct. 15, 2007, effective May 30, 2008.*

**Original authority: 374.045, RSMo 1967, amended 1993, 1995.*

20 CSR 10-3.300 Conflict of Interest

PURPOSE: This rule regulates the internal affairs of the department regarding conflict of interest.

(1) All department employees are to perform their assigned duties in a manner which precludes any potential for a conflict of interest or the appearance of a conflict of interest. In this regard, department employees may not engage in any job-related activity which involves—

(A) Use of state time, facilities, equipment or supplies for private gain or advantage;

(B) Use of any employee identification card or the prestige and influence of the employee's position for private gain or advantage; or

(C) Acceptance of money or any other valuable consideration for the performance of an act which the employee should be expected to render during the regular course of employment or as part of his/her normal duties as a state employee.

(2) Director, deputy director, division directors, general counsel, department attorneys and director's administrative staff. In addition, the director, deputy director, division directors, general counsel, department attorneys and any employee in the Resource Administration Division or otherwise among the director's administrative staff shall not—

(A) Be or become an officer, agent or employee of any bank or trust company, credit union, insurance company or association, or any other entity regulated by the department, its divisions, or any board, commission or other agency in the department;

(B) Be or become interested in any bank or trust company, credit union, insurance company or association, or any other entity regulated by the department, its divisions, or any board, commission or other agency in the department other than as an account or policyholder; or

(C) Hold an active license issued by the department, its divisions, or any board, commission or other agency in the department during his/her period of employment, unless the professional license is a requirement of the employee's employment with the department.

(3) Insurance Company Regulation Division. In addition, no person employed in any capacity in the Insurance Company Regulation Division shall—



(A) Be or become an officer, agent or employee of any bank or trust company, credit union, insurance company or association, or any other entity regulated by the Insurance Company Regulation Division;

(B) Be or become interested in any bank or trust company, credit union, insurance company or association, or any other entity regulated by the department or any of its divisions, other than as a policyholder or account holder; or

(C) Hold an active insurance license issued by the department during his/her period of employment.

(4) Insurance Market Regulation Division. In addition, no person employed in any capacity in the Insurance Market Regulation Division shall—

(A) Be or become an officer, agent or employee of any bank or trust company, credit union, insurance company or association, or any other entity regulated by the Insurance Market Regulation Division;

(B) Be or become interested in any insurance company, or any other entity regulated by the department or any of its divisions, other than as a policyholder or account holder; or

(C) Hold an active insurance license issued by the department during his/her period of employment.

(5) Consumer Affairs Division. In addition, no person employed in any capacity in the Consumer Affairs Division shall—

(A) Be or become an officer, agent or employee of any insurance company, or association, or any other entity regulated by the Consumer Affairs Division;

(B) Be or become interested in any insurance company, bank or trust company or any other entity regulated by the department or any of its divisions, other than as a policyholder or account holder; or

(C) Hold an active insurance license issued by the department during his/her period of employment.

(6) Division of Finance. In addition, no person employed in any capacity in the Division of Finance shall—

(A) Be or become an officer, agent or employee of any bank or trust company, bank holding company, insurance company, or association, or any other entity regulated by the Division of Finance; or

(B) Be or become interested in any insurance company, bank or trust company or any other entity regulated by the department or

any of its divisions, other than as a policyholder or account holder.

(7) All department employees, at the time of appointment and annually after that during the month of July, shall sign a disclosure statement which requires them to notify their supervisor if any of the following statements apply:

(A) The employee has been previously employed by an insurance company or any other entity subject to regulation by the department;

(B) The employee has a relative, within the second degree, by blood, marriage or adoption, who is employed by or has an interest in any company or any other entity subject to regulation by the department;

(C) The employee or the relative has or had personal or financial interest in any company or any other entity subject to regulations by the department; or

(D) The employee has a close friendship or association with an employee serving in a policy-making capacity with any company or other entity subject to regulation by the department.

AUTHORITY: section 374.045, RSMo 2000. Original rule filed Jan. 8, 1992, effective May 14, 1992. Amended: Filed Oct. 15, 2007, effective May 30, 2008.*

**Original authority: 374.045, RSMo 1967, amended 1993, 1995.*

20 CSR 10-3.400 Reinsurance Analyst Qualifications

PURPOSE: This rule sets comparable standards to those stated in section 374.120, RSMo relating to the qualifications of the department's reinsurance analyst.

(1) The following standards are the minimum standards for the position of reinsurance analyst. The reinsurance analyst shall—

(A) Have knowledge of the state's insurance laws;

(B) Have a bachelor's degree from an accredited college or university, with the major field of study in one (1) or more of the following:

1. Accounting;
2. Insurance or risk management;
3. Business administration; and
4. Economics;

(C) Obtain the designation of an Associate in Reinsurance of the American Institute of

Property and Liability Underwriters within two (2) years of appointment; and

(D) Have at least three (3) years' experience in insurance or reinsurance matters.

AUTHORITY: sections 374.045.1(1), RSMo (1986) and 374.120.4., RSMo (Cum. Supp. 1991). Emergency rule filed Jan. 21, 1992, effective Jan. 31, 1992, expired May 29, 1992. Original rule filed Jan. 21, 1992, effective June 25, 1992.*

**Original authority: 374.045, RSMo 1967 and 374.120, RSMo 1939, amended 1949, 1990, 1991.*

20 CSR 10-3.900 Supplementary Executive Orders

PURPOSE: This rule regulates the internal affairs of the department by referencing appropriate executive orders.

(1) The rules in this chapter are supplemented by the following orders:

(A) 92-04; and

EXECUTIVE ORDER 92-04

WHEREAS, public confidence in the integrity of the government of the State of Missouri is of utmost importance; and

WHEREAS, the executive branch of state government must discharge its duties in an independent and impartial manner; and

WHEREAS, executive branch employees must treat the public and fellow employees with respect, courtesy, and dignity, and provide equal access to services for all members of the public; and

WHEREAS, executive branch employees' conduct not only must be within the letter of the law but must seek to fulfill the spirit and intent of the law; and

WHEREAS, executive branch employees must provide a full day's work for a full day's pay, giving to the performance of their duties their earnest effort and best thought; and

WHEREAS, executive branch employees must demonstrate the highest standards of personal gain from the performance of any official duties; and

WHEREAS, executive branch employees are responsible for enhancing the mission of their agencies; and

WHEREAS, a clear statement of the code of conduct which guides the executive branch is both an assurance to the citizens of Missouri and an aid to our steadfast efforts;



NOW, THEREFORE, I JOHN ASHCROFT, GOVERNOR OF THE STATE OF MISSOURI, UNDER THE AUTHORITY VESTED IN ME UNDER THE CONSTITUTION AND THE LAWS OF THIS STATE, INCLUDING THE PROVISIONS OF SECTION 105.969 RSMO CUM. SUPP. 1992, DO HEREBY SET FORTH A CODE OF CONDUCT FOR EXECUTIVE BRANCH EMPLOYEES OF MISSOURI STATE GOVERNMENT (EXCEPTING THE EMPLOYEES OF THOSE ELECTED OFFICIALS WHO ARE TO ESTABLISH AN INTERNAL CODE OF CONDUCT FOR THEIR OFFICES):

CODE OF CONDUCT

1. Executive branch employees shall conduct the business of state government in a manner which inspires public confidence and trust.

A. Employees shall avoid any interest or activity which improperly influences, or gives the appearance of improperly influencing, the conduct of their official duties.

B. Employees shall act impartially and neither dispense nor accept special favors or privileges which might be construed to improperly influence the performance of their official duties.

C. Employees shall not allow political participation or affiliation to improperly influence the performance of their duties to the public.

D. Employees shall not engage in business with state government, hold financial interests, or engage in outside employment when such actions are inconsistent with the conscientious performance of their official duties.

E. Employees shall not use or improperly possess an illegal controlled substance or alcohol in the workplace or during working hours.

F. Employees of the State are expected to comply with the statutes of Missouri at all times.

2. Executive branch employees shall conduct themselves in scrupulous compliance with applicable federal, state and local law.

A. Employees shall observe all conflict of interest provisions in law applicable to their agencies and positions of employment.

B. Employees shall adhere to all laws providing equal opportunity to all citizens.

C. Employees shall perform their responsibilities as they are specified in law or other authority establishing those responsibilities.

3. Financial compensation of state employees consists of only authorized salaries and fringe benefits.

A. Employees shall not use their public positions in a manner designed to create personal gain.

B. Employees shall not disclose confidential information gained by reason of their public positions, nor shall employees use such information for personal gain or benefit.

C. Employees shall not directly or indirectly attempt to influence agency decisions in matters relating to prospective employers with whom employment has been accepted or is being negotiated.

4. Executive branch employees owe the public the diligent application of their knowledge, skills and abilities for which they are compensated.

A. Employees shall carry out all lawful instructions of designated supervisors, and will report instructions not consistent with law to the proper authorities.

5. Equipment, material and supplies purchased with public funds are intended for the performance of public purposes only.

A. Employees shall use and maintain state equipment, materials and supplies in an efficient manner which will conserve future usefulness.

B. Employees shall use state equipment, materials and supplies solely for purpose related to the performance of state business.

6. The work of state government will be conducted with respect, concern and courtesy toward clients, co-workers and the general public.

A. Employees shall approach their duties with a positive attitude and constructively support open communication, dedication and compassion.

B. Employees shall conduct their duties with courtesy toward clients, co-workers, patients, inmates and the general public, recognizing the diverse background, characteristics and beliefs of all those with whom they conduct state business.

C. Employees shall not engage in any form of illegal harassment or discrimination in the workplace, including on the basis of race, color, religion, national origin, ancestry, sex, age or disability.

D. Employees, in connection with the performance of their duties, shall not seek sexual favors from a client, co-worker, patient, inmate or member of the public.

7. This code shall provide guidance to the officials and employees of the executive

branch of Missouri state government in matters of employment related conduct.

A. When questions arise in the application of this code, the public interest will receive primary consideration in any resolution.

B. This code is not intended to fully prescribe the proper conduct of employees and the failure to prohibit an employee action in this code does not constitute approval of the action.

C. This code is intended as a supplement to the provisions in law which govern employee conduct, and in no instance does it decrease the requirements in law.

D. Agency heads are responsible for promoting and enforcing this code of conduct among the employees of their agencies in accordance with their respective agency procedures, and shall supplement it with additional provisions to meet the needs of their agencies.

E. This code is intended to provide guidance for employment related conduct and is not intended to create any right or benefit enforceable by law.

F. No state agency or appointing authority shall discharge, threaten or otherwise retaliate against an employee for reporting in good faith any violation of this code.

G. In applying this code to specific situations, the standard to be used is that of a reasonable person having knowledge of the pertinent circumstances.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, this 31st day of January, 1992.

(Signature) _____

JOHN ASHCROFT GOVERNOR ATTEST

(Signature) _____

ROY D. BLUNT SECRETARY OF STATE
(B) 81-2.

EXECUTIVE ORDER
81-2

By virtue of the authority vested in me by the Constitution and laws of the State of Missouri, I, John Ashcroft, Governor of Missouri, do hereby proclaim the following Standard of Conduct for appointed officials and for state employees:

WHEREAS, government is based upon the consent of those governed; and



WHEREAS, every citizen of the State of Missouri must have complete confidence in the integrity of his or her government; and

WHEREAS, conduct of state employees and state officials should be in accordance with the highest standards; and

WHEREAS, the Governor is the Chief Executive Officer of the State of Missouri and is therefore responsible for establishing standards of conduct for appointed officials and State employees. NOW THEREFORE, by virtue of the authority vested in me by the Constitution and laws of the State of Missouri, I, John Ashcroft, Governor of Missouri, do hereby proclaim the following Standards of Conduct for appointed officials and for employees of the executive branch of the government of the State of Missouri, and further proclaim that this Order shall supersede and be in lieu of all previous Executive Orders pertaining to the same subject:

(1) All appointed officials and State employees shall be required to perform a full day's work for a day's pay.

(2) Unless expressly provided for by constitutional provisions or statute, membership in a political organization, participation in political campaigns, payment of dues or contributions to a political organization or candidate and attendance at political events shall not be a condition of appointment or employment.

(3) Political affiliation of any individual shall not be a condition for any State department or agency in determining what individual, firm, or corporation may do business with the State.

(4) No appointed official or state employee shall engage directly or indirectly in any personal business, transaction, or private arrangement for personal profit which accrues from or is based upon their official position or authority, nor shall any confidential information coming to them in their official capacity be utilized for any personal gain or for the benefit of any private interest. No appointed official shall represent to act as agent for any private interest whether for compensation or not in any transaction in which the State has a direct and substantial interest and which could be reasonably expected to result in a conflict between a private interest of the official and their official State responsibility.

(5) No appointed official or State employee shall directly or indirectly solicit, accept, or agree to accept any gift of money or goods, loans or services, or other profit arrangement for personal benefit under any circumstances which would tend to influence

or have the appearance of influencing the manner in which they perform their official duties.

(6) No appointed official or State employee shall engage in or accept private employment or render services for private interest when such employment or service is incompatible or in conflict with the proper discharge of their official duties or would tend to impair their independence, judgment, or action in the performance of their official duties. All merit system employees shall fully comply with the rules and regulations of the Personnel Advisory Board regarding supplementary employment.

(7) State employees shall report any known violations or attempted violations of Section 105.450 through 105.482, RSMo (1986) (relating to the conflicts of interest) and Chapter 558, RSMo (1986) (relating to bribery) within twenty-four (24) hours of when any occurrences are first known (a) to the prosecuting attorney of the county in which they reside, and (b) to their department or agency head.

(8) The head of each department is responsible for the enforcement by suspension or discharge of each provision in paragraphs one (1) through seven (7) above within that department.

(9) The head of each department is responsible for reporting directly to the Governor, within twenty-four (24) hours of when the facts are first known to them: (a) any violation of paragraphs one (1) through six (6) above, and (b) any alleged criminal violation (other than traffic) of any employee in their agency or department.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson on the 10th day of February, 1981.

*AUTHORITY: section 374.045, RSMo 2000. * Original rule filed March 3, 1992, effective Aug. 6, 1992. Amended: Filed Oct. 15, 2007, effective May 30, 2008.*

**Original authority: 374.045, RSMo 1967, amended 1993, 1995.*